



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED WITH LIMITED CAPACITY IN ACCORDANCE WITH CDHP GUIDELINES, INCLUDING MASK REQUIREMENTS FOR ALL UNVACCINATED INDIVIDUALS ATTENDING IN PERSON. FULLY VACCINATED INDIVIDUALS ARE RECOMMENDED TO CONTINUE INDOOR MASKING WHEN THE RISK MAY BE HIGH. PARTICIPATION WILL ALSO BE AVAILABLE VIA VIDEO CONFERENCE OR TELECONFERENCE.

TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/82980075354> OR CALL 1-669-900-6833 or 1-346-248-7799 or 1- 253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 829 8007 5354).

MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE COMMITTEE UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE COMMITTEE DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

ENGINEERING AND OPERATIONS COMMITTEE MEETING

RAINBOW MUNICIPAL WATER DISTRICT
Wednesday, March 2, 2022
Engineering and Operations Committee Meeting - Time: 3:30 p.m.

District Office **3707 Old Highway 395** **Fallbrook, CA 92028**

Notice is hereby given that the Engineering and Operations Committee will be holding a regular meeting beginning at 3:30 p.m. on Wednesday, March 2, 2022.

AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL: Flint Nelson (Chair) _____ Steve McKesson _____ (Vice Chair)**

Members: Helene Brazier _____ Robert Marnett _____ Mig Gasca _____
Julie Johnson _____

Alternates: Tracy Largent _____

4. INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE


CHAIR TO READ ALOUD - "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.

Those who have joined by dialing a number on their telephone, will need to press *6 to unmute themselves and then *9 to alert us that they would like to speak.

A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."

5. SEATING OF ALTERNATES
6. ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)
7. PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)
- *8. APPROVAL OF MINUTES
 - A. February 2, 2022
9. GENERAL MANAGER COMMENTS
10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS
11. OPERATIONS MANAGER COMMENTS
12. COMMITTEE MEMBER COMMENTS
13. BOARD ACTION UPDATES
14. WATER SERVICE UPGRADE PROJECT (WSUP) PROGRAM UPDATE (OPERATIONS)
15. REVIEW OF ACTION TAKEN FOR PROVIDING TEMPORARY PUMPS TO HANDLE SDCWA SHUTDOWN (OPERATIONS)
16. DRONE PRESENTATION (OPERATIONS)
- *17. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTER 8.20 – CROSS-CONNECTION CONTROL (OPERATIONS)
- *18. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11 AND 8.14 (OPERATIONS/ENGINEERING/FINANCE)
- *19. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 9.04, 9.05, 9.07 (ENGINEERING)
20. DEVELOPMENT LOCATION UPDATE (ENGINEERING)
21. AS-NEEDED SERVICES EXPENDITURES SUMMARY (ENGINEERING)
22. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING
23. ADJOURNMENT

ATTEST TO POSTING:



Pam Moss
Secretary of the Board

2-24-22 @ 12:15 p.m.

Date and Time of Posting
Outside Display Cases

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
FEBRUARY 2, 2022**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on February 2, 2022 was called to order by Chairperson Nelson at 3:30 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(This meeting was held with limited in-person attendance following County and State COVID guidelines as well as virtually.)* Chairperson Nelson presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Member Brazier *(via teleconference)*, Member Marnett *(via teleconference)*, Member McKesson *(via video conference)*, Member Nelson *(via video conference)*, Member Gasca.

Also Present: Executive Assistant Washburn.

Also Present Via Teleconference or Video Conference:

General Manager Kennedy, Legal Counsel Duran-Brown, Alternate Largent, Operations Manager Gutierrez, Engineering and CIP Program Manager Williams, Association Engineer Powers, Project Manager Tamimi, Project Manager Parra, Project Manager Tamimi, Water Operations Supervisor Coffey, Information and Technology Manager Khattab, Information Systems Specialist Espino, Engineering Technician Rubio.

Three members of the public were present via teleconference or video conference.

4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

Mr. Nelson read aloud the instructions for those attending in person via teleconference or video conference.

5. **SEATING OF ALTERNATES**

There were no alternates seated.

6. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

Staff has requested adding an agenda item for the Lift Station 1 Replacement Project discussing the eminent domain process. There was no objection to this addition. It was added as Item #15A.

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7. PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)

Ms. Washburn noted Bob Roth, who served on this committee 8-10 years ago, contacted the District earlier in the day to express an interest in rejoining the committee and may be present to introduce himself to the committee. Mr. Nelson provided Mr. Roth with an opportunity to speak; however, it was unclear whether he was in attendance virtually.

Discussion went to Item #8.

Discussion returned from Item #13.

Mr. Nelson acknowledged Mr. Roth as a member of the audience. Mr. Roth introduced himself noting he served on the committee approximately ten years ago and was interested in rejoining should the committee be interested in his service. He briefed the committee on his background noting he has a lot of knowledge and would like to be of service to RMWD. He explained the reason he had resigned a few years ago was due to personal reasons.

Mr. Nelson asked what inspired him to seek reappointment. Mr. Roth said he read in the District newsletter that the committee was seeking members; therefore, he thought he notify the District of his interest in rejoining. Mr. Nelson encouraged Mr. Roth to observe this meeting and possibly a few more and then notify the committee if he is still interested in rejoining. Mr. Roth agreed and thanked the committee for their time.

Discussion went to Item #14.

***8. APPROVAL OF MINUTES**

A. January 5, 2022

Motion:

To approve the minutes.

Action: Approve, Moved by Member McKesson, Seconded by Member Marnett.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member Nelson, Member Gasca, Member McKesson.

Discussion went to Item #9.

9. GENERAL MANAGER COMMENTS

Mr. Kennedy had no additional comments.

Discussion went to Item #10.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams had no additional comments.

Discussion went to Item #11.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez briefed the committee on the recent unprecedented multiple line breaks that occurred on January 17th. He noted the external and internal crew members that assisted with these leaks will be formally recognized.

Mr. Gutierrez provided an update on the Water Service Upgrade Project Program noting the project was 95% complete and how there was good chance the vacuuming will be done in the next week.

Mr. Gutierrez reported SDCWA notified the District on January 26, 2022, that they have eminent failure on Pipeline 4 in RMWD’s Division 1 and will be scheduling an emergency shutdown for February 8th to make repairs. He mentioned the steps being taken to ensure there is water in the tanks once connections are lost during this ten-day shutdown. Discussions ensued.

Discussion went to Item #12.

12. COMMITTEE MEMBER COMMENTS

There were no comments.

Discussion went to Item #13.

13. BOARD ACTION UPDATES

Mr. Williams reported the Board adopted a Resolution of Necessity to move forward with the eminent domain process for the proposed Hutton pump station site; however, there was a member of the public present who raised several concerns. Mr. Kennedy requested that a summary report be emailed to the committee members.

Discussion returned to Item #7.

14. DISCUSSION AND POSSIBLE ACTION TO APPOINT COMMITTEE OFFICERS (CHAIRPERSON AND VICE CHAIRPERSON)

Mr. Nelson stated it has been a pleasure and privilege to serve as the Chairperson; however, he was happy to relinquish the gavel and give another member the opportunity to share in the responsibility.

Motion:

To nominate Flint Nelson to continue as Chairperson.

Action: Approve, Moved by Member Gasca, Seconded by Member Brazier.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member McKesson, Member Nelson, Member Gasca.

Motion:

To nominate Steve McKesson to serve as Vice Chairperson.

Action: Approve, Moved by Member Nelson, Seconded by Member Gasca.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member McKesson, Member Nelson, Member Gasca.

Discussion went to Item #15.

15. DISCUSSION AND POSSIBLE ACTION REGARDING COMMITTEE MEMBERSHIP

Mr. Nelson stated he would whole-heartedly support the appointment of Julie Johnson to this committee. He mentioned Ms. Johnson’s experience serving on the other RMWD standing committees.

Motion:

The committee recommend to the Board that they appoint Julie Johnson as a member of this committee.

Action: Approve, Moved by Member Brazier, Seconded by Member McKesson.

Vote: Motion passed (summary: Ayes = 4, Noes = 0, Abstain = 1).

Ayes: Member Brazier, Member McKesson, Member Nelson, Member Gasca.

Abstain: Member Marnett.

Discussion went to Item #15A.

15A. DISCUSSION REGARDING THE EMINENT DOMAIN PROCESS

Mr. Williams recalled the Board adopted Resolutions of Necessity for three easements on December 7, 2021. He pointed all these easements are necessary to convey the sewer from Citro Development to the Thoroughbred Lift Station and off North River Road to the City of Oceanside. He stated while the eminent domain process has started during which staff continues to negotiate with the three property owners; however, it was important for the District to file for early possession in March at the very latest to avoid delay. He noted Legal Counsel Duran-Brown, Mr. Tamimi, and Mr. Powers were on this call to assist with providing the committee with more detailed information.

Legal Counsel Duran-Brown introduced herself as special counsel with Nossaman that deals with real property matters. She explained the eminent domain process noting when a Resolution of Necessity is adopted, under the California Eminent Domain Law, there are six months to file an eminent domain action. She said generally it is during this time the parties work on to settle the case, reach a negotiated agreement with the property owner, or get an easement or whatever property interest is needed; however, more often than not actions do not need to take place while these six months are running. She pointed out in the case of the LS1 project for these three parcels in particular, when the contract was awarded to the contractor, there was a specific

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revision included to allow RMWD time to try to acquire the easements needed of which one was received. She noted the contractor was provided with an outside date of nine months from the Notice to Proceed which should provide the District with enough time to acquire the easements, whether that occur through successful negotiations or the court. She explained each of the steps involved with filing for early possession as well as the lead ways that needs to be built into the process.

Legal Counsel Duran-Brown stated she had worked through the process backward and found it necessary to notify Mr. Kennedy and Mr. Williams there was a timing issue that eminent domain actions must be filed long before the Resolution of Necessity window runs out otherwise the District will fail to comply with its obligations to the contractor. She recommended while negotiations continue, it was important the Board understand the timing issues and see if the eminent domain actions can be filed in late February or early March 2022.

Legal Counsel Duran-Brown noted the Board will understandably be reluctant to move forward and file lawsuits against its ratepayers, but at the same time there are timing constraints that must be met thereby causing uncomfortable decisions to be made. She concluded with pointing out RMWD has to plan as though the property owners are not going to settle to meet its project contractual and timing obligations.

Mr. Williams reported he and Mr. Tamimi continue to negotiate with these property owners to determine the narrowest easement with which all parties would be comfortable.

Mr. Kennedy provided additional content noting the County agreeing to be sued.

Mr. Gasca inquired as to why would RMWD ever want to go through a process that requires legal documents that draws in lawyers and additional legal fees. Mr. Kennedy stated he has elevated this matter with the County.

Mr. Gasca stated it might be helpful to have some type of representation of the scheduled deadlines to help understand the critical path. Legal Counsel Duran-Brown displayed a draft milestone chart with the committee.

Mr. Williams pointed out staff has figures for these three easements if the committee would like to see those. He also stated staff was asking this committee to support staff in filing for early possession at the February Board meeting; therefore, staff was happy to answer any committee member questions.

Mr. McKesson inquired as to the risk and expense of missing the August 15, 2022 deadline. Mr. Kennedy stated the contractor will have something in their contract for liquidated damages for delays and such. Mr. Nelson said it would RMWD would be basically looking at a combination of owner cost delay and overhead. Mr. McKesson inquired as to the approximate cost. Mr. Williams stated given the magnitude of this project, it could be amount to tens of thousands of dollars. Mr. Kennedy noted the importance of reaching agreement with the property owners to avoid spending ratepayer money due to a delay over not being able to agree on minor details.

Mr. Tamimi provided an example of the extent of RMWD's flexibility and how staff is doing its best to accommodate and figure out solutions.

Mr. Nelson inquired as to why this was not done sooner knowing these easements were necessary for this project. Mr. Kennedy clarified the objective at the staff level is to never have to use eminent domain to acquire a property. He pointed out staff has been working on this matter from every angle for a very long time and that it was not until Legal Counsel brought it to staff's

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attention that the District was running out of time it was realized there were no other alternatives for this alignment with the exception of placing it in the middle of the freeway.

Mr. Nelson explained he was trying to put himself in the position of a board member in that it sounds very urgent and sort of last minute; therefore, it may be helpful to lay out to the Board all that has taken place to date and why it was determined urgent. Mr. Kennedy clarified the Board has discussed this matter in great detail in Closed Session and how this was a procedural step that needed to occur. Discussion ensued regarding legal costs associated with this matter.

Mr. Gasca asked when these projects start will it be a shotgun start or waterfall as well as how the projects are ranked in order of priority. Mr. Williams stated the contractor would not be starting in any of these four areas per the contract and how in discussions with the contractor it has been found agreeable to keep the project moving with the contractor working out of sequence. Mr. Gasca asked if staff has adjusted the planned implementation of the different projects to provide the District with the most flexibility. Mr. Williams confirmed the matter currently being discussed was taken off the table until the details can be resolved and that the areas in which an easement is not required, the contractors will be allowed to continue to work.

Motion:

That the committee recommend approval of the staff's request to proceed with the legal matters concerning eminent domain for these three sites.

Action: Approve, Moved by Member Nelson, Seconded by Member Marnett.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member McKesson, Member Nelson, Member Gasca.

The committee and staff thanked Legal Counsel Duran-Brown for participating in this meeting and for the information she provided.

Discussion went to Item #16.

16. WHOLESALE WATER EFFICIENCY PROJECTS

Ms. Largent noted the purpose of this item was to include the committee in the evaluation of the need and funding decisions for wholesale water efficiency projects. She shared a presentation as she reviewed the information it contained. Discussions ensued.

Mr. Gasca inquired as to whether staff received any type estimates as to what type of impacts will be seen to the cost of components, material, and equipment and whether they have been factored into the model. Mr. Kennedy explained these were the current estimates provided by the engineers. Mr. Gasca asked how long these estimates would be valid. Mr. Williams stated these estimates would be good throughout 2022 and possibly most of 2023 at which time they would be revisited.

Discussions ensued.

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Mr. Nelson suggested Mr. Williams shift the calendar out and see what can happen based on the manpower and other planning capabilities to determine if any costs need to be escalated as well as to verify the benefit stream when completion is declared. Mr. Williams agreed to work with Ms. Largent on this project.

Mr. Marnett stated he finds this to be all about the cost of money; therefore, it was important to lock the money in now and do it. Ms. Largent explained this was why she wanted to talk to the committee about this now while she is still looking for financing, so that once financing is secured the committee will already be familiar with the analysis and projects and a decision will only need to be made about the financing.

Discussion went to Item #17.

17. MID-YEAR BUDGET REVIEW

Ms. Largent explained this was not an item that usually comes to this committee; however, in the interest of transparency, this item was being brought to this committee because of the capital changes as well as to show where the District is at in the budgeting. She shared a presentation on the mid-year budget adjustments that will be proposed at the February Board meeting.

Ms. Largent reviewed the operating budget adjustments including the impacts these would have on the operating fund budget projections. She also pointed out the adopted capital budget was \$15,810, 422 to which staff was proposing an adjustment in the amount of \$1,666,852 which was an 11% decrease adjusting this budget to \$14,143,570. She reviewed how this compares to last year, she shared the capital spending amounts for Fiscal Years 2019-21. She mentioned these proposed adjustments have been taken into account when preparing five-year projects.

Ms. Largent reviewed the wastewater proposed adjustments noting this was due to the moving of the project timeline.

Mr. McKesson inquired as to driver for the 13% increase in the capital budget over the prior two years. Ms. Largent stated it was significantly due to quite a bit more being spent on wastewater this year compared to prior years. Mr. Kennedy added some longtime members of this committee, budget projections for CIP spending has barely been met in past years; however, with the engineering team pushing projects out over the last couple of years shows things are picking up a bit. Ms. Largent noted she was pleased with the happy \$12 million and \$13 million spend over the last two years in that it looks better for the District in its planning as well as helps her to set rates accurately and have confidence in what is being asked for is what will actually be spent. Mr. McKesson agreed this does drive confidence and thanked Ms. Largent.

Discussion went to Item #18.

18. NOTICE OF COMPLETION FOR NORTH RIVER ROAD (ENGINEERING)

Mr. Williams noted this notice will go to the Board for consideration at their February meeting and that staff was requesting the committee to act recommending Board approval.

Mr. Williams stated this project was complete with two change orders which resulted in a net reduction to the budget in the amount of \$29,568.

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Motion:

That this committee accept the staff's recommendation that the project be completed and recommend to the Board that they accept staff's recommendation.

Action: Approve, Moved by Member Nelson, Seconded by Member McKesson.

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).

Ayes: Member Brazier, Member Marnett, Member McKesson, Member Nelson, Member Gasca.

Discussion went to Item #19.

19. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11, AND 8.14 (ENGINEERING/FINANCE)

Mr. Kennedy explained there are some extensive changes being proposed to several sections of the Administrative Code that staff would like the committee to review. He noted both redline and clean versions will be provided to the committee members very soon. He mentioned some of the changes have to do with a series of amendments necessary to reshape the processes and details.

Mr. Kennedy asked the committee to review the proposed changes once they are received and be prepared for a deeper dive on these items presented Items #19 and #20 at the March committee meeting.

Discussion went to Item #21.

20. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 9.04, 9.05, AND 9.07 (ENGINEERING)

This item was deferred to March as part of Item #19.

21. DISCUSSION REGARDING PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTER 8.20 - BACKFLOW (OPERATIONS)

Mr. Gutierrez stated following along with Items #19 and #20, this item will be presented to the committee under separate cover and discussed at the March meeting.

Discussion went to Item #22.

***22. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

Mr. Nelson inquired as to the two new engagements noting he was unclear on some of the numbers provided under the column title "Current Balance". Mr. Williams offered to meet with his team to ensure the report was calculating correctly.

Mr. Williams clarified the \$2,900 for Old Mission Road was to survey the County of San Diego parcel and the continued construction management was to cover inspection services when the District's inspector is out of the office.

Discussion went to Item #23.

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23. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING

It was noted proposed changes to Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, 8.14, 8.20, 9.04, 9.05, and 9.07, review of the action taken for providing temporary pumps to handle the SDCWA shutdown, an update on the wholesale water efficiency projects item, and a Water Service Upgrade Project (WSUP) update should be on the next committee agenda.

Discussion went to Item #24.

24. ADJOURNMENT

The meeting was adjourned by Chairperson Nelson.

The meeting adjourned at 5:35 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. **XX-XX** AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 8.20.010.01 CROSS-CONNECTION CONTROL POLICY

BACKGROUND

The California Code of Regulations (CCR) requires public water systems to protect water supplies from contamination by implementing a cross-connection control program. The scope of a comprehensive cross-connection control program must include provisions for the protection of the drinking water supply through the installation of appropriate backflow prevention assemblies at all water users' connections where a hazard or potential hazard to the water supply is identified by the public water system.

The Water Supplier shall protect the public water supply from contamination by the implementation of a cross-connection control program; the program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with a local health agency, or with another agency approved by the health agency.

- (a) The adoption of operating rules or ordinances to implement the cross-connection program.
- (b) The conducting of surveys to identify water user premises where cross-connections are likely to occur.
- (c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both.
- (d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program.
- (e) The establishment of a procedure or system for testing backflow preventers.
- (f) The maintenance of records of locations, tests, and repairs of backflow preventers.

(Title 17, Section 7584).

DESCRIPTION

A cross-connection is created when drinking water piping connects the various plumbing fixtures in businesses or homes. If improperly protected, contamination can result when a backflow event occurs, allowing contaminants to reverse flow from the fixture and equipment to the drinking water supply. A backflow prevention device protects potable water supplies from contamination or pollution due to backflow. The cross-connection control technician administers the cross-connection control program. Staff has reviewed Administrative Code Chapter 8.20 and determined that amendments and updates to the Code are essential to ensure public health. This update clarifies that testing is mandatory. The update also defines the responsibilities of both RMWD and the homeowner. Below is a list of the proposed amendments:

8.20.010.02.1 - Legal Authority: Adds plainly worded language to legal authority.

8.20.010.03 - Definitions: Adds verbiage to the definition for health hazard; added definitions include “passive purge” and “Pressure Vacuum Breaker Assembly.”

8.20.010.04 - Cross-Connection Protection Requirements: Adds a general provision section which further defines where protection is required, types of protection required, and Table 1 for clarification.

8.20.010.51 - Approved Backflow Prevention Assemblies: Defines in detail types of assemblies removing the vagueness of the previous code.

8.20.010.05.3 - Backflow Prevention Assembly Testing and Maintenance: Clarifies that testing is the responsibility of RMWD and mandatory. Clearly states what staff is responsible for and what the homeowner is responsible for.

8.20.010.07.01 - Water Service Termination: Deletes previous single paragraph from the old version and adds detailed conditions for water service termination.

8.20.010.09 – User Supervisor: Replaces “Systems to be Open for Inspection, Installation, and Testing” section.

8.20.100, 8.20.110, 8.20.120, 8.20.130, 8.20.140, 8.20.150, and 8.20.160: Removed in their entirety.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Two: Asset Management
Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA, and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

- 1) Adopt Ordinance No. **XX-XX** amending and updated Administrative Code Section 8.20.010.01 as presented.
- 2) Adopt Ordinance No. **XX-XX** amending and updating Administrative Code Section 8.20.010.01 with revisions.
- 3) Deny adoption of Ordinance No. **XX-XX** and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.

Robert Gutierrez
Operations Manager

03/22/2022

Section 8.20.010

Cross-Connection Control Policy

8.20.010.01 Purpose

The purpose of this ~~policy~~chapter is to:

- A. ~~_____ To p~~Protect the District system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants that have the potential to backflow into the District's potable water system; and
- B. ~~_____ To p~~Provide for an ongoing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District's potable water system; and
- C. Meet or exceed Federal and State regulations pertaining to cross-connection control issues.

8.20.010.0220 Legal Basis and Authority Basis for Program

~~All legal authorities and references shall be current versions and revisions.~~

Authority

- ~~1. _____ Code of Federal Regulations, Safe drinking Water Act—most current~~
- ~~2. _____ Code of California Regulations, Titles 17 and 22~~
- ~~3. _____ State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3~~
- ~~4. _____ American Water Works Association Manual of Water Supply Practices M14~~
- ~~5. _____ University of Southern California (USC Manual)—latest or current edition~~
- ~~6. _____ California Plumbing Code (CPC)~~
- ~~7. _____ Rainbow Municipal Water District Administrative Code~~

8.20.010.02.1 Legal Basis

All legal authorities and references shall be current versions and revisions.

- 1. The purpose of this ordinance is to protect the public water supply against actual potential cross-connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises.

~~M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Cross-Connection Control 8.20.docx~~~~M:\Administration\Confidential\Administrative Code Current Policies\Title 8\Cross-Connection Control 8.20.docx~~~~\Amended and Updated 1-23-07 by Ordinance No. 07-03\Amended and Updated 11-18-14 by Ordinance No. 14-08\Amended and Updated 6-28-16 by Ordinance No. 16-11\Amended and Updated 4-25-17 by Ordinance No. 17-03\Amended and Updated 12-8-20 by Ordinance No. 20-13\~~DRAFT

2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.
3. To eliminate cross-connections between drinking water systems and sources of contamination.
4. To prevent the making of cross-connections in the future.
5. To maintain the backflow prevention program by administering an inspection and testing program of backflow prevention assemblies installed at the meter.

These regulations are adopted pursuant to the state of California Code of Regulations, Title 17, Public Health entitled "Regulations Relating to Cross-Connections." It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District water department and any other source of water supply to maintain any sanitary fixture or other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the District and/or the service of water pipes or fixtures of any consumer of the District.

8.20.010.02.2 Authority

1. Code of Federal Regulations, Safe drinking Water Act - most current
2. Code of California Regulations, Titles 17 and 22
3. State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3
4. American Water Works Association Manual of Water Supply Practices M14
5. University of Southern California (USC Manual) – latest or current edition
6. California Plumbing Code (CPC)
7. Rainbow Municipal Water District Administrative Code

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8.20.010.0303 Definitions

Whenever in this chapter or in any document where they govern, the following terms are used, they shall be defined as follows:

"Air-Gap" is a means of backflow prevention utilizing the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; provided however, that in no case shall the air-gap be less than one inch.

"Approved" means accepted by the District as meeting an applicable specification stated or cited in this chapter suitable for the proposed use.

"Auxiliary Water Supply" means any water supply, other than the District's system available to a customer system. These auxiliary supplies may include water from other purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These waters may be polluted or contaminated, or they may be objectionable, and constitute an unacceptable water source over which the District does not have control.

"Agricultural Properties" is a parcel, lot, grove or residence of any size which is used for an agrarian nature, whether for commercial purposes or not. Typical uses would include, but not be limited to, the practice of cultivating crops, the breeding and raising of livestock, aquaculture and any other form of husbandry.

"Backflow" means the reversal of flow of water or mixtures of water and other liquids, gases or other substances into the District's distribution pipes of water from any source or sources.

"Backflow Preventer" means a device or means designed to prevent backflow or backsiphonage.

"Backpressure" means any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

"Backsiphonage" means the flow of water (or other liquids, mixtures or substances) into the District system from any source caused by the reduction of pressure in the District system.

"Board" means Board of Directors of the Rainbow Municipal Water District.

"Certified Backflow Tester" means a person who has proven their ability to test backflow prevention assemblies to the satisfaction of the District and the San Diego County Department of Environmental Health.

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~~"Contamination" means the impairment of the quality of the potable water by sewage, industrial fluids, waste liquids or any other compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or the spreading of disease.~~

~~"Control" means the right and power over the quality of water.~~

~~"Cross-Connection" means any physical connection, or arrangement of piping or fixtures, between two otherwise separate piping systems, one of which contains potable water and the other of which contains nonpotable water, industrial fluids, or fluids of questionable safety, through which, or because of which, backflow may occur into the District's system. A water service connection between the District system and a customer system which is cross connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change over devices, sliding multiport tubes, solid connections, garden hoses, etc.~~

~~"Cross-Connection Control by Containment" means the installation of an approved backflow prevention device in any customer system chosen as practical for the water service connection.~~

~~"District" means Rainbow Municipal Water District.~~

~~"Double Check-Detector Backflow Prevention Assembly" (DCDA) means a specially Designed assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accuracy for only very low rates of flow up to 3 GPM.~~

~~"Double Check Valve Backflow Prevention Assembly" an assembly composed of two (2) independently acting, approved check valves, including tightly closing resilient seated shut-off valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.~~

~~"Health Hazard" means any condition, device or practice in the customer system, or its operation, which endangers, or in the judgment of the District, has the potential to endanger the health and well-being of any water customer.~~

~~"Industrial Fluids System" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into the District system.~~

~~"Locked-off" means any water service which has been shut off at the meter by the District.~~

~~"Manager" means General Manager of the Rainbow Municipal Water District or their authorized representative.~~

~~"Nonpotable Water" means water which is not safe for human consumption or which is of questionable potability.~~

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~~"Plumbing Hazard" means an internal or plumbing type cross-connection in a customer/user's potable water system that may be either a pollution or a contamination-type hazard.~~

~~"Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.~~

~~"Pollution Hazard" means an actual or potential threat to the physical properties, or to the potability, of the District system, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the District system, but would not be dangerous to health.~~

~~"Potable water" means any water which, according to recognized standards is safe for human consumption.~~

~~"Potable water service connection" means the terminal end of a service connection from the District system (where the District loses control over the water at its point of delivery to the customer system), being the downstream end of the meter. There should be no unprotected tees/take-offs from the service line upstream of any backflow prevention device. Service connections shall also include temporary connections from a fire hydrant and all other temporary or emergency water service connections from the District system.~~

~~"Public Health Agency" means the State Water Resources Control Board or other relevant authority having jurisdiction.~~

~~"Reduced Pressure Principle Device" (RP) means a backflow prevention device consisting of an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure of the inlet device. At cessation of normal flow, the pressure between the two check valves shall be less than the pressure at the inlet of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for inline maintenance and testing and be installed in a location where no part of the device will be submerged.~~

~~"Reduced Pressure Principle-Detector Backflow Assembly (RPDA)" means a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter~~

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~~shall register for only very low rates of flow up to 3 GPM and shall show a registration for all rates of flow.~~

~~“Residential Properties” is a parcel or lot with at least one residence regardless of the lot size, with a primary purpose of providing a dwelling that serves as living quarters for one or more families and does not meet the definition of an “Agricultural Property”.~~

~~“Title 17” means California Code of Regulations, Title 17, Public Health Regulations relating to cross-connection.~~

~~“Unlocked” means any water service previously shut off by the District which has been turned back on by the District.~~

~~“Used Water” means any water supplied by the District from the District system to a customer system that has passed through the metered water service connection and is no longer under the control of the District.~~

~~“Water System” The water system is made up of two parts; namely, the District system and the customer systems:~~

~~The District system consists of the storage, treatment and distribution facilities under the complete control of the District, up to the point where the customer system begins (immediately after the water meter).~~

~~The customer systems consist of all water components beyond the water meter.~~

For the purposes of this policy, the following words and phrases have the following meanings:

“ABPA”: American Backflow Prevention Association.

“ASSE”: American Society of Sanitary Engineers.

“AWWA”: American Water Works Association.

“Air-Gap Separation”: A physical break between a supply pipe and a receiving vessel. The airgap shall be at least double the diameter of the supply pipe measured vertically above the top rim of vessel, no less than one inch.

“Approved Backflow Prevention Assembly”: An assembly or physical separation that has been designed specifically for preventing the backflow of water/liquid, gas from entering the system, which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to the California Department of Health Services.

“Approved Water Supply”: Any water supply whose potability is regulated by a state or local health agency.

“Auxiliary Supply”: Any water supply on or available to the premises other than the District water supply.

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"AWWA Standard": An official standard developed and approved by the American Water Works Association (AWWA).

"Backflow": A flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than an approved water supply. Back siphonage or back pressure are causes of backflow.

"Consumer's Water System": Is defined as and includes all facilities beyond the service meter. The system or systems may include both potable and non-potable water systems.

"Contamination": A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Cross-Connection": As used in this chapter, is any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.

"Cross-Connection Specialist": A person by title or designated by the General Manger who ensures all service connections are protected by approved backflow devices or by abating and eliminating cross connections.

"District": Rainbow Municipal Water District.

"District Water System": The source facilities and distribution system under the control of the District of Oceanside Water Utilities Department up to and including the meter.

"Double Check Detector Check Assembly (DCDA)": A backflow prevention assembly consisting of a line size double check valve assembly in parallel with a detector meter and water size double check valve assembly. Each double check valve assembly is to be equipped with property located test cocks and a tightly closing shut-off valve at the end of the assembly.

"Double Check Valve Assembly (DCA)": An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

"Dual Check Valve Device (DC)": A line dual check valve that is installed immediately after the water meter on residential services. This device is non testable.

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"Degree of Hazard": Is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **"Health Hazard"** is any condition, assembly, or practice in the water supply system and its operation which could create, or in the judgment of the division, county, or state health official, may create a danger to the health and well-being of the water consumer.
2. **"Plumbing Hazard"** is a type of plumbing cross-connection in a consumer's potable water system that has not been properly protected by an approved airgap or approved backflow prevention assembly.
3. **"Pollution Hazard"** is an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
4. **"System Hazard"** is an actual or potential threat of severe damage to the physical properties of the public potable water system of the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Health Agency": Refers to the California Department of Health Services.

"Local Health Agency": Refers to the County of San Diego Department of Environmental Health.

"Passive Purge": Refers to a type of fire sprinkler system that serves all toilets in addition to fire sprinklers, allowing water to circulate throughout the entire system on a regular basis and, therefore, avoiding stagnation.

"Person": An individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"Pollution": The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

"Premises": Any and all areas on a customer's property which are served or have the potential to be served by the public water system.

"Pressure Vacuum Breaker (PVB) Assembly": Refers to a backflow prevention assembly containing a spring loaded check valve and a spring

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loaded air-inlet valve which opens when the pressure approaches atmospheric. The unit shall include two tightly closing shut-off valves located at each end of the assembly and two test cocks properly located for testing the device. Can be used for internal protection but NOT meter protection.

"Public Water System": A system for the provision of piped water to the public for human consumption which has five or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Rainbow Municipal Water District": RMWD.

"Reclaimed Water": A wastewater which as a result of treatment is suitable for uses other than potable use.

"Recycled Water": See Reclaimed Water.

"Reduced Pressure - Detector Check Assembly (RPDCA)": A backflow prevention assembly consisting of a line-size reduced pressure principal assembly in parallel with a detector meter and meter-size reduced pressure principal assembly. Each reduced pressure principal assembly is to be equipped with properly located test cocks and a tightly closing shut-off valve at each end of the assembly.

"Reduced Pressure Principal Backflow Prevention Assembly (RPA)": An assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

"Service Connection": Refers to the point of connection of a user's piping to the District's facilities.

"User Supervisor": Refers to the person on site and who is responsible for the monitoring of the backflow prevention devices and for the avoidance of cross-connections

"Water User": Any person obtaining water from an approved water supply system.

8.20.010.0404 Cross-Connection Protection Requirements Degree of Hazard

~~The District's Cross-Connection Control Specialist will evaluate the degree of potential health hazard to the public water supply as a result of conditions existing on a customer/user's premises. The Cross-Connection Control Specialist will consider the following as a non-exclusive basis for determining if a hazard exists or has the potential to exist:—~~

- ~~The existence of an actual cross-connection;~~
- ~~The nature of material handled on the property;~~

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~~The probability of a backflow occurring;
The degree of piping system complexity and the potential for system modification.~~

~~Commercial:~~

~~All meters serving commercial properties are required to have District approved backflow devices installed.~~

~~Agricultural:~~

~~All meters serving Agricultural Properties are required to have District approved backflow devices installed.~~

~~Residential:~~

~~A backflow device would not be required unless one or more of the following conditions apply:~~

- ~~• Pressure in the customers system that may exceed the water pressure in the District system (onsite pumps, elevation, etc.)~~
- ~~• Auxiliary water system (well, etc.)~~
- ~~• Storage of chemicals, fertilizers, pesticides or any other substance in sufficient quantities or in a manner that has the potential to contaminate the water system.~~
 - ~~• For Residential Properties, the District's Cross-Connection Control Specialist may conduct an inspection of the user's property to determine if potential cross-connections have been mitigated through the use of approved measures, such as the installation of approved anti-siphon hose bibs, air gaps on swimming pool fill lines, anti-siphon backflow preventers on irrigation systems, etc.~~

8.20.010.04.1 General Provisions

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention assembly by and at his or her expense for continued services or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the District's' mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.
4. The Cross-Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow

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prevention device at each potable water service connection. Within the time prescribed by the General Manager or designate, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.

5. The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District's primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross connections.

8.20.010.04.2 Where Protection is Required

1. Each service connection from the District's water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system.
2. Each service connection from the District's water system for supplying water to any premises on which any substance is handled in such fashion as to allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the District water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention assemblies shall be installed on the service connection to any premises having (a) internal cross-connection that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the District, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it

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impractical or impossible to ascertain whether or not cross-connections exist.

8.20.010.04.3 Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective assembly that may be required (listing in an increasing level of protection) includes: Reduced Pressure Principal Backflow Prevention Assembly (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection to premises with varying degrees of hazard are given in Table 1 below. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District or health agency.

2. Two or more services supplying water from different street mains to the same building or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. This check valve shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination; in such cases, the installation of approved backflow assemblies at such service connection shall be required.

| <u>Table 1</u> <u>Type of Backflow Protection Required</u> | |
|---|---|
| <u>Degree of Hazard</u> | <u>Minimum Type of Backflow Protection</u> |
| <u>Sewage and Hazardous Substances</u> | |

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| | | |
|--|---|-------------|
| 1. | <u>Premises where the public water system is used to supplement the reclaimed water supply.</u> | <u>AG</u> |
| 2. | <u>Premises where reclaimed water is used and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u> | <u>AG</u> |
| 3. | <u>Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u> | <u>AG</u> |
| 4. | <u>Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides, are, or can be, injected.</u> | <u>RP</u> |
| <u>Auxiliary Water Supplies</u> | | |
| 1. | <u>Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u> | <u>AG</u> |
| 2. | <u>Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and the District.</u> | <u>RP</u> |
| <u>Fire Protection Systems</u> | | |
| 1. | <u>Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).</u> | <u>DCDA</u> |
| 2. | <u>Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u> | <u>AG</u> |
| 3. | <u>Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.</u> | <u>DCDA</u> |
| 4. | <u>Premises where a fire system is interconnected with more than one service connection from the District water system and no other system hazard exists.</u> | <u>DCDA</u> |
| <u>Other Systems</u> | | |
| 1. | <u>Premises where a booster pump is required on the service connection line.</u> | <u>DC</u> |
| 2. | <u>Premises where there is a well</u> | <u>RP</u> |
| 3. | <u>Premises where there is intricate plumbing and piping arrangements or where entry to all portions of the premises is restricted or not easily accessible for inspection purposes, making it impossible or impossible to ascertain whether or not cross-connections exist.</u> | <u>RP</u> |

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Backflow Prevention Assemblies Device – General Requirements

~~The District is responsible for the protection of the potable water system from potential contamination or pollution due to the backflow of contaminants or pollutants through the potable water service connections.~~

~~An approved backflow prevention device is required at all potable water service connections except for the following:~~

- ~~(1) — Any water service connection for single or duplex Residential Properties where the connection is one inch (1”) or smaller and the degree of hazard does not rise to the level requiring a backflow device as determined by the District’s Cross-Connection Control Specialist.~~
- ~~(2) — Any water service connection which is locked off, provided however, that before water service may be unlocked the customer shall comply with all of the backflow prevention provisions of this chapter.~~

~~The Cross Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow prevention device at each potable water service connection. Within the time prescribed by the General Manager or designate, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer’s own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.~~

~~The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. The District shall be responsible for notifying each customer/user when a device is required to be installed or tested. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District’s primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross-connections.~~

8.20.010.05.1 Approved Backflow Prevention Assemblies

1. Only backflow prevention assemblies approved by the California Department of Health Services shall be acceptable for installation by a water user connected to the District’s potable water system.
2. The District will provide, upon request, to any affected customer a list of approved backflow prevention assemblies.

8.20.010.05.2 Backflow Prevention Assembly Installation

1. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 22 of the California Administrative Code. Location of the assemblies should be as close as

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practical to the user's connection and no further than eighteen (18) inches away from the meter. The District shall have the final authority in determining the required location of a backflow prevention assembly. Approved backflow prevention assemblies shall be protected when necessary from extreme weather or site conditions that could cause physical damage to or malfunction of the backflow prevention assembly.

a. Air-Gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

b. Reduced Pressed Principal Backflow Prevention Assembly (RPA). The approved reduced pressure principal backflow prevention assembly shall be installed on the user's side of and as close to the service connection as is practical no more than eighteen (18) inches away. The assembly shall be installed so that the bottom of the relief valve is a minimum of twelve (12) inches above the grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly and with a minimum of twelve (12) inches side clearance. The assembly should be installed so that it is readily accessible for maintenance and testing.

8.20.010.05.3 Backflow Prevention Assembly Testing and Maintenance

1. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is deemed to be necessary. A report in a form

acceptable to the District shall be filed each time an assembly is tested, relocated, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2. Testing of backflow preventers is required annually for all connections to the water system and is mandatory. Testing is the responsibility of RMWD and the results of testing shall be reported to the Cross-Connection Control Specialist on the required forms at the completion of the testing. Testing of brand-new backflow devices can be completed by a certified tester. Testing must be done by a person or persons certified in accordance with state standards and the tester's credentials must be approved by the RMWD. Any backflow preventer that fails the testing shall be repaired or replaced and retested at the owner's expense. If it is replaced the type, make, model and location of the backflow preventer will be reported to RMWD Cross-Connection Control Specialist All results of testing will be reported to RMWD and remain on file for no less than 10 years.
3. RMWD is not responsible for replacing gaskets, seats, seal diaphragms, backflow devices, ball valves or test cocks. The customer is responsible for all maintenance of the backflow device to include replacement of device.

8.20.010.0660 Requests for New Services Appeal Procedure

8.20.010.06.1 Water System Survey

1. The Cross-Connection Control Specialist shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Cross-Connection Control Specialist upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
2. The District may require an on-premises inspection to evaluate cross-connection hazards. The District will schedule transmit a

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written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

3. The District may require a reinspection for cross-connection hazards of any premises to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

8.20.010.06.2 Customer Notification — Assembly Installation

1. The District will notify the water user of the survey findings, listing corrective action to be taken if required. A period of sixty (30) days will be given to complete all corrective action required including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the sixty (30) day period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the District may terminate water service to the affected water user until the required corrective actions are taken.

8.20.010.06.3 Backflow Prevention Assembly Removal

1. Approval must be obtained from the District before a backflow prevention assembly is removed, relocated, or replaced.
 - a. **Removal:** The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists or is not likely to be created in the future. Approved backflow prevention assemblies shall not be bypassed, made inoperative or removed without specific

written authorization by the Water Utilities Director or his or her representative.

b. **Relocation:** An assembly may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.

c. **Repair:** An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the assembly.

d. **Replacement:** An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the District and must be commensurate with the degree of hazard involved.

~~Any customer wishing to appeal a determination of the requirement for installation of a backflow prevention device may do so, in writing, within forty five (45) days of the date of the first written notification. There will be an Appeal Hearing scheduled for the customer or customer representative to present their arguments against complying with either the directives or the schedule given in the notification. The Appeal Hearing Panel consists of the General Manager and any other staff deemed appropriate by the General Manager. The purpose of the hearing is to confirm, modify or deny the findings of the Cross Connection Control Specialist. The decision of the Appeal Hearing Panel is final.~~

~~**8.20.010.0770 Water Service Termination Protection Required Before System Connection**~~

~~**8.20.010.07.1 General**~~

~~When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.~~

~~**8.20.010.07.2 Basis for Termination**~~

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Condition or water uses that create a basis for water service termination shall include, but are not limited to the following items:

1. Refusal to install a required backflow prevention assembly.
2. Refusal to test a backflow prevention assembly.
3. Refusal to repair a faulty backflow prevention assembly.
4. Refusal to replace a faulty backflow prevention assembly.
5. Direct or indirect connection between the District water system and a sewer line.
6. Unprotected direct or indirect connection between the District water system and an auxiliary water system.
7. A situation which presents an immediate health hazard to the District water system.

8.20.010.07.3 Water Service Termination Procedures

1. For conditions B1, B2 or B3, the District will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period water service may be terminated.
2. For conditions B4, B5, B6 of B7, the District will take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service.
 - b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the District.

~~No potable water service connection to any premises shall be placed in service by the District unless the District system is protected as required by this chapter. Service of water to any premises shall be immediately discontinued by the District if a backflow prevention device required by state laws and regulation and by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross connection exists on the premises. Service will not be restored until such conditions or defects are corrected.~~

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~~8.20.010.08080 Backflow Prevention Assembly Fees Device Installation, Replacement, Relocation, and Repair~~

~~1. **Installation:** All backflow prevention devices shall be installed directly behind and as close to the meter as practical but no more than eight (8) feet away, per Rainbow Standards Drawing Number W-1. The device is to be installed before any branches, trees, valves and strainers in the water line. Two or more backflow prevention devices of the same type may be installed in parallel when approved by the District. All single device installations shall be the size of the meter or greater. Devices must be installed to the District's specifications. When the street pressure exceeds the maximum working pressure of the backflow device (150 PSI), a pressure regulator can be installed on the upstream leg of the backflow assembly. Pressure regulators can be installed on the downstream leg of the backflow assembly. The District will be the final authority in determining the required location of a backflow prevention device.~~

~~Backflow prevention devices shall be tested by a certified tester immediately after they are installed and not placed into service unless they are functioning as required.~~

~~2. **Replacement:** A device may be removed and replaced provided the water use is discontinued until the replacement device is installed and tested. All Replacement devices must be approved by the District.~~

~~3. **Relocation:** A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;~~

~~4. **Repair:** A device may be removed for repair; provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the device.~~

~~A. A testing fee will be charged to any/all water users having an approved testable backflow prevention assembly of which the District conducts the test. This money is to be deposited into the Cross-Connection Fund. The amount of this fee will be set by a resolution.~~

~~B. Upon noncompliance by a user following a first notice (after the time period in which the test must be done) regarding the periodic testing of the backflow prevention assembly, the District's representative shall have the option of either hiring a certified backflow assembly tester to test such assembly with all expenses; including an administrative fee, will be charged to the customer. This noncompliance can result in terminating water service or having the District test it. Nonpayment of the charge amount will result in termination of water service.~~

~~8.20.010.09090 User Supervisor Systems to be Open for Inspection, Installation and Testing~~

~~All customer/user systems shall be available for inspection, installation and testing at all reasonable times to authorized representatives of the District to determine whether cross-~~

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~~connections or other structural or sanitary hazards exist, including violations of this chapter. Refusal of an inspection will result in a mandatory requirement that the water service be locked off until a backflow device is installed, or an inspection reveals that no hazard exist. When such a condition becomes known, the District shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state laws and District ordinances relating to plumbing and water supplies and with regulations adopted pursuant thereto.~~

~~At each premise, a "User Supervisor" shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for the avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the District shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the District of the user supervisors identify on, as a minimum, an annual basis and whenever a change occurs.~~

8.20.100 Backflow Prevention Device Required

~~The District will determine which one of the following backflow prevention devices is required: Reduced Pressure Principle Backflow Prevention Device (RP) or Reduced Pressure Principle-Detector Backflow Assembly (RPDA). Existing nonconforming devices may remain until they need replacement. If a hazard exist an approved device will be required. The District will be the final authority in determining what type of backflow prevention is required.~~

~~When required, a reduced pressure backflow preventer shall be installed immediately after the meter at each and every potable water service connection within the District as required by this chapter.~~

~~When required, Reduced Pressure Principle Backflow Prevention Device (RP) will be installed as close to the water service connection as possible. Such backflow protection will be required for but not limited to the following conditions:~~

- ~~• Sewage treatment plants;~~
- ~~• Manufacturing, processing or fabricating plants where toxic materials or water are pumped, processed or treated;~~
- ~~• Any location where the District deems the installation of a Reduced Pressure Principle Backflow Prevention Device (RP) is necessary.~~

8.20.110 Certification of Backflow Prevention Devices

~~Any backflow prevention device required by this chapter shall be of a model and size approved by the District. The term "approved backflow prevention device" means a device that has been established by the American Water Works Association, as set forth in its publication entitled, AWWA C511-89 Standards for Reduce Pressure Principle Backflow Prevention Devices, and meets the most current edition of the Manual of Cross-Connection Control of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.~~

~~Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory, certifying full compliance with said AWWA Standards and FCC&HR Specifications.~~

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~~The following testing laboratory is approved by the board to test and certify backflow preventers: Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, KAP 200 University Park MC 2531, Los Angeles, California 90089-2531.~~

~~Backflow preventers which may be subjected to back pressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said approved laboratory and are listed on the laboratory's current list of approved devices may be used.~~

~~8.20.120~~ ~~Existing Devices~~

~~All presently installed backflow prevention devices previously approved by the District shall be deemed to comply with the requirements of this chapter provided such devices meet current performance and testing requirements. Existing devices which do not meet current performance or testing requirements shall be repaired or replaced by a backflow prevention device meeting the requirements of this chapter. Any such replacement cost will be borne by the customer/user.~~

~~Existing nonconforming devices may remain until they need replacement. If a hazard exists an approved device will be required. The District will be the final authority in determining what type of backflow prevention is required.~~

~~Any existing Double Check Detector Backflow Prevention Assembly (DCDA) devices needing to be replaced shall be replaced with a Reduced Pressure Principal Detector Backflow Prevention Assembly. Any existing Double Check Valve Backflow Prevention Assembly needing to be replaced shall be replaced with a Reduced Pressure Principal Device (RP) if a hazard exists.~~

~~Existing devices not required by this ordinance may be:~~

- ~~• Maintained and tested at owner's expense~~
- ~~• Removed at owner's expense if District determines no hazard exist~~

~~It is the customer's responsibility to notify the District if they wish to withdraw from the testing program under this provision. An inspection would be required before withdrawing or removing from the program.~~

~~8.20.130~~ ~~Inspections and Testing Responsibility~~

~~The customer/user is responsible for ensuring the annual testing and making any necessary repairs to pass the test. The District will maintain a record of testing performed and a calendar indicating when the next test is required. The District has retained the services of a licensed contractor to administer the testing and monitoring program. Customers may elect to be included in this monitoring group and their devices will be tested annually by the contractor. The District shall pass its actual cost for the testing on to the customer in a monthly cross-connection control fee.~~

~~All other expenses where backflow prevention devices are installed, replaced, relocated, repaired or overhauled are the responsibility of the customer. All inspections and operational tests will be made by a certified tester. In those instances where the District deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer/user and shall be performed by a District-approved certified tester. It shall be the duty of the District to see that these timely tests are to be undertaken~~

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~~so that District personnel may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept on file with the District.~~

8.20.140

Noncompliance, Penalties

~~In the event a customer is notified that a backflow device shall be installed or tested on the customer's service connection and a reasonable compliance time has been allowed by the District in which the customer has not complied with the District's request, then the customer's water service shall be locked off. The customer's water service shall remain locked until an approved backflow device is installed and/or tested by a certified backflow tester; and all unlock fees are paid.~~

~~If a device is found to be tampered with or any deliberate action to impede the function of the backflow device, the service will be locked immediately, and the customer will be responsible for paying all costs and fines associated with the violation.~~

8.20.150

Monthly Charges

~~Monthly charges will be established by the District as necessary. The purpose of such charges will be to cover the cost incurred by the District for regulation and enforcement of the cross-connection control regulations and annual testing of customer backflow devices and the repair, if necessary, to pass test.~~

8.20.160

Interpretation of Provisions

~~This chapter and Title 17 of the California Code of Regulations shall guide the District in the implementing and functioning of its backflow prevention program. In instances where this chapter does not define the application of the backflow prevention program the District shall rely on Title 17 of the California Code of Regulations for definition. In instances where this chapter or said Title 17 does not give definition then the District shall rely on the State Water Resources Control Board.~~

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Section 8.20.010
Cross-Connection Control Policy

8.20.010.01 Purpose

The purpose of this policy is to:

- A. Protect the District system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants that have the potential to backflow into the District's potable water system; and
- B. Provide for an ongoing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District's potable water system; and
- C. Meet or exceed Federal and State regulations pertaining to cross-connection control issues.

8.20.010.02 Legal Basis and Authority for Program

8.20.010.02.1 Legal Basis

All legal authorities and references shall be current versions and revisions.

- 1. The purpose of this ordinance is to protect the public water supply against actual potential cross-connection by isolating within the premise contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises.
- 2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.
- 3. To eliminate cross-connections between drinking water systems and sources of contamination.
- 4. To prevent the making of cross-connections in the future.
- 5. To maintain the backflow prevention program by administering an inspection and testing program of backflow prevention assemblies installed at the meter.

These regulations are adopted pursuant to the state of California Code of Regulations, Title 17, Public Health entitled "Regulations Relating to Cross-Connections." It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or

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permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District water department and any other source of water supply to maintain any sanitary fixture or other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the District and/or the service of water pipes or fixtures of any consumer of the District.

8.20.010.02.2 **Authority**

1. Code of Federal Regulations, Safe drinking Water Act - most current
2. Code of California Regulations, Titles 17 and 22
3. State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3
4. American Water Works Association Manual of Water Supply Practices M14
5. University of Southern California (USC Manual) – latest or current edition
6. California Plumbing Code (CPC)
7. Rainbow Municipal Water District Administrative Code

8.20.010.03 **Definitions**

For the purposes of this policy, the following words and phrases have the following meanings:

“**ABPA**”: American Backflow Prevention Association.

“**ASSE**”: American Society of Sanitary Engineers.

“**AWWA**”: American Water Works Association.

"Air-Gap Separation": A physical break between a supply pipe and a receiving vessel. The airgap shall be at least double the diameter of the supply pipe measured vertically above the top rim of vessel, no less than one inch.

"Approved Backflow Prevention Assembly": An assembly or physical separation that has been designed specifically for preventing the backflow of water/liquid, gas from entering the system, which has passed laboratory and field evaluation tests performed by a recognized testing organization

which has demonstrated their competency to the California Department of Health Services.

"Approved Water Supply": Any water supply whose potability is regulated by a state or local health agency.

"Auxiliary Supply": Any water supply on or available to the premises other than the District water supply.

"AWWA Standard": An official standard developed and approved by the American Water Works Association (AWWA).

"Backflow": A flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than an approved water supply. Back siphonage or back pressure are causes of backflow.

"Consumer's Water System": Is defined as and includes all facilities beyond the service meter. The system or systems may include both potable and non-potable water systems.

"Contamination": A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Cross-Connection": As used in this chapter, is any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.

"Cross-Connection Specialist": A person by title or designated by the General Manger who ensures all service connections are protected by approved backflow devices or by abating and eliminating cross connections.

"District": Rainbow Municipal Water District.

"District Water System": The source facilities and distribution system under the control of the District of Oceanside Water Utilities Department up to and including the meter.

"Double Check Detector Check Assembly (DCDA)": A backflow prevention assembly consisting of a line size double check valve assembly in parallel with a detector meter and water size double check valve assembly. Each double check valve assembly is to be equipped with property located test cocks and a tightly closing shut-off valve at the end of the assembly.

"Double Check Valve Assembly (DCA)": An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

"Dual Check Valve Device (DC)": A line dual check valve that is installed immediately after the water meter on residential services. This device is non testable.

"Degree of Hazard": Is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **"Health Hazard"** is any condition, assembly, or practice in the water supply system and its operation which could create, or in the judgment of the division, county, or state health official, may create a danger to the health and well-being of the water consumer.
2. **"Plumbing Hazard"** is a type of plumbing cross-connection in a consumer's potable water system that has not been properly protected by an approved airgap or approved backflow prevention assembly.
3. **"Pollution Hazard"** is an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
4. **"System Hazard"** is an actual or potential threat of severe damage to the physical properties of the public potable water system of the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Health Agency": Refers to the California Department of Health Services.

"Local Health Agency": Refers to the County of San Diego Department of Environmental Health.

"Passive Purge": Refers to a type of fire sprinkler system that serves all toilets in addition to fire sprinklers, allowing water to circulate throughout the entire system on a regular basis and, therefore, avoiding stagnation.

"Person": An individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"Pollution": The presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which

does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

"Premises": Any and all areas on a customer's property which are served or have the potential to be served by the public water system.

"Pressure Vacuum Breaker (PVB) Assembly": Refers to a backflow prevention assembly containing a spring loaded check valve and a spring loaded air-inlet valve which opens when the pressure approaches atmospheric. The unit shall include two tightly closing shut-off valves located at each end of the assembly and two test cocks properly located for testing the device. Can be used for internal protection but NOT meter protection.

"Public Water System": A system for the provision of piped water to the public for human consumption which has five or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Rainbow Municipal Water District": RMWD.

"Reclaimed Water": A wastewater which as a result of treatment is suitable for uses other than potable use.

"Recycled Water": See Reclaimed Water.

"Reduced Pressure - Detector Check Assembly (RPDCA)": A backflow prevention assembly consisting of a line-size reduced pressure principal assembly in parallel with a detector meter and meter-size reduced pressure principal assembly. Each reduced pressure principal assembly is to be equipped with properly located test cocks and a tightly closing shut-off valve at each end of the assembly.

"Reduced Pressure Principal Backflow Prevention Assembly (RPA)": An assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

"Service Connection": Refers to the point of connection of a user's piping to the District's facilities.

"User Supervisor": Refers to the person on site and who is responsible for the monitoring of the backflow prevention devices and for the avoidance of cross-connections

"Water User": Any person obtaining water from an approved water supply system.

8.20.010.04 Cross-Connection Protection Requirements

8.20.010.04.1 General Provisions

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1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention assembly by and at his or her expense for continued services or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the District's' mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.
4. The Cross-Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow prevention device at each potable water service connection. Within the time prescribed by the General Manager or designate, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.
5. The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District's primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross connections.

8.20.010.04.2 Where Protection is Required

1. Each service connection from the District's water system for supplying water to premises having an auxiliary water supply shall be protected

against backflow of water from the premises into the public water system.

2. Each service connection from the District's water system for supplying water to any premises on which any substance is handled in such fashion as to allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the District water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention assemblies shall be installed on the service connection to any premises having (a) internal cross-connection that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the District, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross-connections exist.

8.20.010.04.3 Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective assembly that may be required (listing in an increasing level of protection) includes: Reduced Pressure Principal Backflow Prevention Assembly (RP), and an air-gap separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the approved water supply, at the user's water connection to premises with varying degrees of hazard are given in Table 1 below. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District or health agency.
2. Two or more services supplying water from different street mains to the same building or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located

adjacent to and on the property side of the respective meters. This check valve shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination; in such cases, the installation of approved backflow assemblies at such service connection shall be required.

| Table 1 Type of Backflow Protection Required | | |
|---|--|--|
| Degree of Hazard | | Minimum Type of Backflow Protection |
| Sewage and Hazardous Substances | | |
| 1. | Premises where the public water system is used to supplement the reclaimed water supply. | AG |
| 2. | Premises where reclaimed water is used and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District. | AG |
| 3. | Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District. | AG |
| 4. | Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides, are, or can be, injected. | RP |
| Auxiliary Water Supplies | | |
| 1. | Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP may be provided in lieu of an AG if approved by the health agency and the District. | AG |
| 2. | Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and the District. | RP |
| Fire Protection Systems | | |
| 1. | Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected). | DCDA |
| 2. | Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the health agency and the District. | AG |

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|----------------------|---|------|
| 3. | Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used. | DCDA |
| 4. | Premises where a fire system is interconnected with more than one service connection from the District water system and no other system hazard exists. | DCDA |
| Other Systems | | |
| 1. | Premises where a booster pump is required on the service connection line. | DC |
| 2. | Premises where there is a well | RP |
| 3. | Premises where there is intricate plumbing and piping arrangements or where entry to all portions of the premises is restricted or not easily accessible for inspection purposes, making it impossible or impossible to ascertain whether or not cross-connections exist. | RP |

8.20.010.05 Backflow Prevention Assemblies

8.20.010.05.1 Approved Backflow Prevention Assemblies

1. Only backflow prevention assemblies approved by the California Department of Health Services shall be acceptable for installation by a water user connected to the District's potable water system.
2. The District will provide, upon request, to any affected customer a list of approved backflow prevention assemblies.

8.20.010.05.2 Backflow Prevention Assembly Installation

1. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 22 of the California Administrative Code. Location of the assemblies should be as close as practical to the user's connection and no further than eighteen (18) inches away from the meter. The District shall have the final authority in determining the required location of a backflow prevention assembly. Approved backflow prevention assemblies shall be protected when necessary from extreme weather or site conditions that could cause physical damage to or malfunction of the backflow prevention assembly.
 - a. Air-Gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely

visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

- b. Reduced Pressed Principal Backflow Prevention Assembly (RPA). The approved reduced pressure principal backflow prevention assembly shall be installed on the user's side of and as close to the service connection as is practical no more than eighteen (18) inches away. The assembly shall be installed so that the bottom of the relief valve is a minimum of twelve (12) inches above the grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly and with a minimum of twelve (12) inches side clearance. The assembly should be installed so that it is readily accessible for maintenance and testing.

8.20.010.05.3 Backflow Prevention Assembly Testing and Maintenance

1. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is deemed to be necessary. A report in a form acceptable to the District shall be filed each time an assembly is tested, relocated, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.
2. Testing of backflow preventers is required annually for all connections to the water system and is mandatory. Testing is the responsibility of RMWD and the results of testing shall be reported to the Cross-Connection Control Specialist on the required forms at the completion of the testing. Testing of brand-new backflow devices can be completed by a certified tester. Testing must be done by a person or persons certified in accordance with state standards and the tester's credentials must be

approved by the RMWD. Any backflow preventer that fails the testing shall be repaired or replaced and retested at the owner's expense. If it is replaced the type, make, model and location of the backflow preventer will be reported to RMWD Cross-Connection Control Specialist All results of testing will be reported to RMWD and remain on file for no less than 10 years.

3. RMWD is not responsible for replacing gaskets, seats, seal diaphragms, backflow devices, ball valves or test cocks. The customer is responsible for all maintenance of the backflow device to include replacement of device.

8.20.010.06 Requests for New Services

8.20.010.06.1 Water System Survey

1. The Cross-Connection Control Specialist shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Cross-Connection Control Specialist upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
2. The District may require an on-premises inspection to evaluate cross-connection hazards. The District will schedule transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.
3. The District may require a reinspection for cross-connection hazards of any premises to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

8.20.010.06.2 Customer Notification — Assembly Installation

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1. The District will notify the water user of the survey findings, listing corrective action to be taken if required. A period of sixty (30) days will be given to complete all corrective action required including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the sixty (30) day period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the District may terminate water service to the affected water user until the required corrective actions are taken.

8.20.010.06.3 Backflow Prevention Assembly Removal

1. Approval must be obtained from the District before a backflow prevention assembly is removed, relocated, or replaced.
 - a. **Removal:** The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists or is not likely to be created in the future. Approved backflow prevention assemblies shall not be bypassed, made inoperative or removed without specific written authorization by the Water Utilities Director or his or her representative.
 - b. **Relocation:** An assembly may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
 - c. **Repair:** An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the assembly.

- d. **Replacement:** An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the District and must be commensurate with the degree of hazard involved.

8.20.010.07 Water Service Termination

8.20.010.07.1 General

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

8.20.010.07.2 Basis for Termination

Condition or water uses that create a basis for water service termination shall include, but are not limited to the following items:

1. Refusal to install a required backflow prevention assembly.
2. Refusal to test a backflow prevention assembly.
3. Refusal to repair a faulty backflow prevention assembly.
4. Refusal to replace a faulty backflow prevention assembly.
5. Direct or indirect connection between the District water system and a sewer line.
6. Unprotected direct or indirect connection between the District water system and an auxiliary water system.
7. A situation which presents an immediate health hazard to the District water system.

8.20.010.07.3 Water Service Termination Procedures

1. For conditions B1, B2 or B3, the District will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within

the allowed time period water service may be terminated.

2. For conditions B4, B5, B6 of B7, the District will take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service.
 - b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the District.

8.20.010.08 Backflow Prevention Assembly Fees

- A. A testing fee will be charged to any/all water users having an approved testable backflow prevention assembly of which the District conducts the test. This money is to be deposited into the Cross-Connection Fund. The amount of this fee will be set by a resolution.
- B. Upon noncompliance by a user following a first notice (after the time period in which the test must be done) regarding the periodic testing of the backflow prevention assembly, the District's representative shall have the option of either hiring a certified backflow assembly tester to test such assembly with all expenses; including an administrative fee, will be charged to the customer. This noncompliance can result in terminating water service or having the District test it. Nonpayment of the charge amount will result in termination of water service.

8.20.010.09 User Supervisor

At each premise, a "User Supervisor" shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for the avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the District shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the District of the user supervisors identify on, as a minimum, an annual basis and whenever a change occurs.

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ADOPTING ORDINANCE NO. XX-XX AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11, & 8.14

BACKGROUND

Periodic updates to policies within the RMWD Administrative Code are necessary to update changes in terminology and to add clarification.

DESCRIPTION

An update to the policy related to water services has been prepared for Board consideration.

Chapters 8.01 - District Rules and Regulations and 8.03 - Areas Served have been updated to provide clear direction to staff for types of water service, including an update from TSAWR to PSAWR, as well as other minor changes in terminology.

Chapter 8.04 - Establishment of Water Service has been updated to include requirements for transfer of service when a property is sold and meter removals. The Administrative Code was ambiguous to the requirements making enforcement by staff difficult. The updates also include clarification on the length of time a water service application can be active, and the steps required in the event the property is sold. Prior to this ruling, there were applications that remained open for more than ten years.

Chapter 8.11 - Connection and Meter Charges has been updated to include direction on meter downsize requirements, water service commitments of more than five subdivisions, application for availability, project availability letters, application for commitment and project commitment letters.

Chapter 8.14 – Discontinuance of Service provides clarifications, specifically to the requirements to enter into a payment extension plan when an account has been reported to the county tax roll for collection.

All changes comply with the Senate Bill 998 regarding water shutoffs.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Administrative Code Chapter 8.01 - District Rules and Regulations, 8.03 - Areas Served, 8.04 - Establishment of Water Service, 8.11 - Connection and Meter Charges, and 8.14 - Discontinuance of Service

Strategic Focus Area Five: Customer Service

BOARD OPTIONS/FISCAL IMPACTS

- Option 1: Adopt Ordinance No. **XX-XX** Amending and Updating Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, and 8.14.
- Option 2: Adopt Ordinance No. **XX-XX** Amending and Updating Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, and 8.14 with Board recommended revisions.
- Option 3: Provide staff with direction.

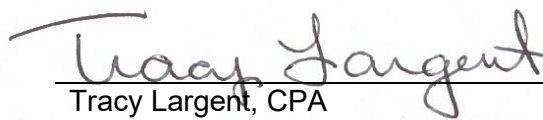
The policy will have limited fiscal impact on the district.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

STAFF RECOMMENDATION

Staff recommends Option 1.



Tracy Largent, CPA
Finance Manager

March 22, 2022

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**PROPOSED NON-ADMINISTRATIVE AMENDMENTS TO
ADMINISTRATIVE CODE TITLE 8 - WATER**

| Chapter/Section/Subsection/Paragraph | Proposed Amendment and Purpose |
|--|---|
| Section 8.01.020 – Availability of Facilities | <p>Amendment: Replacing “New Water Service Application” with “Water Service Connection Application” if service to the parcel does not currently exist...”</p> <p>Purpose: To update the name of the water service application and remove the requirement for the New Services Request form.</p> |
| Section 8.01.040 – Purpose | <p>Amendment: Adding clarification that the District is not committing to providing water service or guaranteeing that capacity will be available at the time of application.</p> <p>Purpose: To clarify the language.</p> |
| Subsection 8.03.020.02, Section 8.03.030, Subsection 8.03.030.01-8.03.030.04, Section 8.03.040 | <p>Amendment: Replacing “character” with “classification”.</p> <p>Purpose: To update the language.</p> |
| Section 8.03.030 – Character of Service | <p>Amendment: Replacing “Character” with “Classification” of Service and “TSAWR Domestic” and “TSAWR Commercial” with “PSAWR Domestic” and “PSAWR Commercial”.</p> <p>Purpose: To update the language.</p> |
| Subsection 8.03.030.06 – Agricultural with Residence | <p>Amendment: Removing “Water usage will be billed on a tiered rate”.</p> <p>Purpose: To update per policy change.</p> |
| Subsection 8.03.030.08 – PSAWR (Permanent Special Agricultural Water Rate) | <p>Amendment: Updating this section from “Transitional Special Agricultural Water Rate” to Permanent Special Agricultural Water Rate” and any applicable language.</p> <p>Purpose: To update per SDCWA policy changes.</p> |
| Subsection 8.03.030.9 | <p>Amendment: Removal of “TSAWR (Transitional Special Agricultural Water Rate) Commercial language.</p> <p>Purpose: To update per SDCWA policy changes.</p> |
| Section 8.04.010 – Board of Director’s Approval | <p>Amendment: Updating four or more parcels to more than five.</p> <p>Purpose: To be consistent with Section 8.11.05 Water Service Commitments.</p> |

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| Section 8.04.020 – Application for Regular Water Service | <p>Amendment: Updating the “New Water Service Request” application with “Water Service Connection Application”.</p> <p>Purpose: To update the name for the water service application.</p> |
| Subsection 8.04.020.03 | <p>Amendment: Updating language to specify the application for new water service shall include but not be limited to the APN and removing “the description of which shall be satisfactory to the District’s General Manager”.</p> <p>Purpose: To clarify the description of parcel requirement.</p> |
| Subsection 8.04.020.06 | <p>Amendment: Replacing “The date on which the Applicant desires service” with “Indicate the parcel land use for character of service determination”.</p> <p>Purpose: To be consistent with the requirement in the water service connection application.</p> |
| Subsection 8.04.020.10 | <p>Amendment: Adding language that is included in the Water Service Connection Application i.e. terms, expiration rights, transfer requirements, and extensions.</p> <p>Purpose: To update the Policy with established Water Service Connection Application requirements.</p> |
| Subsection 8.04.030.01 | <p>Amendment: Replacing “within an area requiring a future line” with “in an area that could otherwise be served with a water main...”</p> <p>Purpose: To clarify language regarding when remote meters will be granted.</p> |
| Subsection 8.04.030.02 | <p>Amendment: Adding additional language regarding remote meter requirements.</p> <p>Purpose: To clarify the District’s authority and the applicant’s requirements.</p> |
| Subsection 8.04.040.01 | <p>Amendment: Adding “and an established non-refundable installation fee.”</p> <p>Purpose: To include a statement for the non-refundable installation fee.</p> |
| Subsection 8.04.040.02 | <p>Amendment: Replacing “charge” with “fee”.</p> <p>Purpose: To use consistent language.</p> |

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| Subsection 8.04.040.04 | <p>Amendment: Updating language that installation or relocation of a construction meter shall be performed by District staff only, there is a fee and at least a two-business day notice to request this service, and that should a contractor perform relocation, a \$500.00 fine will be charged to the customer’s account.</p> <p>Purpose: To update language and include the applicable fine.</p> |
| Subsection 8.04.040.06 | <p>Amendment: Updating language that extensions for construction meters may be granted for additional six-month periods at the discretion of the District Representative and that the applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.</p> <p>Purpose: To provide language regarding extensions and scheduling of construction meter pickups.</p> |
| Section 8.11.010 – Commencement of Service | <p>Amendment: Changing title from “Connection and Meter Charges” to “Commencement of Service”.</p> <p>Purpose: To update language.</p> |
| Section 8.11.030 – Transfer of Meter | <p>Amendment: Removal of language “...unless the service is changed. If, at any time, conditions require a larger size or different type of meter than already installed, the Customer shall pay the current meter and service installation charge for the new connection (less a credit to be determined by the District) and any additional capacity charges”.</p> <p>Purpose: To remove language that does not apply to this section.</p> |
| Subsection 8.11.040.01.1 | <p>Amendment: Inclusion of the customer must hire a “private” contractor with a “Class-A general engineering license.</p> <p>Purpose: To clarify the type of contractor license that is required.</p> |
| Subsection 8.11.040.01.3 | <p>Amendment: Adding the sentence “A new application may be submitted with the applicable payment at the current fees”.</p> <p>Purpose: To allow the applicant to submit a new application if the current fees are paid.</p> |
| Subsection 8.11.040.03 – Reduction in Meter Size | <p>Amendment: Adding detail requirements and steps for reduction of meter size requests.</p> <p>Purpose: To provide authority to reference when applicants are requesting a reduction in meter size and to conform with Ordinance 21-03. It also updates to consistent language.</p> |

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| Subsection 8.11.040.05 – Fire Service Meters | <p>Amendment: Inclusion of the sentence “Administrative and inspection fees shall apply.”</p> <p>Purpose: To provide authority to reference when fees apply.</p> |
| Subsection 8.11.040.06 – Meter Relocation | <p>Amendment: The addition of an “A Class” license.</p> <p>Purpose: To clarify the type of contractor license that is required.</p> |
| Subsection 8.11.040.10 – Removal of Water Service | <p>Amendment: Delete the MOU and replace with the Meter Removal Agreement.</p> <p>Purpose: Added the option to allow the customer to pay the lesser of the unpaid O&M fees in the event of a future upsize OR the difference in capacity. This change makes the code consistent with when any customer upsizes. To provide authority to reference.</p> |
| Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.01 – Development Consultation Deposit | <p>Amendment: Adding 8.11.050.01 Development Consultation Fee</p> <p>8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.</p> <p>8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.</p> <p>Purpose: To establish authority for a development consultation deposit. Also, to set a deadline of two years for developers to perform development analysis.</p> |
| Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.02 – Application for Availability and Subsection 8.11.050.03 – Project Facility Availability Forms | <p>Amendment: Adding the conditions regarding the application for issuance of a Project Facility Availability.</p> <p>Purpose: To clarify the approval requirements for issuance of a Project Facility Availability request.</p> |

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| Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.04 – Application for Commitment and Subsection 8.11.050.05 – Project Facility Commitment Forms | <p>Amendment: Adding the conditions regarding the application for issuance of a Project Facility Commitment.</p> <p>Purpose: To clarify the approval requirements for issuance of a Project Facility Commitment request.</p> |
| Section 8.14.010 – Discontinuance of Water Service | <p>Amendment: Updating the section title to include “Water”.</p> <p>Purpose: To use consistent language.</p> |
| Subsection 8.14.010.01 – Discontinuance of Water Service for Nonpayment | <p>Amendment: Including a new subsection.</p> <p>Purpose: To provide authority to reference regarding nonpayment.</p> |
| Subsection 8.14.010.02 – Exceptions for Discontinuance of Water Service for Nonpayment | <p>Amendment: Providing subsection with a title.</p> <p>Purpose: To use consistent language.</p> |
| Section 8.14.020 – Notice of Proposed Discontinuance of Water Service | <p>Amendment: Updating the section title replacing “Notice of Proposed Termination”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.020.01 – Time of Notice | <p>Amendment: Clarifying a notice warning the customer will be mailed and replacing “date of mailing the District’s bill for such service” with “date the bill is generated”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.020.03.3 | <p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.020.03.4 | <p>Amendment: Removing “financial assistance plan” and adding “as set forth in this policy” removing “through the District”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.020.04 – Elders; Dependent Adults | <p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.020.05 – No Discontinuance of Water Service on Holidays | <p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p> |
| Subsection 8.14.030.01 – Right of Customer | <p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p> |

| | |
|--|---|
| Subsection 8.14.020.02 – Authority to Allow for Payment Extension Plan | <p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p> |
| Subsection 8.14.030.03 – Failure to Comply with the Payment Extension Plan | <p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p> |
| Section 8.14.040 – Discontinuance of Service to Master Meters | <p>Amendment: Replacing “inform the actual users of the service, by means of a notice” with “notify the customer of record” and updating “ten calendar days” to “15 calendar days”.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p> |
| Section 8.14.080 – Customer’s Request for Discontinuance of Service | <p>Amendment: Removing this section in its entirety.</p> <p>Purpose: This in not something the District offers because it would be contradictory to other areas of the administrative code.</p> |
| Subsection 8.14.100 – Termination for Nonpayment | <p>Amendment: Removing this section in its entirety.</p> <p>Purpose: This is addressed in an earlier section.</p> |
| Subsection 8.14.110 – Application of Deposit | <p>Amendment: Removing this section in its entirety.</p> <p>Purpose: Deposits historically have not been taken from customers for new services.</p> |

**Chapter 8.01
DISTRICT RULES AND REGULATIONS (WATER)**

Sections:

- 8.01.0100** Scope
- 8.01.0240** Availability of Facilities
- 8.01.0320** Contracts or Permits
- 8.01.0430** Purpose
- 8.01.0540** Construction of Facilities
- 8.01.0650** Land Use Decisions
- 8.01.0760** Terms and Conditions

Section 8.01.0~~1~~0 **Scope**

These regulations apply to potable water service from the District; fees and deposits to cover the cost thereof; the rates for water delivered; the time and manner of payment for services rendered; regulations regarding water usage; protection of the system from mechanical and health hazards; and rules for charges for extending mains and permitting connections to existing mains. This Section does not apply to recycled water service.

Section 8.01.0~~2~~40 **Availability of Facilities**

Water service is provided by the Rainbow Municipal Water District subject to the availability of facilities or adequate capacity in facilities, funds, or financing for the construction of all of the foregoing. This service is available under the rules and regulations of the District, as amended from time to time. Customers shall sign a ~~New Water Service~~ [Connection Application if service to the parcel does not current exist](#) and ~~Application for New Services Requests~~, acknowledging the terms and conditions under which service may be available.

Section 8.01.0~~3~~20 **Contracts or Permits**

The District is subject to contracts or permits from various other agencies such as, but not limited to; the United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board. Such contracts or permits may limit use of existing or future capacity or facilities. The availability of such service is intended to be furnished to each member of the public or each segment of the public on the same basis to all such Applicants, Owners, or Customers similarly situated and desiring service.

Section 8.01.0~~4~~30 **Purpose**

The District was formed and activated primarily for the purpose of providing water service. The District has constructed facilities or acquired capacity to provide such service. Prior to submitting an application, each Applicant shall verify the existence of available capacity and the probable duration of such availability. Facts necessary for such verification may be obtained from the District; ~~however, —However~~ ~~the~~ District providing such information is **not committing a commitment** to provide water service or ~~guaranteeing a guarantee~~ that capacity will be available at the time of application.

Section 8.01.0~~5~~40 **Construction of Facilities**

The facilities planned for construction within the District are set forth in the Water Master Plan as amended from time to time. The Water Master Plan concerns transmission and distribution of water.

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Section 8.01.0650
Land Use Decisions

The District neither determines nor intends to determine or participate in land use decisions or the accomplishment of any plan of development of various Owners of undeveloped property within the District. The District, subject to such land use decisions by others and subject to all provisions of law including, but not limited to, the California Environmental Quality Act (CEQA), will exert all reasonable efforts to have facilities and capacity available to provide service to the extent and on the conditions already described.

Section 8.01.0760
Terms and Conditions

District Customers must comply with the terms and conditions set forth in this Administrative Code, as well as the terms and conditions set forth in all District resolutions, rules and ordinances. To the extent the terms and conditions of this Administrative Code may be inconsistent or in conflict with the terms and conditions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Administrative Code shall prevail and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

Chapter 8.03
AREA SERVED

Sections:

- 8.03.010 Service Area
- 8.03.020 General
- 8.03.030 Classification~~Character~~ of Service
- 8.03.030.01 Single Family Residential
- 8.03.030.02 Multi-Family Residential
- 8.03.030.03 Commercial
- 8.03.030.04 Institutional
- 8.03.030.05 Construction
- 8.03.030.06 Agricultural with Residence
- 8.03.030.07 Agricultural Without Residence
- 8.03.030.08 PSAWR (Permanent~~TSAWR (Transitional~~ Special Agricultural Water Rate)
Domestic
- ~~8.03.030.9 TSAWR (Transitional Special Agricultural Water Rate) Commercial~~
- 8.03.040 Classification~~Character~~ of Service Change

**Section 8.03.010
Service Area**

The Rules and Regulations pertain to water service to land or improvements (or both) lying within the boundaries of the District unless otherwise stated. The District's primary obligation is to provide water service to persons within its boundaries subject to the availability of facilities, capacity, and supply to provide such services.

**Section 8.03.020
General**

8.03.020.01 ___-The District will furnish water service throughout its corporate area under the general conditions outlined in these rules and regulations. To be eligible to receive service, the parcel to be served must abut a District easement or road right-of-way in which a District water main is installed, except where a remote meter has been approved per District Administrative Code.

8.03.020.02 ___-The District will endeavor to supply water in sufficient quantities and at adequate pressures to meet the needs and requirements of all Applicants and Customers. This service will be furnished under the District's rate schedules according to the ~~class,~~ characterclassification or type of service offered by the District. The classifications are as follows:

1. ___-Regular
2. ___-Construction/Temporary
3. ___-Fire Service

**Section 8.03.030
Classification~~Character~~ of Service**

Water users will be billed at the rates established by the Board of Directors for the following types of service:

1. Single Family Residential
2. Multi-Family Residential
3. Commercial
4. Institutional
5. Construction
6. Agricultural with Residence
7. Agricultural without Residence
8. ~~TP~~SAWR Domestic
9. ~~TP~~SAWR Commercial

8.03.030.01 ___-Single Family Residential

Service under this ~~classification~~character is applicable to single-family dwellings and duplexes. A duplex is a house of single structure consisting of two separate family dwellings.

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8.03.030.02 -Multi-Family Residential

Service under this ~~classification character~~ is applicable to multi-family dwellings of three or more units.

8.03.030.03 -Commercial

Service under this ~~classification character~~ is applicable to commercial enterprises including, but not limited to, retail stores, markets, hotels, clinics, storage warehouses, churches, nursing homes, businesses and professional offices.

8.03.030.04 -Institutional

Service under this ~~classification character~~ is applicable to institutional establishments dedicated to public service including, but not limited to, school, university, hospital, prison, or government facility. Applicable to publicly owned establishments.

8.03.030.05 -Construction

Service under this ~~classification character~~ is applicable to temporary water service that is facilitated through a fire hydrant, blow-off, or other appurtenance selected at the sole discretion of the District for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Relocation is performed by District staff only. Should a contractor perform relocation, a \$500.00 fine will be charged to customer's account.

8.03.030.06 -Agricultural with Residence

Service under this ~~classification character~~ is applicable to residences with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. Applicant must also have a domestic structure on the property. ~~Water usage will be billed on a tiered rate.~~

8.03.030.07 -Agricultural without Residence

Service under this ~~classification character~~ will have no residential use. Applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code.

8.03.030.08 -~~TSAWRPSAWR~~ (~~TransitionalPermanent~~ Special Agricultural Water Rate) ~~Domestic~~

Service under this ~~classification character~~ is applicable to ~~customer residences~~ with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. ~~Water usage will be billed on a tiered rate.~~ The San Diego County Water Authority (SDCWA) ~~TransitionalPermanent~~ Special Agricultural Water Rate Program (~~TSAWRPSAWR~~) provides discounted wholesale supply pricing for qualified retail agricultural customers (~~TSAWRPSAWR~~ customers) within its service area. ~~The supply pricing differential results from the TSAWR customers not paying the additional costs associated with the SDCWA developed supplemental supplies, including but not limited to the Imperial Irrigation District Transfer Supply, the All American and Coachella Canal~~

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~~Lining Supply, the Carlsbad Seawater Desalination Supply, and the SDCWA Storage Charge.~~ In exchange for a reduced wholesale cost of water, ~~TSAWRPSAWR~~ customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the ~~TSAWRPSAWR~~, the District is subject to the ~~TSAWRPSAWR~~ implementation policies adopted by the SDCWA. The Customer must file a ~~Certification and AcknowledgementPSAWR Enrollment Form~~ with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before ~~others~~other classes of service are interrupted.

~~8.03.030.9 TSAWR (Transitional Special Agricultural Water Rate) Commercial~~

~~Service under this character is applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. The San Diego County Water Authority (SDCWA) Transitional Special Agricultural Water Rate Program (TSAWR) provides discounted wholesale supply pricing for qualified retail agricultural customers (TSAWR customers) within its service area. The supply pricing differential results from the TSAWR customers not paying the additional costs associated with the SDCWA developed supplemental supplies, including but not limited to the Imperial Irrigation District Transfer Supply, the All American and Coachella Canal Lining Supply, the Carlsbad Seawater Desalination Supply, and the SDCWA Storage Charge. In exchange for a reduced wholesale cost of water, TSAWR customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the TSAWR, the District is subject to the TSAWR implementation policies adopted by the SDCWA. The Customer must file a Certification and Acknowledgement Form with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before others classes of service are interrupted.~~

8.03.040

ClassificationCharacter of Service Change

Water users are billed by their designation of ClassificationCharacter of Service or Rate Class. Election to change ClassificationCharacter of Service by the customer can be requested once a calendar year. The customer must demonstrate that the property meets the definition prescribed in Administrative Code Section 8.03.030 CharacterClassification of Service for proposed change. CharacterClassification of Service proposed changes are subject to the approval of the General Manager and/or Finance Manager.

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Chapter 8.04
ESTABLISHMENT OF WATER SERVICE

Sections:

- 8.04.010** Board of Director's Approval
- 8.04.020** Application for Regular Water Service
- 8.04.030** Application for a Remote Meter
- 8.04.040** Application for Construction Water Service
- 8.04.050** Changes in Premises Served

Section 8.04.010
Board of Director's Approval

Any Request for installation or acceptance of water facilities to serve more than five (5) ~~four (4)~~ ~~or more~~ parcels shall be subject to Board approval.

Section 8.04.020
Application for Regular Water Service

Effective November 1, 2014, all new water service accounts shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

Each Applicant for water service must sign and file in the District's Office, a New Water Service Connection Application on a form provided by the District, an application for New Water Service Request (NWSR) which will set forth:

8.04.020.01 Proof of Ownership of the parcel to be served

8.04.020.02 The name, address, and telephone number of the Applicant.

8.04.020.03 A description of the parcel to be served by said application shall include but not be limited to the Assessor Parcel Number (APN). ~~(the description of which shall be satisfactory to the District's General Manager.)~~

8.04.020.04 An Agreement on the part of the Applicant to abide by the Rules and Regulations of the District, as amended from time to time, signed by the property Owner

8.04.020.05 An agreement on the part of the Applicant that water delivered through the connection will be used only on the property described in the application.

8.04.020.06 Indicate the parcel land use for character of service determination. ~~The date on which Applicant desires service.~~

8.04.020.07 If the Applicant's property does not adjoin the District right-of-way, the Applicant must provide proof of an easement that may be utilized by the Applicant to bring his/her water line to the District's right of way.

8.04.020.08 If a meter is being purchased on behalf of the legal Owner by another individual, written authorization to do so shall be provided.

8.04.020.09 Before the District commits to provide new water service to a property, or to provide increased water service to a property receiving water service from the District's municipal water system, and as a condition of such new or increased water service, the landowner requesting such water service shall enter into an agreement with the District providing for the landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service ("Property"), in return for water service from the District, upon such terms as may be provided by the District Representative.

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This section does not apply to any other property that is not the Property. As an additional condition of District water service, the District may require the landowner to grant to the District any water production facilities located on the Property, together with an easement providing the District with the right to access, operate, maintain and replace such water production facilities.

The Board may waive the requirements set forth in this Section when it is in the public interest to do so. Following the landowner's and the water utility director's execution of the agreement, the District shall cause the agreement to be recorded against the Property. The agreement shall run with the land and bind all successors in interest of the Property.

Nothing in this ordinance shall grant, or be deemed to grant, a right to District water service and nothing in this ordinance shall require, or be deemed to require, the District to provide water service to any party.

8.04.020.10 The application for water connection service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application.

If, prior to the expiration date of the water service connection application, a building permit has been issued by the County of San Diego or governing agency for the building or buildings described in this application, and a copy of the building permit is provided to the District, the application shall not expire and need not be renewed. In such case, the District's application shall expire upon the expiration of the building permits.

If connection complying with all District Standards is made prior to the expiration of the application (or building permit per above), the application will become an authorized water service permit for the subject property(s) to receive potable water from the District's water system in accordance with all District rules and regulations related to the use described in this water service connection application. Once a service connection is made to the District facilities and extended to the property, the account is considered active and will incur monthly water service charges.

If owner desires to sell the property during the term of this water service connection application and transfer the water service connection application with the same parcel of land and use, the applicant must submit written notice of the proposed transfer to the District. The new owner must then complete a new application and the expiration date will remain the same.

Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

8.04.021

Notwithstanding the forgoing, at the District's discretion, a tenant or lessee of property may request water service for a property, provided a completed and signed Owner-Tenant application for water service is submitted to the District by the Owner or Property Manager of the identified

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property in accordance with Section 8.04.020. The application shall also include: ~~(i) a statement by the Owner that he or she authorizes water service for the identified property;~~ (ii) the signature of the tenant or lessee stating that he or she will be the party responsible for making monthly payments to the District for water services delivered to the identified property; and (iii) an acknowledgement by the Owner that he or she accepts liability for any delinquent or unpaid water charges associated with the identified property, including any penalties and interest related thereto. Such acknowledgment shall be renewed in writing by the Owner or Customer at any change in tenancy at the subject property; however, a failure by the Owner or Customer to renew this acknowledgment in writing shall not excuse the Owner or Customer from any liability associated with delinquent or unpaid water charges, including any penalties or interest related thereto, associated with the District's water service to the property.

8.04.022

If account holder is the legal (record) Owner of service property as shown on the San Diego County Assessor's Tax Roll and has become delinquent on account where service is scheduled to be terminated, the non-owner residential occupant(s) may establish water service directly. The non-owner residential occupant(s) will not be required to pay the delinquent bill maintained under the legal Owner. In order to establish service in the non-owner residential occupant(s) name, security deposit equal to twice the estimated average periodic bill will be required. The security deposit will be returned to the depositor two (2) years after the last lock-off for non-payment, if the depositor has maintained a timely paid, delinquent free account record during the two-year period, or when the account is paid in full on termination of service, whichever occurs first. Acceptable methods of the security deposit are ~~cash, check, money order, cashier's check, and District accepted payment cards~~ and Automated Clearing House (ACH) only. No interest shall be paid on any deposit.

8.04.023

During the transfer of residential property ownership from one owner to another, the current owner of a property may request that the District discontinue service and transfer the service to the proposed subsequent owner in a limited term temporary service agreement. In order to establish residential service in the proposed owner's name, the account for the current owner must be current and an Exiting Owner form must be submitted. ~~In addition, the proposed owner must provide a security deposit equal to twice the estimated average periodic bill.~~

The new proposed owner will submit a New Owner form with all the required information to set up service in their name ~~enter into a written agreement with the District related to the temporary service of water and the term of this temporary service will be 45 days. The proposed owner shall submit information to the District at the close of escrow that conforms to the requirements of Section 8.04.020 of this Administrative Code. Failure to provide this information within 30 days of escrow closing the given time limit will result in the termination of water service to the property. Applicants may request one additional extension to this agreement in extraordinary circumstances, but the approval of any extension will be at the sole discretion of the General Manager. The water and sewer bill becomes a charge against the property on which the water and sewer are furnished and against the owner of the property.~~

~~The security deposit will be returned to the depositor or credited to their account after proof of ownership is provided to the District as long as the depositor has maintained a timely paid, delinquent free account record during the temporary service period. The security deposit can be cash or cashier's check. No interest shall be paid on any deposit.~~

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Section 8.04.030 Application for a Remote Meter

The District may approve applications for water service to parcels which do not abut a District water main. As a condition of service, if the parcel abuts a future line extension as identified in the District's Master Plan, the remote meter Applicant may be required to contribute an estimated prorated cost for a future line extension or meet other terms and conditions established by the Board.

8.04.030.01 Remote meters shall be granted only when the District determines that:

- A line extension for fire flow or looping is not required, and
- Under no circumstances shall more than three (3) parcels receive remote service within an area requiring a future line that could otherwise be served with a water main extension, and
- Approval from the fire department with jurisdiction in the area for the remote meter, and
- Proof of private easement for the private lateral is provided.

8.04.030.02 Remote meters are subject to District approval. At the time of application Applicant shall submit a Remote Meter Request with the appropriate fee. If approved, Applicant must complete the steps in Section 8.04.020, in addition to executing a Remote Water Service Agreement. The Applicant ~~and~~ shall also furnish a ~~copy of~~ letter of approval from the Fire Department, and a copy of all recorded easements granting the right to the property Owner of the parcel to be served to install and maintain a private water line from the District main to the Applicant's parcel. Before installation of the remote meter, easements must be staked by a licensed land surveyor.

Section 8.04.040 Application for Construction Water Service

8.04.040.01 Each Applicant for temporary water service (construction meter) shall sign and file in the District's Office an application setting forth information which the District may reasonably require and pay the following:

- The application shall be accompanied by an established refundable deposit against unpaid water use and an established non-refundable installation fee.
- A monthly service charge will be applied for the period of time the meter is available for Applicant's use.
- Once all fees and deposits have been provided the District will install a construction meter at a location of the District's choosing within two business days of the date of the deposit.

8.04.040.02 The Applicant may request relocation of a construction meter to another location for an established feecharge.

8.04.040.03 Billing will be monthly and include an operation and maintenance fixed fee,

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plus the charge for the water used during the billing period.

8.04.040.04 Installation or Relocation of a construction meter shall be ~~performed~~ done by District ~~staff~~ employees only. There is a fee and at least a ~~two-business~~ two-business day notice to request this service. Should a contractor perform relocation, a \$500.00 fine will be charged to the customer's account.

8.04.040.05 Applicant shall not use water service in a manner which causes sudden pressure surges that may cause damage to the District's water system.

8.04.040.06 Construction meters are available for a maximum period of 6 months. Extensions may be granted for additional ~~six-months~~ six-month periods at the discretion of the District Representative. Applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.

8.04.040.07 Applicants shall comply with all rules and regulations of the District. Applicants agree to pay for any damage or loss of District facilities resulting from such use.

Section 8.04.050 Changes in Premises Served

Customers making any material change in the size, character of service or extent of their water systems or their operations, shall immediately give the District written notice of the extent and nature of such change.

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**Chapter 8.11
CONNECTION AND METER CHARGES**

Sections:

- 8.11.010** **Commencement of Service**
- 8.11.020** **Fees and Charges**
- 8.11.030** **Transfer of Meter**
- 8.11.040** **Water Capacity Charge**
- 8.11.040.01** **Application**
- 8.11.040.02** **Capacity Charge for Increasing Meter Size**
- 8.11.040.03** **Reduction in Meter Size**
- 8.11.040.04** **Exchange of Meter for Multiple Smaller Meters**
- 8.11.040.05** **Fire Service Meters**
- 8.11.040.06** **Meter Relocation**
- 8.11.040.07** **Transfer of Capacity Charges or Meters**
- 8.11.040.08** **Reimbursement of Capacity Charges**
- 8.11.040.09** **San Diego County Water Authority (SDCWA) Capacity Charges**
- 8.11.040.10** **Removal of Water ServiceMeter**
- 8.11.050** **Water Service Commitments of More than Five Parcels**
- 8.11.050.01** **Development Consultation Fee**
- 8.11.050.02** **Application for Availability**
- 8.11.050.03** **Project Facility Availability Forms**
- 8.11.050.04** **Application for Commitment**
- 8.11.050.05** **Project Facility Commitment Forms**

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Section 8.11.010

Connection and Meter Charges Commencement of Service

Service will be commenced after submittal of an application and on payment to the District of the applicable fees, charges, and deposits as set forth in this Section.

Section 8.11.020

Fees and Charges

At the time an Applicant files an application for a service connection and as a condition of District's acceptance of said application, the Applicant shall pay to the District the amount in the established, current published fee schedule. If said application is for a connection to District facilities constructed as provided under this policy or to other line extensions or facilities being acquired by the District under an agreement that requires the District to make an additional charge for said connection, then the Applicant shall also pay to the District such sum as the District is obligated to pay under the agreement for acquisition of said facilities.

Section 8.11.030

Transfer of Meter

No installation or meter charge will be billed upon the change of oOwnership or property, ~~unless the service is changed. If, at any time, conditions require a larger size or different type of meter than already installed, the Customer shall pay the current meter and service installation charge for the new connection (less a credit to be determined by the District) and any additional capacity charges.~~ If the meter being transferred does not conform to these Rules and Regulations, it shall be changed to conform at the time of transfer.

Section 8.11.040

Water Capacity Charge

8.11.040.01 Application

8.11.040.01.1 ___ A water capacity charge shall be paid at the time of the District's approval of an application for a permanent water service. Customer must hire a private contractor with a Class-A general engineering license to install water service per District's standards. Any capacity charges shall be in addition to charges for the actual cost of labor and materials necessary to make the physical connection to the water system by the contractor.

8.11.040.01.4.2 ___ The capacity charge shall be based on the potential water demands which the Applicant can derive from the District's system and shall be established and adjusted by the Board of Directors from time to time. Funds collected by the District from the capacity charge shall be utilized for capital of facilities used to supply water service within the District.

8.11.040.01.4.3 ___ The application for water service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall

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terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application. A new application may be submitted with the applicable payment at the current fees.

8.11.0430.014.4 ~~If applicant~~ ~~tion~~ desires to sell the property during the term of the application transfer to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for water connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

8.11.0430.02 Capacity Charge for Increasing Meter Size

If a property owner wishes to increase the size of a water meter serving their property and the District determines that such a larger sized meter is appropriate, the difference between the current capacity charge of the new meter and the current capacity charge of the existing meter to be replaced shall be the total capacity charge to be collected. In the event property owner replaces a smaller meter with a larger meter, they must abandon the existing smaller meter lateral. Additional administrative and inspection fees shall apply.

8.11.0430.03 Reduction in Meter Size

Reduction of meter size is subject to District approval. The water usage history for the property will be reviewed by the District to determine if a smaller meter is capable of meeting the water usage demands and capacity class requirements. The water usage would have to demonstrate the most current 12-month average at the requested lower sized meter. The pProperty owner must complete all required District forms and provide proof of ownership. If approval is granted by the District for the meter capacity class downsize, the owner will be required to sign a Meter Downsize Agreement and their account must be current. If in the future a larger water meter is required due to higher water usage, the owner will be required to pay all the past District Operations and Maintenance (O&M) fees starting from the effective date of the Meter Downsize Agreement through the effective date of the signing of the Meter Upsize Memorandum of Understanding or pay the difference between their current meter size and the increased meter size, whichever is less.

No capacity charge shall be imposed upon and no credit or refund shall be made to a property owner replacing an existing water meter with a meter of smaller size, whether or not any capacity charge was in effect for the larger meter when it was obtained. The difference in capacity between the larger and smaller meter is lost. ~~If the reduction is approved, customer account must be current.~~

8.11.0430.04 Exchange of Meter for Multiple Smaller Meters

Owners of parcels presently receiving water service through a District meter that subdivide their property and apply to exchange their original meter for smaller meters to new legal parcels will be given a credit toward the new capacity charges for the new meters. This credit is equal to the amount of capacity for the meter being replaced at the current

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capacity charge rate for that meter size. Meters must be downsized and installed concurrently in order to receive credit. Additional administrative and inspection fees shall apply.

8.11.0430.05 Fire Service Meters

No capacity charge shall be imposed upon a property owner for a water meter obtained and used solely for fire protection purposes. Should it be later determined that other water uses are being made from a fire service meter, the then appropriate capacity charge shall be immediately due and payable or service shall be immediately discontinued. Administrative and inspection fees shall apply.

8.11.0430.06 Meter Relocation

Meters shall not be relocated to other parcels of land within the District unless the parcels are abutting and owned by the same Owner. Owner must hire a private contractor with an "A" Class license to abandon the existing meter lateral and install a new meter lateral per District Standards. Owner must pay appropriate inspection fees to the District. Relocation of meters is subject to the approval of General Manager.

8.11.0430.07 Transfer of Capacity Charges or Meters

Neither capacity charges nor meters shall be transferable to other parcels of land within the District unless the parcels are abutting and owned by the same oOwner. Transfer of capacity charges or meters are subject to the approval of the General Manager.

8.11.0430.08 Reimbursement of Capacity Charges

Once the water meter for which capacity charges have been paid has been installed in the District's water system and inspected and accepted by the District, no portion of the capacity charges paid for that meter shall be reimbursable.

8.11.0430.09 San Diego County Water Authority (SDCWA) Capacity Charges

As required by Section 5.9 of the County Water Authority Act, the District as a member agency of the San Diego County Water Authority shall collect and remit to the Authority the capacity charges imposed by the Authority. The Ordinance of the Authority in effect at the time that a water meter is obtained from the District shall govern the amount of the charge, the persons liable therefore, and the procedures to be followed. The District shall not provide a water meter to a property owner until the property owner has paid to the District the applicable capacity charge of the Authority.

8.11.0430.10 Removal of Water Meter Service

If the oOwner of vacant property being serviced no longer requires service and wants a meter removed permanently, the ownerCustomer must provide a written request to the District. In addition, the oOwner must enter into a Memorandum of Understanding sign a Meter Removal Agreement with the District that outlines the terms of the removal of the water meter, including the forfeiture of capacity rights in the system. The District will seal

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the meter service and remove the meter. The ~~Engineering Department District~~ will determine whether the meter lateral will or will not be removed. Per Section 8.11.030.7 no portion of the capacity charges paid for that meter shall be reimbursable. If the Owner requires a meter to serve the property in the future, the owner must pay all ~~the appropriate O&M fees at the current rates from the effective date of the Meter Removal Agreement to the effective date of the request or pay the current capacity fees, whichever is less, and capacity fees associated with the purchase of a new water meter at the time of the request. Customer account must be current before removal of water meter.~~

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Section 8.11.050
Water Service Commitments of More than Five Parcels

8.11.050.01 Development Consultation Fee

8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

(*If approved, Ordinance No. 15-05 and Appendix A must be updated and adopted by the Board.)

8.11.050.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require.

8.11.050.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

8.11.050.02.2 Pay the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.050.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Forms or equivalent forms to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed parcels or subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's water system available to the proposed parcels or subdivision. No commitment shall be made until applications for water connection have been issued in accordance with these rules and regulations.

The issuance of Project Facility Availability Forms and processing fees shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance

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of water service connection which the District may issue and shall not create any right or entitlement in the applicant to obtain water service connection from the District. The Project Facility Availability Forms identify conditions the applicant must address prior to service commitment.

8.11.050.04 Application for Commitment

Application for issuance of Project Facility Commitment Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

8.11.050.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

8.11.050.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.040.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms or equivalent forms, stating that water service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

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Chapter 8.14
DISCONTINUANCE AND RESTRICTION OF SERVICE

Sections:

- 8.14.010 Discontinuance of Water Service
- ~~8.14.010.01 Discontinuance of Water Service for Nonpayment~~
- ~~8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment~~
- 8.14.020 Notice of Proposed Discontinuance of Water Service~~Termination~~
- 8.14.020.01 Time of Notice
- 8.14.020.02 Form of Notice
- 8.14.020.03 48-Hour Notice
- 8.14.020.04 Elders; Dependent Adults
- 8.14.020.05 No Discontinuance of Water Service~~Termination~~ on Holidays
- 8.14.030 Payment Extension Plan for Delinquent Bills
- 8.14.030.01 Right of Customer
- 8.14.030.02 Authority to Allow for Payment Extension Plan
- 8.14.030.03 Failure to Comply with the Payment Extension Plan
- 8.14.040 Discontinuance of Service to Master Meters
- 8.14.050 Service Detrimental to District and/or Customer
- 8.14.060 Fraud
- 8.14.070 Noncompliance
- ~~8.14.080 Customer's Request for Discontinuance of Service~~
- 8.14.0890 Water Use for Other than Premises
- ~~8.14.100 Termination for Nonpayment~~
- ~~8.14.110 Application of Deposit~~

Section 8.14.010
Discontinuance of Water Service

Service may be discontinued for any one of the following reasons:

8.14.010.01 Discontinuance of Water Service for Nonpayment

A customer's water service will be discontinued for non-payment for services furnished to the customer by the District if not paid in full within sixty-five (65) days. The customer's water service will be discontinued until the amount is paid.

8.14.010.024 Exceptions for Discontinuance of Water Service for Nonpayment

Delinquency in the payment of any bill, except that residential service shall not be discontinued for nonpayment in the following situations:

~~_____8.14.010.024.1~~ During the pendency of any investigation by the District of a ~~c~~Customer dispute or complaint.

~~_____8.14.010.024.2~~ District has received notice of a stay in bankruptcy which precludes ~~discontinuance of water service~~~~termination.~~

~~_____8.14.010.024.3~~ Any violation by the ~~c~~Customer of any rules and regulations of the District governing water service.

Section 8.14.020
Notice of Proposed Discontinuance of Water Service~~Termination~~

8.14.020.01 _____ Time of Notice

At least fifteen (15) calendar days before any proposed discontinuance of service for nonpayment of a delinquent account, the District will mail a notice ~~to the Customer~~ warning ~~customer-~~ of the delinquency and proposed discontinuance. Such notice will be given not earlier than nineteen (19) calendar days from the ~~date the bill is generated~~~~date of mailing~~ ~~the District's bill for such service.~~

8.14.020.02 _____ Form of Notice

The notice of the proposed discontinuance of service will include all of the following information:

8.14.020.02.1 _____ The name and address of the ~~c~~Customer whose account is delinquent.

8.14.020.02.2 _____ The amount of the delinquency.

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8.14.020.02.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance.

8.14.020.02.4 The procedure by which the cCustomer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.

8.14.020.02.5 The procedure by which the cCustomer may request a Payment Extension Plan of the unpaid charges.

8.14.020.02.6 The procedure for the cCustomer to obtain information on the availability of financial assistance.

8.14.020.02.7 The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.03 48-Hour Notice

At least forty-eight (48) hours prior to the actual ~~discontinuance of water~~ termination of service, the District will use its best efforts to ~~personally contact the premises of~~ notify the cCustomer. ~~If the District is unable to contact such a person, it will leave a written notice on the premises of the property to which service is to be terminated.~~ The ~~notification~~ personal and written notice shall contain the following:

8.14.020.03.1 The name and address of the cCustomer whose account is delinquent.

8.14.020.03.2 The amount of the delinquency.

8.14.020.03.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance of water servicetermination.

8.14.020.03.4 The procedure for the cCustomer to obtain information on the availability of the ~~financial assistance plan~~ (Payment Extension Plan) as set forth in this policy ~~through the District~~.

8.14.020.03.5 The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.04 Elders; Dependent Adults

District shall, upon request by or on behalf of any residential customer who is 65 years of age or older, or who is a dependent adult, as defined by California law, also provide notices that the cCustomer's account is past due and subject to discontinuance of water servicetermination to a designated third party. The designated third party must provide written consent to receive such notices on a form prescribed by the General Manager. Third party notices shall be sent concurrently with the notices to the cCustomer. The third

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party shall not thereby become responsible for the delinquent account; nor shall such notice delay or prevent discontinuance of water service ~~termination of service~~.

8.14.020.05 - No Discontinuance of Water Service Termination on Holidays

District shall not discontinue ~~terminate~~ any water service for nonpayment on any Saturday, Sunday, legal holiday or other day on which the business office of the District is closed. Any notices of discontinuance of water service ~~termination~~ for such days shall not be effective until the next business day.

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Section 8.14.030
Payment Extension Plan for Delinquent Bills

8.14.030.01 Right of Customer

~~Any residential cCustomer shall have the right to make a formal request to be placed on a Payment Extension Plan for any account on which they are delinquent by completing the required processes set forth below, within thirteen (13) calendar days of receipt of a the mailing of receiving a shut-off notice, to make a request for an extension of the payment period of the bill asserted to be beyond the means of the Customer to pay in full during the normal period for payment. Payment Extension Plans do not include current monthly charges; therefore, all current balances are to be paid in conjunction with any Payment Extension Plan agreed upon amounts.~~

- ~~1) Contact a District Customer Service Representative formally requesting being placed on a Payment Extension Plan specifying the amount of time necessary to amortize the unpaid balance of the account not to exceed twelve (12) months.~~
- ~~2) The District will provide a formal Payment Extension Plan Agreement to the customer for review and signature to be returned to the District within seventy-two (72) hours or three (3) business days of receipt.~~

~~Any customer with an account that has been registered with the County of San Diego for tax lien may also apply for a Payment Extension Plan following these same processes; however, such customers will be required to place a down payment equal to no less than 20% of their outstanding balance. The District will notify the County to release the lien once a payment agreement has been signed and 20% payment received.~~

~~The request shall be reviewed by the General Manager. The review will include consideration of whether the Customer will be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months.~~

8.14.030.02 Authority to Allow for Payment Extension Plan

~~Upon receipt of a signed Agreement, tThe Department SupervisorGeneral Manager will consider and may is authorized to grant permission to for the unpaid balance to be amortized over the period of time stipulated in the Agreement. the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. Any approved Payment Extension Plan Agreement will be fully executed by the Department Supervisor with the original kept on file at the District and a copy provided to the customer.~~

~~Any agreement to amortize shall be in writing.~~

8.14.030.03 Failure to Comply with the Payment Extension Plan

~~Oncef a Payment Extension Plan Agreement is grantedauthorized, no discontinuance of service will be effective for any cCustomer complying with such Agreement as described in the Customer Rights section of this policy. if the Customer also keeps the account current as charges accrue in each subsequent billing period. In the event f a cCustomer fails to comply with an approved the Payment Extension Plan Agreement, the District will not discontinue service upon providing the customer with at least forty-eight~~

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(48) hour notice prior to service interruption. ~~without giving notice to the Customer at least forty-eight (48) hours prior to discontinuance of the conditions the Customer is required to meet to avoid discontinuance.~~

Additional Payment Extension Plan Agreements will not be granted to any customer who has failed to comply with a previously approved agreement for at least one year from the date of non-compliance.

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Section 8.14.040
Discontinuance of Service to Master Meters

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, mobile home park, or farm labor camp where the oOwner, manager, or farm labor employer is listed by the District as the cCustomer of record, the District will make every good faith effort to ~~notify inform~~ the customer of record~~actual users of the service, by means of a notice~~, when the account is in arrears, that service will be discontinued within ~~fifteen~~ ten (150) calendar days.

Section 8.14.050
Service Detrimental to District and/or Customers

The District will not establish service to a cCustomer's system if the operation of the cCustomer's system will be detrimental to the service of other District cCustomers. The District will discontinue water service to any cCustomer who continues to operate equipment in a manner which is detrimental to the District or to its other cCustomers, after said cCustomer has been directed by the District to cease so doing. Included in detrimental acts by the cCustomer is non-compliance with waste discharge requirements in the use of public sewers.

Section 8.14.060
Fraud

The District will have the right to refuse or to discontinue water service at any time to protect the District from fraud.

Section 8.14.070
Noncompliance

The District will have the right to discontinue water service to a cCustomer for noncompliance with or violation of any ordinance or rule or regulation of the District.

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Section 8.14.080
~~Customer's Request for Discontinuance of Service~~

~~The District will, at a Customer's written request, discontinue service on a temporary basis if the account is in good standing at the time of the request. Customers desiring to discontinue service should notify the District in writing at least two days prior to vacating the premises.~~

Section 8.14.0890
Water Use for Other than Premises

If the ~~c~~Customer shall use or deliver water delivered by the District outside the boundaries of the Rainbow Municipal Water District or on premises not described in the application for service, the District will have the right to refuse or to discontinue water service to said ~~c~~Customer.

Section 8.14.100
Termination for Nonpayment

~~A Customer's water service will be discontinued for non-payment of a bill for water, materials or services furnished to the Customer if the bill is not paid within sixty-five (65) days after presentation. The Customer's water service will be discontinued until the amount is paid.~~

Section 8.14.110
Application of Deposit

~~Any deposit made by a Customer will be applied after shutoff to the delinquent bills and penalties. The Customer's water service will be discontinued until the total amount owing is paid and a deposit is re-established, if applicable.~~

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**Chapter 8.01
DISTRICT RULES AND REGULATIONS (WATER)**

Sections:

- 8.01.010** **Scope**
- 8.01.020** **Availability of Facilities**
- 8.01.030** **Contracts or Permits**
- 8.01.040** **Purpose**
- 8.01.050** **Construction of Facilities**
- 8.01.060** **Land Use Decisions**
- 8.01.070** **Terms and Conditions**

Section 8.01.010

Scope

These regulations apply to potable water service from the District; fees and deposits to cover the cost thereof; the rates for water delivered; the time and manner of payment for services rendered; regulations regarding water usage; protection of the system from mechanical and health hazards; and rules for charges for extending mains and permitting connections to existing mains. This Section does not apply to recycled water service.

Section 8.01.020

Availability of Facilities

Water service is provided by the Rainbow Municipal Water District subject to the availability of facilities or adequate capacity in facilities, funds, or financing for the construction of all of the foregoing. This service is available under the rules and regulations of the District, as amended from time to time. Customers shall sign a Water Service Connection Application if service to the parcel does not current exist acknowledging the terms and conditions under which service may be available.

Section 8.01.030

Contracts or Permits

The District is subject to contracts or permits from various other agencies such as, but not limited to; the United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board. Such contracts or permits may limit use of existing or future capacity or facilities. The availability of such service is intended to be furnished to each member of the public or each segment of the public on the same basis to all such Applicants, Owners, or Customers similarly situated and desiring service.

Section 8.01.040

Purpose

The District was formed and activated primarily for the purpose of providing water service. The District has constructed facilities or acquired capacity to provide such service. Prior to submitting an application, each Applicant shall verify the existence of available capacity and the probable duration of such availability. Facts necessary for such verification may be obtained from the District; however, the District providing such information is **not** committing to provide water service or guaranteeing that capacity will be available at the time of application.

Section 8.01.050

Construction of Facilities

The facilities planned for construction within the District are set forth in the Water Master Plan as amended from time to time. The Water Master Plan concerns transmission and distribution of water.

Section 8.01.060
Land Use Decisions

The District neither determines nor intends to determine or participate in land use decisions or the accomplishment of any plan of development of various Owners of undeveloped property within the District. The District, subject to such land use decisions by others and subject to all provisions of law including, but not limited to, the California Environmental Quality Act (CEQA), will exert all reasonable efforts to have facilities and capacity available to provide service to the extent and on the conditions already described.

Section 8.01.070
Terms and Conditions

District Customers must comply with the terms and conditions set forth in this Administrative Code, as well as the terms and conditions set forth in all District resolutions, rules and ordinances. To the extent the terms and conditions of this Administrative Code may be inconsistent or in conflict with the terms and conditions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Administrative Code shall prevail and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

**Chapter 8.03
AREA SERVED**

Sections:

- 8.03.010 Service Area**
- 8.03.020 General**
- 8.03.030 Classification of Service**
 - 8.03.030.01 Single Family Residential**
 - 8.03.030.02 Multi-Family Residential**
 - 8.03.030.03 Commercial**
 - 8.03.030.04 Institutional**
 - 8.03.030.05 Construction**
 - 8.03.030.06 Agricultural with Residence**
 - 8.03.030.07 Agricultural Without Residence**
 - 8.03.030.08 PSAWR (Permanent Special Agricultural Water Rate)**
- 8.03.040 Classification of Service Change**

**Section 8.03.010
Service Area**

The Rules and Regulations pertain to water service to land or improvements (or both) lying within the boundaries of the District unless otherwise stated. The District's primary obligation is to provide water service to persons within its boundaries subject to the availability of facilities, capacity, and supply to provide such services.

**Section 8.03.020
General**

8.03.020.01 The District will furnish water service throughout its corporate area under the general conditions outlined in these rules and regulations. To be eligible to receive service, the parcel to be served must abut a District easement or road right-of-way in which a District water main is installed, except where a remote meter has been approved per District Administrative Code.

8.03.020.02 The District will endeavor to supply water in sufficient quantities and at adequate pressures to meet the needs and requirements of all Applicants and Customers. This service will be furnished under the District's rate schedules according to the classification or type of service offered by the District. The classifications are as follows:

1. Regular
2. Construction/Temporary
3. Fire Service

**Section 8.03.030
Classification of Service**

Water users will be billed at the rates established by the Board of Directors for the following types of service:

1. Single Family Residential
2. Multi-Family Residential
3. Commercial
4. Institutional
5. Construction
6. Agricultural with Residence
7. Agricultural without Residence
8. PSAWR Domestic
9. PSAWR Commercial

8.03.030.01 Single Family Residential

Service under this classification is applicable to single-family dwellings and duplexes. A duplex is a house of single structure consisting of two separate family dwellings.

8.03.030.02 Multi-Family Residential

Service under this classification is applicable to multi-family dwellings of three or more units.

8.03.030.03 Commercial

Service under this classification is applicable to commercial enterprises including, but not limited to, retail stores, markets, hotels, clinics, storage warehouses, churches, nursing homes, businesses and professional offices.

8.03.030.04 Institutional

Service under this classification is applicable to institutional establishments dedicated to public service including, but not limited to, school, university, hospital, prison, or government facility. Applicable to publicly owned establishments.

8.03.030.05 Construction

Service under this classification is applicable to temporary water service that is facilitated through a fire hydrant, blow-off, or other appurtenance selected at the sole discretion of the District for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Relocation is performed by District staff only. Should a contractor perform relocation, a \$500.00 fine will be charged to customer's account.

8.03.030.06 Agricultural with Residence

Service under this classification is applicable to residences with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. Applicant must also have a domestic structure on the property.

8.03.030.07 Agricultural without Residence

Service under this classification will have no residential use. Applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code.

8.03.030.08 PSAWR (Permanent Special Agricultural Water Rate)

Service under this classification is applicable to customer with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. The San Diego County Water Authority (SDCWA) Permanent Special Agricultural Water Rate Program (PSAWR) provides discounted wholesale supply pricing for qualified retail agricultural customers (PSAWR customers) within its service area. In exchange for a reduced wholesale cost of water, PSAWR customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the PSAWR, the District is subject to the PSAWR implementation policies adopted by the SDCWA. The Customer must file a *PSAWR Enrollment Form* with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this

discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before other classes of service are interrupted.

8.03.040

Classification of Service Change

Water users are billed by their designation of Classification of Service or Rate Class. Election to change Classification of Service by the customer can be requested once a calendar year. The customer must demonstrate that the property meets the definition prescribed in Administrative Code Section 8.03.030 Classification of Service for proposed change. Classification of Service proposed changes are subject to the approval of the General Manager and/or Finance Manager.

**Chapter 8.04
ESTABLISHMENT OF WATER SERVICE**

Sections:

- 8.04.010 Board of Director's Approval**
- 8.04.020 Application for Regular Water Service**
- 8.04.030 Application for a Remote Meter**
- 8.04.040 Application for Construction Water Service**
- 8.04.050 Changes in Premises Served**

Section 8.04.010
Board of Director's Approval

Any Request for installation or acceptance of water facilities to serve more than five (5) parcels shall be subject to Board approval.

Section 8.04.020
Application for Regular Water Service

Effective November 1, 2014, all new water service accounts shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

Each Applicant for water service must sign and file in the District's Office, a New Water Service Connection Application which will set forth:

8.04.020.01 Proof of Ownership of the parcel to be served

8.04.020.02 The name, address, and telephone number of the Applicant.

8.04.020.03 A description of the parcel to be served by said application shall include but not be limited to the Assessor Parcel Number (APN).

8.04.020.04 An Agreement on the part of the Applicant to abide by the Rules and Regulations of the District, as amended from time to time, signed by the property Owner

8.04.020.05 An agreement on the part of the Applicant that water delivered through the connection will be used only on the property described in the application.

8.04.020.06 Indicate the parcel land use for character of service determination.

8.04.020.07 If the Applicant's property does not adjoin the District right-of-way, the Applicant must provide proof of an easement that may be utilized by the Applicant to bring his/her water line to the District's right of way.

8.04.020.08 If a meter is being purchased on behalf of the legal Owner by another individual, written authorization to do so shall be provided.

8.04.020.09 Before the District commits to provide new water service to a property, or to provide increased water service to a property receiving water service from the District's municipal water system, and as a condition of such new or increased water service, the landowner requesting such water service shall enter into an agreement with the District providing for the landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service ("Property"), in return for water service from the District, upon such terms as may be provided by the District Representative.

This section does not apply to any other property that is not the Property. As an additional condition of District water service, the District may require the landowner to grant to the District any water production facilities located on the Property, together with an easement providing the District with the right to access, operate, maintain and replace such water production facilities.

The Board may waive the requirements set forth in this Section when it is in the public interest to do so. Following the landowner's and the water utility director's execution of the agreement, the District shall cause the agreement to be recorded against the Property. The agreement shall run with the land and bind all successors in interest of the Property.

Nothing in this ordinance shall grant, or be deemed to grant, a right to District water service and nothing in this ordinance shall require, or be deemed to require, the District to provide water service to any party.

8.04.020.10 The application for water connection service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application.

If, prior to the expiration date of the water service connection application, a building permit has been issued by the County of San Diego or governing agency for the building or buildings described in this application, and a copy of the building permit is provided to the District, the application shall not expire and need not be renewed. In such case, the District's application shall expire upon the expiration of the building permits.

If connection complying with all District Standards is made prior to the expiration of the application (or building permit per above), the application will become an authorized water service permit for the subject property(s) to receive potable water from the District's water system in accordance with all District rules and regulations related to the use described in this water service connection application. Once a service connection is made to the District facilities and extended to the property, the account is considered active and will incur monthly water service charges.

If owner desires to sell the property during the term of this water service connection application and transfer the water service connection application with the same parcel of land and use, the applicant must submit written notice of the proposed transfer to the District. The new owner must then complete a new application and the expiration date will remain the same.

Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

Notwithstanding the forgoing, at the District's discretion, a tenant or lessee of property may request water service for a property, provided a completed and signed Owner-Tenant application for water service is submitted to the District by the Owner or Property Manager of the identified property in accordance with Section 8.04.020. The application shall also include the signature of the tenant or lessee stating that he or she will be the party responsible for making monthly payments to the District for water services delivered to the identified property; and (iii) an acknowledgement by the Owner that he or she accepts liability for any delinquent or unpaid water charges associated with the identified property, including any penalties and interest related thereto. Such acknowledgment shall be renewed in writing by the Owner or Customer at any change in tenancy at the subject property; however, a failure by the Owner or Customer to renew this acknowledgment in writing shall not excuse the Owner or Customer from any liability associated with delinquent or unpaid water charges, including any penalties or interest related

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thereto, associated with the District's water service to the property.

If account holder is the legal (record) Owner of service property as shown on the San Diego County Assessor's Tax Roll and has become delinquent on account where service is scheduled to be terminated, the non-owner residential occupant(s) may establish water service directly. The non-owner residential occupant(s) will not be required to pay the delinquent bill maintained under the legal Owner. In order to establish service in the non-owner residential occupant(s) name, security deposit equal to twice the estimated average periodic bill will be required. The security deposit will be returned to the depositor two (2) years after the last lock-off for non-payment, if the depositor has maintained a timely paid, delinquent free account record during the two-year period, or when the account is paid in full on termination of service, whichever occurs first. Acceptable methods of the security deposit are check, money order, cashier's check and Automated Clearing House (ACH) only. No interest shall be paid on any deposit.

During the transfer of residential property ownership from one owner to another, the current owner of a property may request that the District discontinue service and transfer the service to the proposed subsequent owner in a limited term temporary service agreement. In order to establish residential service in the proposed owner's name, the account for the current owner must be current and an Exiting Owner form must be submitted.

The new proposed owner will submit a New Owner form with all the required information to set up service in their name. Failure to provide this information within 30 days of escrow closing will result in the termination of water service to the property. The water and sewer bill becomes a charge against the property on which the water and sewer are furnished and against the owner of the property.

Section 8.04.030 Application for a Remote Meter

The District may approve applications for water service to parcels which do not abut a District water main. As a condition of service, if the parcel abuts a future line extension as identified in the District's Master Plan, the remote meter Applicant may be required to contribute an estimated prorated cost for a future line extension or meet other terms and conditions established by the Board.

8.04.030.01 Remote meters shall be granted only when the District determines that:

- A line extension for fire flow or looping is not required, and
- Under no circumstances shall more than three (3) parcels receive remote service in an area that could otherwise be served with a water main extension, and
- Approval from the fire department with jurisdiction in the area for the remote meter, and
- Proof of private easement for the private lateral is provided.

8.04.030.02 Remote meters are subject to District approval. At the time of application Applicant shall submit a Remote Meter Request with the appropriate fee. If approved, Applicant must complete the steps in Section 8.04.020, in addition to signing a Remote Water Service Agreement. The Applicant shall also furnish a letter of approval from the Fire Department, and a copy of all recorded easements granting the right to the property Owner of the parcel to be served to install and maintain a private water line from the District

main to the Applicant's parcel. Before installation of the remote meter, easements must be staked by a licensed land surveyor.

Section 8.04.040 **Application for Construction Water Service**

8.04.040.01 Each Applicant for temporary water service (construction meter) shall sign and file in the District's Office an application setting forth information which the District may reasonably require and pay the following:

- The application shall be accompanied by an established refundable deposit against unpaid water use and an established non-refundable installation fee.
- A monthly service charge will be applied for the period of time the meter is available for Applicant's use.
- Once all fees and deposits have been provided the District will install a construction meter at a location of the District's choosing within two business days of the date of the deposit.

8.04.040.02 The Applicant may request relocation of a construction meter to another location for an established fee.

8.04.040.03 Billing will be monthly and include an operation and maintenance fixed fee, plus the charge for the water used during the billing period.

8.04.040.04 Installation or Relocation of a construction meter shall be performed by District staff only. There is a fee and at least a two-business day notice to request this service. Should a contractor perform relocation, a \$500.00 fine will be charged to the customer's account.

8.04.040.05 Applicant shall not use water service in a manner which causes sudden pressure surges that may cause damage to the District's water system.

8.04.040.06 Construction meters are available for a maximum period of 6 months. Extensions may be granted for additional six-month periods at the discretion of the District Representative. Applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.

8.04.040.07 Applicants shall comply with all rules and regulations of the District. Applicants agree to pay for any damage or loss of District facilities resulting from such use.

Section 8.04.050 **Changes in Premises Served**

Customers making any material change in the size, character of service or extent of their water systems or their operations, shall immediately give the District written notice of the extent and nature of such change.

**Chapter 8.11
CONNECTION AND METER CHARGES**

Sections:

- 8.11.010 Commencement of Service**
- 8.11.020 Fees and Charges**
- 8.11.030 Transfer of Meter**
- 8.11.040 Water Capacity Charge**
 - 8.11.040.01 Application**
 - 8.11.040.02 Capacity Charge for Increasing Meter Size**
 - 8.11.040.03 Reduction in Meter Size**
 - 8.11.040.04 Exchange of Meter for Multiple Smaller Meters**
 - 8.11.040.05 Fire Service Meters**
 - 8.11.040.06 Meter Relocation**
 - 8.11.040.07 Transfer of Capacity Charges or Meters**
 - 8.11.040.08 Reimbursement of Capacity Charges**
 - 8.11.040.09 San Diego County Water Authority (SDCWA) Capacity Charges**
 - 8.11.040.10 Removal of Water Service**
- 8.11.050 Water Service Commitments of More than Five Parcels**
 - 8.11.050.01 Development Consultation Fee**
 - 8.11.050.02 Application for Availability**
 - 8.11.050.03 Project Facility Availability Forms**
 - 8.11.050.04 Application for Commitment**
 - 8.11.050.05 Project Facility Commitment Forms**

**Section 8.11.010
Commencement of Service**

Service will be commenced after submittal of an application and on payment to the District of the applicable fees, charges, and deposits as set forth in this Section.

**Section 8.11.020
Fees and Charges**

At the time an Applicant files an application for a service connection and as a condition of District's acceptance of said application, the Applicant shall pay to the District the amount in the established, current published fee schedule. If said application is for a connection to District facilities constructed as provided under this policy or to other line extensions or facilities being acquired by the District under an agreement that requires the District to make an additional charge for said connection, then the Applicant shall also pay to the District such sum as the District is obligated to pay under the agreement for acquisition of said facilities.

**Section 8.11.030
Transfer of Meter**

No installation or meter charge will be billed upon the change of ownership or property. If the meter being transferred does not conform to these Rules and Regulations, it shall be changed to conform at the time of transfer.

**Section 8.11.040
Water Capacity Charge**

8.11.040.01 Application

8.11.040.01.1 A water capacity charge shall be paid at the time of the District's approval of an application for a permanent water service. Customer must hire a private contractor with a Class-A general engineering license to install water service per District's standards. Any capacity charges shall be in addition to charges for the actual cost of labor and materials necessary to make the physical connection to the water system by the contractor.

8.11.040.01.2 The capacity charge shall be based on the potential water demands which the Applicant can derive from the District's system and shall be established and adjusted by the Board of Directors from time to time. Funds collected by the District from the capacity charge shall be utilized for capital of facilities used to supply water service within the District.

8.11.040.01.3 The application for water service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application. A new

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application may be submitted with the applicable payment at the current fees.

8.11.040.01.4 If applicant desires to sell the property during the term of the application transfer to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for water connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

8.11.040.02 Capacity Charge for Increasing Meter Size

If a property owner wishes to increase the size of a water meter serving their property and the District determines that such a larger sized meter is appropriate, the difference between the current capacity charge of the new meter and the current capacity charge of the existing meter to be replaced shall be the total capacity charge to be collected. In the event property owner replaces a smaller meter with a larger meter, they must abandon the existing smaller meter lateral. Additional administrative and inspection fees shall apply.

8.11.040.03 Reduction in Meter Size

Reduction of meter size is subject to District approval. The water usage history for the property will be reviewed by the District to determine if a smaller meter is capable of meeting the water usage demands and capacity class requirements. The water usage would have to demonstrate the most current 12-month average at the requested lower sized meter. The property owner must complete all required District forms and provide proof of ownership. If approval is granted by the District for the meter capacity class downsize, the owner will be required to sign a Meter Downsize Agreement and their account must be current. If in the future a larger water meter is required due to higher water usage, the owner will be required to pay all the past District Operations and Maintenance (O&M) fees starting from the effective date of the Meter Downsize Agreement through the effective date of the signing of the Meter Upsize Memorandum of Understanding or pay the difference between their current meter size and the increased meter size, whichever is less.

No capacity charge shall be imposed upon and no credit or refund shall be made to a property owner replacing an existing water meter with a meter of smaller size, whether or not any capacity charge was in effect for the larger meter when it was obtained. The difference in capacity between the larger and smaller meter is lost.

8.11.040.04 Exchange of Meter for Multiple Smaller Meters

Owners of parcels presently receiving water service through a District meter that subdivide their property and apply to exchange their original meter for smaller meters to new legal parcels will be given a credit toward the new capacity charges for the new meters. This credit is equal to the amount of capacity for the meter being replaced at the current capacity charge rate for that meter size. Meters must be downsized and installed concurrently in order to receive credit. Additional administrative and inspection fees shall apply.

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8.11.040.05 Fire Service Meters

No capacity charge shall be imposed upon a property owner for a water meter obtained and used solely for fire protection purposes. Should it be later determined that other water uses are being made from a fire service meter, the then appropriate capacity charge shall be immediately due and payable or service shall be immediately discontinued. Administrative and inspection fees shall apply.

8.11.040.06 Meter Relocation

Meters shall not be relocated to other parcels of land within the District unless the parcels are abutting and owned by the same Owner. Owner must hire a private contractor with an "A" Class license to abandon the existing meter lateral and install a new meter lateral per District Standards. Owner must pay appropriate inspection fees to the District. Relocation of meters is subject to the approval of General Manager.

8.11.040.07 Transfer of Capacity Charges or Meters

Neither capacity charges nor meters shall be transferable to other parcels of land within the District unless the parcels are abutting and owned by the same owner. Transfer of capacity charges or meters are subject to the approval of the General Manager.

8.11.040.08 Reimbursement of Capacity Charges

Once the water meter for which capacity charges have been paid has been installed in the District's water system and inspected and accepted by the District, no portion of the capacity charges paid for that meter shall be reimbursable.

8.11.040.09 San Diego County Water Authority (SDCWA) Capacity Charges

As required by Section 5.9 of the County Water Authority Act, the District as a member agency of the San Diego County Water Authority shall collect and remit to the Authority the capacity charges imposed by the Authority. The Ordinance of the Authority in effect at the time that a water meter is obtained from the District shall govern the amount of the charge, the persons liable therefore, and the procedures to be followed. The District shall not provide a water meter to a property owner until the property owner has paid to the District the applicable capacity charge of the Authority.

8.11.040.10 Removal of Water Service

If the owner of vacant property being serviced no longer requires service and wants a meter removed permanently, the owner must provide a written request to the District. In addition, the owner must sign a Meter Removal Agreement with the District that outlines the terms of the removal of the water meter, including the forfeiture of capacity rights in the system. The District will seal the meter service and remove the meter. The District will determine whether the meter lateral will or will not be removed. Per Section 8.11.030.7 no portion of the capacity charges paid for that meter shall be reimbursable. If the Owner requires a meter to serve the property in the future, the owner must pay all the O&M fees at the current rates from the effective date of the Meter Removal Agreement to the effective date of the request or pay the current capacity fees, whichever is less.

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Section 8.11.050

Water Service Commitments of More than Five Parcels

8.11.050.01 Development Consultation Fee

8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

(*If approved, Ordinance No. 15-05 and Appendix A must be updated and adopted by the Board.)

8.11.050.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require.

8.11.050.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

8.11.050.02.2 Pay the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.050.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Forms or equivalent forms to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed parcels or subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's water system available to the proposed parcels or subdivision. No commitment shall be made until applications for water connection have been issued in accordance with these rules and regulations.

The issuance of Project Facility Availability Forms and processing fees shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance

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of water service connection which the District may issue and shall not create any right or entitlement in the applicant to obtain water service connection from the District. The Project Facility Availability Forms identify conditions the applicant must address prior to service commitment.

8.11.050.04 Application for Commitment

Application for issuance of Project Facility Commitment Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

8.11.050.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

8.11.050.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.040.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms or equivalent forms, stating that water service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

Chapter 8.14
DISCONTINUANCE AND RESTRICTION OF SERVICE

Sections:

- 8.14.010 Discontinuance of Water Service**
- 8.14.010.01 Discontinuance of Water Service for Nonpayment**
- 8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment**
- 8.14.020 Notice of Proposed Discontinuance of Water Service**
- 8.14.020.01 Time of Notice**
- 8.14.020.02 Form of Notice**
- 8.14.020.03 48-Hour Notice**
- 8.14.020.04 Elders; Dependent Adults**
- 8.14.020.05 No Discontinuance of Water Service on Holidays**
- 8.14.030 Payment Extension Plan for Delinquent Bills**
- 8.14.030.01 Right of Customer**
- 8.14.030.02 Authority to Allow for Payment Extension Plan**
- 8.14.030.03 Failure to Comply with the Payment Extension Plan**
- 8.14.040 Discontinuance of Service to Master Meters**
- 8.14.050 Service Detrimental to District and/or Customer**
- 8.14.060 Fraud**
- 8.14.070 Noncompliance**
- 8.14.08 Water Use for Other than Premises**

Section 8.14.010
Discontinuance of Water Service

Service may be discontinued for any one of the following reasons:

8.14.010.01 Discontinuance of Water Service for Nonpayment

A customer's water service will be discontinued for non-payment for services furnished to the customer by the District if not paid in full within sixty-five (65) days. The customer's water service will be discontinued until the amount is paid.

8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment

Delinquency in the payment of any bill, except that residential service shall not be discontinued for nonpayment in the following situations:

8.14.010.02.1 During the pendency of any investigation by the District of a customer dispute or complaint.

8.14.010.02.2 District has received notice of a stay in bankruptcy which precludes discontinuance of water service.

8.14.010.02.3 Any violation by the customer of any rules and regulations of the District governing water service.

Section 8.14.020
Notice of Proposed Discontinuance of Water Service

8.14.020.01 Time of Notice

At least fifteen (15) calendar days before any proposed discontinuance of service for nonpayment of a delinquent account, the District will mail a notice warning customer of the delinquency and proposed discontinuance. Such notice will be given no earlier than nineteen (19) calendar days from the date the bill is generate.

8.14.020.02 Form of Notice

The notice of the proposed discontinuance of service will include all of the following information:

8.14.020.02.1 The name and address of the customer whose account is delinquent.

8.14.020.02.2 The amount of the delinquency.

8.14.020.02.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance.

8.14.020.02.4 The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.

8.14.020.02.5 The procedure by which the customer may request a Payment Extension Plan of the unpaid charges.

8.14.020.02.6 The procedure for the customer to obtain information on the availability of financial assistance.

8.14.020.02.7 The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.03 48-Hour Notice

At least forty-eight (48) hours prior to the actual discontinuance of water service, the District will use its best efforts to notify the customer. The notification shall contain the following:

8.14.020.03.1 The name and address of the customer whose account is delinquent.

8.14.020.03.2 The amount of the delinquency.

8.14.020.03.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance of water service.

8.14.020.03.4 The procedure for the customer to obtain information on the availability of the Payment Extension Plan as set forth in this policy.

8.14.020.03.5 The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.04 Elders; Dependent Adults

District shall, upon request by or on behalf of any residential customer who is 65 years of age or older, or who is a dependent adult, as defined by California law, also provide notices that the customer's account is past due and subject to discontinuance of water service to a designated third party. The designated third party must provide written consent to receive such notices on a form prescribed by the General Manager. Third party notices shall be sent concurrently with the notices to the customer. The third party shall not thereby become responsible for the delinquent account; nor shall such notice delay or prevent discontinuance of water service.

8.14.020.05 No Discontinuance of Water Service on Holidays

District shall not discontinue any water service for nonpayment on any Saturday, Sunday, legal holiday or other day on which the business office of the District is closed. Any notices of discontinuance of water service for such days shall not be effective until the next business day.

Section 8.14.030
Payment Extension Plan for Delinquent Bills

8.14.030.01 Right of Customer

Any customer shall have the right to make a formal request to be placed on a Payment Extension Plan for any account on which they are delinquent by completing the required processes set forth below within thirteen (13) calendar days of receipt of a shut-off notice. Payment Extension Plans do not include current monthly charges; therefore, all current balances are to be paid in conjunction with any Payment Extension Plan agreed upon amounts.

- 1) Contact a District Customer Service Representative formally requesting being placed on a Payment Extension Plan specifying the amount of time necessary to amortize the unpaid balance of the account not to exceed twelve (12) months.
- 2) The District will provide a formal Payment Extension Plan Agreement to the customer for review and signature to be returned to the District within seventy-two (72) hours or three (3) business days of receipt.

Any customer with an account that has been registered with the County of San Diego for tax lien may also apply for a Payment Extension Plan following these same processes; however, such customers will be required to place a down payment equal to no less than 20% of their outstanding balance. The District will notify the County to release the lien once a payment agreement has been signed and 20% payment received.

8.14.030.02 Authority to Allow for Payment Extension Plan

Upon receipt of a signed Agreement, the Department Supervisor will consider and may grant permission for the unpaid balance to be amortized over the period of time stipulated in the Agreement. Any approved Payment Extension Plan Agreement will be fully executed by the Department Supervisor with the original kept on file at the District and a copy provided to the customer.

8.14.030.03 Failure to Comply with the Payment Extension Plan

Once a Payment Extension Plan Agreement is granted, no discontinuance of service will be effective for any customer complying with such Agreement as described in the Customer Rights section of this policy. In the event a customer fails to comply with an approved Payment Extension Plan Agreement, the District will discontinue service upon providing the customer with at least forty-eight (48) hour notice prior to service interruption.

Additional Payment Extension Plan Agreements will not be granted to any customer who has failed to comply with a previously approved agreement for at least one year from the date of non-compliance.

Section 8.14.040
Discontinuance of Service to Master Meters

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, mobile home park, or farm labor camp where the owner, manager, or farm labor employer is listed by the District as the customer of record, the District will make every good faith effort to notify the customer of record when the account is in arrears that service will be discontinued within fifteen (15) calendar days.

Section 8.14.050
Service Detrimental to District and/or Customers

The District will not establish service to a customer's system if the operation of the customer's system will be detrimental to the service of other District customers. The District will discontinue water service to any customer who continues to operate equipment in a manner which is detrimental to the District or to its other customers, after said customer has been directed by the District to cease so doing. Included in detrimental acts by the customer is non-compliance with waste discharge requirements in the use of public sewers.

Section 8.14.060
Fraud

The District will have the right to refuse or to discontinue water service at any time to protect the District from fraud.

Section 8.14.070
Noncompliance

The District will have the right to discontinue water service to a customer for noncompliance with or violation of any ordinance or rule or regulation of the District.

Section 8.14.080
Water Use for Other than Premises

If the customer shall use or deliver water delivered by the District outside the boundaries of the Rainbow Municipal Water District or on premises not described in the application for service, the District will have the right to refuse or to discontinue water service to said customer.

**PROPOSED NON-ADMINISTRATIVE AMENDMENTS TO
ADMINISTRATIVE CODE TITLE 9 - SEWER**

| Chapter/Section/Subsection/Paragraph | Proposed Amendment and Purpose |
|--|---|
| Chapter 9.04 – Size, Location and Installation of Laterals, Section 9.04.030 – Relocating Sewer Laterals | <p>Amendment: Adding “Customer must hire a private contractor with a Class A - General Engineering license to make modifications to the sewer lateral per District’s standards.”</p> <p>Purpose: To ensure District requirements are clear when relocating sewer laterals.</p> |
| Chapter 9.04 – Size, Location and Installation of Laterals, Section 9.04.040 - Illegal Connections | <p>Amendment: Adding “The District may apply a fine for illegal connections.”</p> <p>Purpose: To include authority to reference when a fine is objected by a customer. Since the fine will vary per the investigation results, no set amount is provided.</p> |
| Chapter 9.05 – Sewer Permits, Section 9.05.010 - Applications, Paragraph 9.05.010.01.7 | <p>Amendment: Adding “The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other.” to the list of required information.</p> <p>Purpose: To be consistent with established land use designations as well as the Sewer Service Connection Application.</p> |
| Chapter 9.05 – Sewer Permits, Section 9.05.020 - Terms of Sewer Application, Paragraph 9.05.020.01 | <p>Amendment: Adding “Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.”</p> <p>Purpose: To allow the applicant an additional six months to connect to District facilities.</p> |
| Chapter 9.05 – Sewer Permits, Section 9.05.070 – Change in Use, First Paragraph | <p>Amendment: Adding “Permits are limited to the type and number of EDU’s authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance.”</p> <p>Purpose: To include authority to reference when additional fees, deposits or charges apply.</p> |

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| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.01 – Development Consultation Deposit</p> | <p>Amendment: Adding 9.05.080.01 Development Consultation Deposit</p> <p>9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.</p> <p>9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.</p> <p>Purpose: To establish authority for a development consultation deposit. Also, to set a deadline of two years for developers to perform development analysis.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Section 9.05.080.02 – Application for Availability, Subsection 9.05.08.02.2</p> | <p>Amendment: Adding “9.05.080.02.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.”</p> <p>Purpose: To reference the ordinance of established fees.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.03- Project Availability Letters</p> | <p>Amendment: No commitment shall be made until a Sewer Service Agreement for sewer connection has been executed and capacity fees have been paid in accordance with these rules and regulations.</p> <p>Purpose: To replace the word “application” with Sewer Service Agreement throughout Section 9.05 for consistency. Also, to reaffirm when capacity fees are to be paid.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.04 - Application for Commitment, Subsection 9.05.080.04.2</p> | <p>Amendment: Adding “Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.”</p> <p>Purpose: To reference ordinance of established fees.</p> |

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| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.05 - Project Facility Commitment Forms, Paragraph 9.05.080.05.2</p> | <p>Amendment: Adding 9.05.080.05.2 The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, money order, cashier’s check, or Automated Clearing House (ACH). Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier’s check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.</p> <p>Purpose: To remove payment by cash. Also, to specify when the full remaining 50% connection fees are due to the District.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.05 - Project Facility Commitment Forms, Paragraph 9.05.080.05.3</p> | <p>Amendment: Adding “The District’s service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon application amendment of the Sewer Service Agreement and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.”</p> <p>Purpose: To ensure an amendment to the Sewer Service Agreement is completed prior to renewing the service commitment.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.07 – Other Conditions</p> | <p>Amendment: Remove “The agreement shall be secured by a bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction...”</p> <p>Purpose: Provide the District flexibility to determine the best form of security for the construction project.</p> |
| <p>Chapter 9.05 – Sewer Permits, Section 9.05.090 – Extension of Facilities, Subsection 9.05.090.01</p> | <p>Amendment: Remove 9.05.090.01 A bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.</p> <p>Purpose: Provide the District flexibility to determine the best form of security for the construction project.</p> |
| <p>Chapter 9.07 – Equivalent Dwelling Units Established, Section 9.07.010 - Classes of Service</p> | <p>Amendment: Alphabetizing the classes of service chart and including Dental Office EDUs.</p> <p>Purpose: To simplify the process of locating the classes of services as well as include a missing class.</p> |

Chapter 9.07 – Equivalent Dwelling Units
Established, Section 9.07.020 - Calculation for
Unlisted

Amendment: For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Purpose: To include authority for reference when a Sewer Analysis Study is required for special circumstances.

Chapter 9.04
SIZE, LOCATION AND INSTALLATION OF LATERALS

- Sections:**
- 9.04.010** Sewer and Connections
 - 9.04.020** Limitations on Sewer Connections
 - 9.04.030** Relocating Sewer Laterals Sewers
 - 9.04.040** Illegal Connections

Section 9.04.010 Sewer and Connections

The District shall determine and specify in the permit: the size, location, and manner of accomplishing the installation of a lateral sewer. The size, slope, alignment, materials of construction of the customers building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall conform to the District's standard specifications.

Section 9.04.020 Limitations on Sewer Connections

No sewer connection shall be allowed except on the following conditions:

9.04.020.01 ___ A separate and independent lateral sewer shall be provided for every building.

9.04.020.02 ___ A single 'granny unit' will be allowed to connect to the sewer lateral serving the primary residence of the parcel.

9.04.020.03 ___ When a property with a lateral sewer is subdivided, such lateral sewer shall be considered as serving the lot or parcels of land which it directly or first enters.

9.04.020.04 ___ Lots with differing assessors' parcel numbers must have separate sewer laterals. Parcels under the same ownership are still required to have separate laterals.

9.04.020.05 ___ A common private sewer system for residential developments is prohibited for developments in which individuals, such as single unit dwelling units, condominiums, and townhouses own the dwelling units.

Section 9.04.030 Relocating ~~Sewer~~ Lateral~~s~~ ~~Sewer~~

Should a sewer lateral~~sewer~~, installed pursuant to the request of the applicant, owner, or customer, be of the wrong size or at a wrong location and not in accordance with approved plans or the District's standard specifications, the cost of all changes required to correct the situation shall be paid by the applicant, owner, or customer. Customer must hire a private contractor with a Class-A general engineering license to make modifications to the sewer lateral per District's standards.

Section 9.04.040 Illegal Connections

No person shall make a connection to facilities of the District without a permit or except as provided in the permit issued by the District. Specifically, but not by way of limitation, no swimming pool drains, roof down-spouts, exterior foundation drains, areaway drains, or other building sewer or building drain which, in turn is connected directly or indirectly to a District sewerage facility. The District may disconnect such connections at the expense of the person responsible for or using such connection. The District may apply a fine for illegal connections.

*** If approved, Ordinance No. 15-05 or 21-03 and Appendix A must be updated and adopted by the Board. (Reference Water Theft policy.)**

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Chapter 9.05 SEWER PERMITS

Sections:

- 9.05.010 Applications
- 9.05.020 Terms of Sewer Application
 - 9.05.020.01 Term of Application
 - 9.05.020.02 Application Not Transferrable
- 9.05.030 Applications Based on EDU's
- 9.05.040 Determination of EDU's
- 9.05.050 Issuance of Building Permit
- 9.05.060 Septic Tank Conversion
- 9.05.070 Change In Use
- 9.05.080 Sewer Service Commitments of More than 5 EDU's; ParcelsSubdivisions
 - 9.05.080.01 Development Consultation Deposit
 - 9.05.080.02 Application for Availability
 - 9.05.080.03 Project Facility Availability Forms
 - 9.05.080.04 Application for Commitment
 - 9.05.080.05 Project Facility Commitment Forms
 - 9.05.080.06 Permit for Sewer Connection
 - 9.05.080.07 Other Conditions
- 9.05.090 Extension of Facilities
 - 9.05.090.03 Satisfaction of Conditions
 - 9.05.090.05 Rights of District

Section 9.05.010 Applications

9.05.010.01 Applications for a permit for sewer connections shall be submitted on a form ~~provided~~~~prepared~~ by the District which shall, among other things, require the following information:

9.05.010.01.1 The name, address, and telephone number of the owner of the property for which the application is made.

9.05.010.01.2 The name, address, and telephone number of the property owner's authorized representative, if the application is made by such a representative.

9.05.010.01.3 The address ~~or description~~ of the property for which the application is made.

9.05.010.01.4 The assessors' parcel number for the parcel.

9.05.010.01.5 The location of the District's nearest sewer system pipeline.

9.05.010.01.6 The applicant's proposed use of the property.

a. ~~9.05.010.1.7~~ Whether the application is for a new building, ~~or new use~~, or for the conversion of the use of an existing building.

b. ~~9.05.010.1.8~~ Whether the application is for a change in the use of property for which a connection to a District's sewer system exists.

~~**9.05.010.01.79** The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other. Whether the application is for a subdivision.~~

~~**9.05.010.01.840**~~ The estimated number of units to be served.

Section 9.05.020 Terms of Sewer Application

Applications for sewer connection shall be granted upon completion of an application as set for in Section 9.05.010 and payment of fees to the District based upon the sewer capacity estimated to be required to serve a parcel or parcels (also referred to herein as "connection fees"). The District will establish an account identifying the parcel to record the application and associated payments. The District may use the funds paid under this Section to perform any work required to serve the parcel.

9.05.020.01 Term of Application

Application for sewer connection shall be issued for a term of two years. If no connection is made it shall expire and all rights of the application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has~~es~~ expired will be refunded minus administrative costs to the applicant listed on the sewer application. Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee. If connection is made prior to the application's expiration, the application will become an authorized sewer permit and shall remain in effect so long as sewer service is required for that parcel. Once a lateral connection is made to the District's facilities and stubbed out to the property, the account is considered active and will incur sewer service changes per District policy.

9.05.020.02 Application Not Transferrable

An application for sewer connection relates to and authorizes a connection to the District's sewer system for a parcel of land and uses specifically set forth in the application. An application may not be transferred to or used for a parcel of land which is not specifically described in the application. An application may not be used for a use not specifically set forth in the application.

If applicant desires to sell the property during the term of the application and transfer the application to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for sewer connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

Section 9.05.030 Applications Based on EDU's

Applications for sewer connection shall be issued with the amount of connection fee to be paid based on a comparison of the daily volume of wastewater (Q), which will be discharged into the sewer system from the building or buildings for which an application is sought, and the average daily volume of wastewater discharged from a single-family residence in the District (one Equivalent Dwelling Unit). Applications shall be for the number of EDU's, as determined or estimated by the District, to be used on the property.

Section 9.05.040 Determination of EDU's

For classes of non-single family dwelling sewer service for which the volume, Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in wastewater can be determined by sampling, or based on existing empirical data, a schedule shall be calculated relating the flow and strength of the wastes discharged as a multiple of EDU's.

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Section 9.05.050 Issuance of Building Permit

An application shall not expire and need not be renewed if, prior to the date of the expiration of its term, a building permit has been issued by the County of San Diego for the building or buildings described in the District's application and the application holder provides a copy of the building permit to the District. In such case, the District's application shall expire upon the expiration of the building permit if connection is not made to the District's sewer system for the building or buildings described thereon prior to the date of the expiration of the building permit. This subsection does not apply to applications for subdivisions.

Section 9.05.060 Septic Tank Conversion

The holder of an application issued for a sewer connection for an existing building connected to an onsite septic tank or leach field disposal system must complete the connection of such a building to the sewer system within the initial 365-day term of the application, and such an application may not be renewed. Septic tanks removed from service must be properly abandoned per State and County of San Diego standards.

Section 9.05.070 Change in Use

Permits are limited to the type and number of EDU's authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance. Connection charges shall be based on the rates and policies in existence at the time the change or expansion of use. No parcel of property for which a permit for sewer connection is outstanding shall be used for a use different than the use stated in the permit or which will result in a greater volume of wastewater or in wastewater having a greater concentration of BOD or SS being discharged into District's sewer system unless the owner of such parcel makes application for and is issued a permit for sewer connection for each additional EDU or portion thereof of wastewater flow or each additional EDU based on the increased concentration of BOD or SS in the wastewater which will be discharged from said parcel upon the commencement of such different use.

Application for permits for sewer connections for new buildings or for existing buildings that are to be remodeled, renovated, or enlarged shall be accompanied by final plans for such a building, remodeling, renovation, or enlargements and a letter or other certification from the Department of Planning and Land Use of the County of San Diego indicating that such plans will be approved for issuance of a building permit upon issuance by the District of an application for sewer connection.

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Section 9.05.080

Sewer Service Commitments of More than Five EDU's; ParcelsSubdivisions

9.05.080.01 Development Consultation Deposit

9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

9.05.080.024 Application for Availability

Application for issuance of a Project Facility Availability FormsLetter described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.024.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

9.05.080.024.2 Pay to the District a non-refundable processing fee in an amount set forth by the District: per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.032 Project Facility Availability FormsLetters

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability FormLetter or equivalent form to allow processing of a tentative parcel map or tentative subdivision map. The formletter shall certify that the District has, or expects to have, capacity available to serve the proposed subdivision. The formletter shall not be a commitment on the part of the District to have or make capacity in the District's sewer system available to the proposed subdivision. No commitment shall be made until a Sewer Service Agreement applications for sewer connection hasve been issued-executed and capacity fees have been paid in accordance with these rules and regulations.

The issuance of a Project Facility Availability FormLetter and processing fee shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of permits for sewer connection which the District may issue and shall not create any right or entitlement in the applicant to obtain a permit for sewer connection from the District. The Project Facility Availability FormLetter identifies conditions the applicant

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much address prior to service commitment.

9.05.080.043 Application for Commitment

Application for issuance of a Project Facility Commitment Forms~~Letter~~ described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.043.1 ___ File with the District a parcel or subdivision map and such other information as the District may require.

9.05.080.034.2 ___ Pay to the District a non-refundable processing fee in an amount set forth by the District: per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.054 Project Facility Commitment FormsLetters

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms~~Service Commitment Letter (“Will Serve Letter”)~~ or equivalent forms, stating that sewer service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

9.05.080.054.1 ___ The District has adequate capacity or expects to have adequate capacity.

9.05.080.054.2 ___ The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, in cash or money order, cashier’s check, or Automated Clearing House (ACH) secured by a bond, letter of credit, time certificate of deposit, or other security satisfactory to the District, in a form and amount satisfactory to the District. Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier’s check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.

***Need to confirm with the County the order in which the forms are processed prior to issuing a building permit so that the District can ensure fees are paid in full prior to signing.**

9.05.080.054.3 ___ The District’s service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon application~~amendment of the Sewer Service Agreement~~ and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.

9.05.080.054.4 ___ All fees paid for service commitment are non-refundable. The District may draw upon the fees to preserve its service commitment. The District will provide applicant 90 days’ notice of the District’s intent to use any security provided as a deposit prior to any such use. If the funds are not immediately available to the District at the expiration of its notice, the District’s service commitment will expire.

*** Confirm whether these are being refunded and/or refundable.**

9.05.080.065 Permit for Sewer Connection

Upon ~~application~~Sewer Service Agreement and subject to the following conditions, the District shall issue sewer permits for, and shall reserve sewer capacity to serve, the property covered by each approved subdivision map and any other project requiring more than five EDU’s on more than one parcel. If the project is abandoned or changes ownership, the new owner must complete a new ~~application~~Sewer Service Agreement for service for all remaining connections. All connection fees shall be brought current by payment of the difference between fees originally paid and the current fees.

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9.05.080.065.1 ___ An approved and recorded subdivision map, or in the event the ~~application~~Sewer Service Agreement concerns a project requiring more than five EDU's on more than one parcel that is not a subdivision, ~~other approved documentation~~ must be filed with the District. If the tentative map contemplates the filing of multiple file maps, the District's commitment shall not terminate if the first final map is filed within the term of the District's service commitment and subsequent maps are filed within the time provided by law. If the time for processing a tentative map is extended by the County of San Diego, the District may, but shall not be obligated to, extend its service commitment.

9.05.080.065.2 ___ All connection fees shall be brought current by payment of difference between fees originally paid and the current fee rates.

9.05.080.065.3 ___ All other conditions and provisions, including those contained in Sewer Permits, Project Facility Commitment Forms~~Letters~~, and Project Availability Forms~~Letters~~, are satisfied within the term of the District's service commitment.

9.05.080.065.4 ___ Permits issued for lots within a subdivision shall not expire and need not be renewed if all ~~of~~ the following have occurred prior to the expiration of the initial term or a renewal term thereof:

9.05.080.065.4.1 ___ The final subdivision map or final parcel map for the subdivision has been approved by the Board of Supervisors of the County of San Diego and filed in the office of the County Recorder.

9.05.080.065.4.2 ___ The sewer system within the subdivision has been installed and accepted by the District.

9.05.080.065.5 ___ Notwithstanding the foregoing provisions of this section, at any time after ten years from the date of filing a final subdivision map, the District shall have the option of terminating permits for those parcels in the subdivision which have not connected to the District's sewer system.

9.04.080.065.6 ___ Notwithstanding the foregoing provisions of this section, at any time a subdivision requires the execution of an amendment to either the County Joint Use Agreement or the District's Developer Sewer Service Agreement all connection fees shall be brought current by payment of the difference between fees originally paid and the current fee rates.

9.05.080.076 Other Conditions

The District may require as a condition of service, recordation of any final map or providing of service, that applicant, owner, or customer construct or enter into a written agreement to construct, at applicant's sole cost, any necessary or desirable sewer facilities to enable the District to provide sewer service to the property. The agreement shall be secured by a bond, ~~letter of credit, time certificate of deposit~~ or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the

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time specified in the agreement in accordance with detailed plans approved by the District for such construction. In addition, the District may require delivery to the District of executed documents, in forms acceptable to the District, for any easements on private or other property, which are necessary or desirable for the construction, operation and maintenance of such sewer facilities.

Section 9.05.090 Extension of Facilities

If property for which an application for a permit for sewer connection is made is not adjacent to a District trunk sewer, or if the trunk sewer or other facilities have inadequate capacity, the applicant shall, at the time of filing application, enter into a written agreement with the District whereby the applicant agrees to construct, at applicant's sole cost, the necessary expansion of the District's sewer facilities to enable the District to provide sewer service to the property. The agreement shall require applicant to provide to the District, within 180 days of the date of the issuance of the application for sewer connection, as a condition thereto:

9.05.090.01 ~~___ A bond, irrevocable letter of credit, time certificate of deposit_~~ or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.

9.05.090.02 Detailed plans approved by the District, and any easements on private property or other property which are necessary or desirable for the construction, operation, and maintenance of such sewer facilities.

9.05.090.03 Satisfaction of Conditions

If an applicant has entered into an agreement with the District for the extension of the District's sewer system, the applicant shall have 180 days following the date of application to deliver to the District the security to guarantee the completion of such construction and the detailed plans or easement documents provided for in the agreement. If an applicant fails to provide such security or deliver such plans or easement documents to the District within such time, application for sewer connection shall automatically terminate.

9.05.090.04 See also, ~~Chapter 6.05~~ Water and Sewer Line Extension policy for more detail.

9.05.090.05 Rights of District

Upon the failure of an applicant to pay fees and charges or to provide such security and deliver such plans and easement documents within the times herein allowed, the application shall automatically terminate.

Chapter 9.07
EQUIVALENT DWELLING UNITS ESTABLISHED

| | |
|------------------|---------------------------------|
| Sections: | |
| 9.07.010 | Classes of Service |
| 9.07.020 | Calculation for Unlisted |
| 9.07.030 | Final Determination |

**Section 9.07.010
Classes of Service**

The District has determined the following EDU's for each of the following classes of service:

| | <u><i>Class</i></u> | <u><i>EDU's</i></u> |
|----|--|-------------------------|
| 4 | Single Family Residential, Apartment, Condominium, Duplex or Mobile Home Each Unit | |
| | <u>Square Footage</u> | |
| | ≤1,250 | 0.80 |
| | 1,251 to 2,000 | 1.00 |
| | 2,001 to 3,000 | 1.20 |
| | 3,001 to 4,500 | 1.50 |
| | 4,501 to 6,000 | 2.00 |
| | <u>>6,000</u> | Case by Case |
| 2 | Motel or Hotel | |
| | * Each Living Unit With a Kitchen | 0.80 |
| | * Each Living Unit Without a Kitchen | 0.40 |
| 3 | A Separate Business, Retail Shop, Office or Packing House Equipped Restroom Facilities or Not So Equipped but Located in a Building Complex with Common Restroom Facilities | |
| | * Up to 1,000 Square Feet of Floor Space | 1.20 |
| | * For Each Additional 1,000 Square Feet of Gross Floor Space or Part Thereof | 0.80 |
| 4 | Automobile Service Station | |
| | * Providing RV Holding Tank Disposal Station | 2.00 |
| | * Four or Under Gas Pumps | 0.80 |
| | * Over Four Gas Pumps | 1.00 |
| 5 | Church, Fraternal Lodge or Similar Auditorium; For Each Unit of Seating Capacity for 200 Persons | 1.00 |
| 6 | Bakery | 1.00 |
| 7 | Theatre: For Each Unit of Seating Capacity for 200 Persons | 1.40 |
| 8 | Hospital, Per Bed | 0.40 |
| 9 | Convalescent or Boarding Home, Per Bed | 0.40 |
| 10 | Labor Camp, Per Bed | 0.10 |

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| | | |
|----|--|-----------------|
| | Schools (Public or Private) | |
| | * Elementary Schools, Per Each 60 Students or Part Thereof, Plus | 1.20 |
| | * Junior High Schools, Per Each 40 Students or Part Thereof, Plus Staff | 1.20 |
| | * High Schools, Per Each 30 Students or Part Thereof, Plus Staff | 1.20 |
| 11 | (The number of students shall be the rated capacity of planned school determined by State of California Department of Education or shall be average daily attendance of students plus the staff at the school during preceding fiscal year determined in accordance with the Education Code of the State of California) | |
| 12 | Mortuary | 1.20 |
| 13 | Car Wash | 1.20 |
| 14 | Grocery Store | 1.20 |
| 15 | Self-Service Laundry, Per Each Washing Machine | 0.40 |
| | Restaurants | |
| | * Base (Using Non-Disposable Tableware) | 2.70 |
| | — Add Per Each 7 Seats or Part Thereof | 1.20 |
| 16 | * Base (Using Disposable Tableware) | 1.20 |
| | — Add Per Each 21 Seats or Part Thereof | 1.20 |
| 17 | Swimming Pool with Restrooms | 1.20 |
| 18 | Spas with Restrooms | 1.20 |
| 19 | Country Clubs with Common Restroom Facilities — Each Additional Shower Unit, Wash Closet or Fixture | 1.20 |

| <u>LAND USE</u> | <u>EDU(s)</u> |
|--|-------------------------------|
| <u>Single-Family Residential Apartment, Condominium, Duplex or Mobile Home, Each Unit:</u> <u>Square Footage</u> <u>≤1,250..... 0.8 EDU</u> <u>1,251 to 2,000..... 1.0 EDU</u> <u>2,001 to 3,000..... 1.2 EDU</u> <u>3,001 to 4,500 1.5 EDU</u> <u>4,501 to 6,000..... 2.0 EDU</u> <u>>6,000..... Case by Case</u> | Calculated by square footage. |
| <u>A separate Business, Retail Shop, Office or Packing House Equipped with restroom facilities or not so equipped but located in a Building or Complex with common restroom facilities:</u> | |
| <u>Up to 1,000 square feet of floor space.</u> | <u>1.20</u> |
| <u>For each additional 1,000 square feet of gross floor space or part thereof.</u> | <u>0.80</u> |
| <u>Automobile Service Stations:</u> | |
| <u>Providing RV Holding Tank Disposal Station</u> | <u>2.00</u> |
| <u>Four or Under Gas Pumps</u> | <u>0.80</u> |
| <u>Over Four Gas Pumps</u> | <u>1.00</u> |
| <u>Bakery</u> | <u>1.00</u> |
| <u>Car Wash</u> | <u>1.20</u> |
| <u>Church, Fraternal Lodge or similar auditorium for each unit of seating capacity for 200 persons.</u> | <u>1.00</u> |
| <u>Convalescent Hospital / Boarding Home - Per Bed</u> | <u>0.40</u> |
| <u>Country Clubs with Common Restroom Facilities – Each additional Shower Unit, Wash closet and/or fixture.</u> | <u>1.20</u> |

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| | |
|---|-------------|
| <u>Dentist Office - Per Practitioner</u> | <u>1.20</u> |
| <u>Grocery Store</u> | <u>1.20</u> |
| <u>Hospital - Per Bed</u> | <u>0.40</u> |
| <u>Labor Camp - Per Bed</u> | <u>0.10</u> |
| <u>Laundry (Self-Serve) - Each Washing Machine</u> | <u>0.40</u> |
| <u>Mortuary</u> | <u>1.20</u> |
| <u>Motel or Hotel:</u> | |
| <u>Each Living Unit with a Kitchen</u> | <u>0.80</u> |
| <u>Each Living Unit without a Kitchen</u> | <u>0.40</u> |
| <u>Restaurants:</u> | |
| <u>Base (Using Non-Disposable Tableware)</u> | <u>2.70</u> |
| <u>Per Each 7 Seats or Part Thereof</u> | <u>1.20</u> |
| <u>Base (Using Disposable Tableware)</u> | <u>1.20</u> |
| <u>Per Each 21 Seats or Part Thereof</u> | <u>1.20</u> |
| <u>Schools (Public or Private):</u> | |
| <u>Elementary Schools, Per Each 60 Students, Plus Staff</u> | <u>1.20</u> |
| <u>Junior High Schools, Per Each 40 Student, Plus Staff</u> | <u>1.20</u> |
| <u>High Schools, Per Each 30 Students, Plus Staff</u> | <u>1.20</u> |
| <i>(The number of students shall be the rated capacity of planned schools as determined by State of California Department of Education or shall be the average daily attendance of students plus the staff at the school during the preceding fiscal year determined in accordance with the Education Code of the State of California.)</i> | |
| <u>Spas with Restrooms</u> | <u>1.20</u> |
| <u>Swimming Pool with Restrooms</u> | <u>1.20</u> |
| <u>Theatre - 200 Seating Capacity</u> | <u>1.40</u> |

Section 9.07.020
Calculation for Unlisted

For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Section 9.07.030
Final Determination

The District Representative may review the EDU determination no earlier than one year after the date of the issuance of the permit or one year after the date of full occupancy of the building or buildings for which the permit is issued. Based upon actual metered water usage, or other method, the District Representative will determine the actual daily volume of wastewater being discharged into the District's sewer system and based thereon may re-determine the EDU's for which a permit is required. If based upon such re-determination additional EDU's over those for which the permit was issued are required, the permit holder shall make application to the District for the amendment of the permit to include such additional EDU's and shall pay to the District the required additional fee. If such re-determination indicated that less EDU's are required than the number of EDU's for which the permit was issued, the District may refund, without interest, to the applicant who paid the permit fee the excess amount of the fee which was paid, and may amend the permit by

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indicating thereon the correct number of EDU's for which it is issued; provided that, the EDU's shall not be reduced to less than one EDU.

This Administrative Code does not alter or affect contractual obligations of the District concerning sewer commitment and EDU purchase or reservations predating the adoption of this Code. All such commitments are grandfathered into this Administration Code as provided in those contracts or other commitments.

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Chapter 9.04
SIZE, LOCATION AND INSTALLATION OF LATERALS

Sections:

- 9.04.010 Sewer and Connections**
- 9.04.020 Limitations on Sewer Connections**
- 9.04.030 Relocating Sewer Laterals**
- 9.04.040 Illegal Connections**

**Section 9.04.010
Sewer and Connections**

The District shall determine and specify in the permit: the size, location, and manner of accomplishing the installation of a lateral sewer. The size, slope, alignment, materials of construction of the customers building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall conform to the District's standard specifications.

**Section 9.04.020
Limitations on Sewer Connections**

No sewer connection shall be allowed except on the following conditions:

- 9.04.020.01** A separate and independent lateral sewer shall be provided for every building.
- 9.04.020.02** A single 'granny unit' will be allowed to connect to the sewer lateral serving the primary residence of the parcel.
- 9.04.020.03** When a property with a lateral sewer is subdivided, such lateral sewer shall be considered as serving the lot or parcels of land which it directly or first enters.
- 9.04.020.04** Lots with differing assessors' parcel numbers must have separate sewer laterals. Parcels under the same ownership are still required to have separate laterals.
- 9.04.020.05** A common private sewer system for residential developments is prohibited for developments in which individuals, such as single unit dwelling units, condominiums, and townhouses own the dwelling units.

**Section 9.04.030
Relocating Sewer Laterals**

Should a sewer lateral, installed pursuant to the request of the applicant, owner, or customer, be of the wrong size or at a wrong location and not in accordance with approved plans or the District's standard specifications, the cost of all changes required to correct the situation shall be paid by the applicant, owner, or customer. Customer must hire a private contractor with a Class-A general engineering license to make modifications to the sewer lateral per District's standards.

**Section 9.04.040
Illegal Connections**

No person shall make a connection to facilities of the District without a permit or except as provided in the permit issued by the District. Specifically, but not by way of limitation, no swimming pool drains, roof down-spouts, exterior foundation drains, areaway drains, or other building sewer or building drain which, in turn is connected directly or indirectly to a District sewerage facility. The District may disconnect such connections at the expense of the person responsible for or using such connection. The District may apply a fine for illegal connections.

**** If approved, Ordinance No. 15-05 or 21-03 and Appendix A must be updated and adopted by the Board. (Reference Water Theft policy.)***

**Chapter 9.05
SEWER PERMITS**

Sections:

- 9.05.010 Applications**
- 9.05.020 Terms of Sewer Application**
- 9.05.020.01 Term of Application**
- 9.05.020.02 Application Not Transferrable**
- 9.05.030 Applications Based on EDU's**
- 9.05.040 Determination of EDU's**
- 9.05.050 Issuance of Building Permit**
- 9.05.060 Septic Tank Conversion**
- 9.05.070 Change In Use**
- 9.05.080 Sewer Service Commitments of More than 5 EDU's; Parcels**
- 9.05.080.01 Development Consultation Deposit**
- 9.05.080.02 Application for Availability**
- 9.05.080.03 Project Facility Availability Forms**
- 9.05.080.04 Application for Commitment**
- 9.05.080.05 Project Facility Commitment Forms**
- 9.05.080.06 Permit for Sewer Connection**
- 9.05.080.07 Other Conditions**
- 9.05.090 Extension of Facilities**
- 9.05.090.03 Satisfaction of Conditions**
- 9.05.090.05 Rights of District**

Section 9.05.010 Applications

9.05.010.01 Applications for a permit for sewer connections shall be submitted on a form provided by the District which shall, among other things, require the following information:

9.05.010.01.1 The name, address, and telephone number of the owner of the property for which the application is made.

9.05.010.01.2 The name, address, and telephone number of the property owner's authorized representative, if the application is made by such a representative.

9.05.010.01.3 The address of the property for which the application is made.

9.05.010.01.4 The assessors' parcel number for the parcel.

9.05.010.01.5 The location of the District's nearest sewer system pipeline.

9.05.010.01.6 The applicant's proposed use of the property.

- a. Whether the application is for a new building, new use, or for the conversion of the use of an existing building.
- b. Whether the application is for a change in the use of property for which a connection to a District's sewer system exists.

9.05.010.01.7 The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other.

9.05.010.01.8 The estimated number of units to be served.

Section 9.05.020 Terms of Sewer Application

Applications for sewer connection shall be granted upon completion of an application as set for in Section 9.05.010 and payment of fees to the District based upon the sewer capacity estimated to be required to serve a parcel or parcels (also referred to herein as "connection fees"). The District will establish an account identifying the parcel to record the application and associated payments. The District may use the funds paid under this Section to perform any work required to serve the parcel.

9.05.020.01 Term of Application

Application for sewer connection shall be issued for a term of two years. If no connection is made it shall expire and all rights of the application holder resulting from the issuance of such application shall terminate. Fees paid on the application that have expired will be refunded minus administrative costs to the applicant listed on the sewer application. Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee. If connection is made prior to the application's expiration, the application will become an authorized sewer permit and shall remain in effect so long as sewer service is required for that parcel. Once a lateral connection is made to the District's facilities and stubbed out to the property, the account is considered active and will incur sewer service changes per District policy.

9.05.020.02 Application Not Transferrable

An application for sewer connection relates to and authorizes a connection to the District's sewer system for a parcel of land and uses specifically set forth in the application. An application may not be transferred to or used for a parcel of land which is not specifically described in the application. An application may not be used for a use not specifically set forth in the application.

If applicant desires to sell the property during the term of the application and transfer the application to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for sewer connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

Section 9.05.030 Applications Based on EDU's

Applications for sewer connection shall be issued with the amount of connection fee to be paid based on a comparison of the daily volume of wastewater (Q), which will be discharged into the sewer system from the building or buildings for which an application is sought, and the average daily volume of wastewater discharged from a single-family residence in the District (one Equivalent Dwelling Unit). Applications shall be for the number of EDU's as determined or estimated by the District, to be used on the property.

Section 9.05.040 Determination of EDU's

For classes of non-single family dwelling sewer service for which the volume, Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in wastewater can be determined by sampling, or based on existing empirical data, a schedule shall be calculated relating the flow and strength of the wastes discharged as a multiple of EDU's.

Section 9.05.050
Issuance of Building Permit

An application shall not expire and need not be renewed if, prior to the date of the expiration of its term, a building permit has been issued by the County of San Diego for the building or buildings described in the District's application and the application holder provides a copy of the building permit to the District. In such case, the District's application shall expire upon the expiration of the building permit if connection is not made to the District's sewer system for the building or buildings described thereon prior to the date of the expiration of the building permit. This subsection does not apply to applications for subdivisions.

Section 9.05.060
Septic Tank Conversion

The holder of an application issued for a sewer connection for an existing building connected to an onsite septic tank or leach field disposal system must complete the connection of such a building to the sewer system within the initial 365-day term of the application, and such an application may not be renewed. Septic tanks removed from service must be properly abandoned per State and County of San Diego standards.

Section 9.05.070
Change in Use

Permits are limited to the type and number of EDU's authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance. Connection charges shall be based on the rates and policies in existence at the time the change or expansion of use. No parcel of property for which a permit for sewer connection is outstanding shall be used for a use different than the use stated in the permit or which will result in a greater volume of wastewater or in wastewater having a greater concentration of BOD or SS being discharged into District's sewer system unless the owner of such parcel makes application for and is issued a permit for sewer connection for each additional EDU or portion thereof of wastewater flow or each additional EDU based on the increased concentration of BOD or SS in the wastewater which will be discharged from said parcel upon the commencement of such different use.

Application for permits for sewer connections for new buildings or for existing buildings that are to be remodeled, renovated, or enlarged shall be accompanied by final plans for such a building, remodeling, renovation, or enlargements and a letter or other certification from the Department of Planning and Land Use of the County of San Diego indicating that such plans will be approved for issuance of a building permit upon issuance by the District of an application for sewer connection.

Section 9.05.080

Sewer Service Commitments of More than Five EDU's; Parcels

9.05.080.01 Development Consultation Deposit

9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

9.05.080.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

9.05.080.02.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Form or equivalent form to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's sewer system available to the proposed subdivision. No commitment shall be made until a Sewer Service Agreement for sewer connection has been executed and capacity fees have been paid in accordance with these rules and regulations.

The issuance of a Project Facility Availability Form and processing fee shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of permits for sewer connection which the District may issue and shall not create any right or entitlement in the applicant to obtain a permit for sewer connection from the District. The Project Facility Availability Form identifies conditions the applicant must address prior to service commitment.

9.05.080.04 Application for Commitment

Application for issuance of a Project Facility Commitment Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

9.05.080.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms or equivalent forms, stating that sewer service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

9.05.080.05.1 The District has adequate capacity or expects to have adequate capacity.

9.05.080.05.2 The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, money order, cashier's check, or Automated Clearing House (ACH). Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier's check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.

***Need to confirm with the County the order in which the forms are processed prior to issuing a building permit so that the District can ensure fees are paid in full prior to signing.**

9.05.080.05.3 The District's service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon amendment of the Sewer Service Agreement and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.

9.05.080.05.4 All fees paid for service commitment are non-refundable. The District may draw upon the fees to preserve its service commitment. The District will provide applicant 90 days' notice of the District's intent to use any security provided as a deposit prior to any such use. If the funds are not immediately available to the District at the expiration of its notice, the District's service commitment will expire.

*** Confirm whether these are being refunded and/or refundable.**

9.05.080.06 Permit for Sewer Connection

Upon Sewer Service Agreement and subject to the following conditions, the District shall issue sewer permits for, and shall reserve sewer capacity to serve, the property covered by each approved subdivision map and any other project requiring more than five EDU's on more than one parcel. If the project is abandoned or changes ownership, the new owner must complete a new Sewer Service Agreement for service for all remaining connections. All connection fees shall be brought current by payment of the difference between fees originally paid and the current fees.

9.05.080.06.1 An approved and recorded subdivision map, or in the event the Sewer Service Agreement concerns a project requiring more than five EDU's on more than one parcel that is not a subdivision, must be filed with the District. If the tentative map contemplates the filing of multiple file maps, the District's commitment shall not terminate if the first final map is filed within the term of the District's service commitment and subsequent maps are filed within the time provided by law. If the time for processing a tentative map is extended by the County of San Diego, the District may, but shall not be obligated to, extend its service commitment.

9.05.080.06.2 All connection fees shall be brought current by payment of difference between fees originally paid and the current fee rates.

9.05.080.06.3 All other conditions and provisions, including those contained in Sewer Permits, Project Facility Commitment Forms, and Project Availability Forms, are satisfied within the term of the District's service commitment.

9.05.080.06.4 Permits issued for lots within a subdivision shall not expire and need not be renewed if all the following have occurred prior to the expiration of the initial term or a renewal term thereof:

9.05.080.06.4.1 The final subdivision map or final parcel map for the subdivision has been approved by the Board of Supervisors of the County of San Diego and filed in the office of the County Recorder.

9.05.080.06.4.2 The sewer system within the subdivision has been installed and accepted by the District.

9.05.080.06.5 Notwithstanding the foregoing provisions of this section, at any time after ten years from the date of filing a final subdivision map, the District shall have the option of terminating permits for those parcels in the subdivision which have not connected to the District's sewer system.

9.04.080.06.6 Notwithstanding the foregoing provisions of this section, at any time a subdivision requires the execution of an amendment to either the County Joint Use Agreement or the District's Developer Sewer Service Agreement all connection fees shall be brought current by payment of the difference between fees originally paid and the current fee rates.

9.05.080.07 Other Conditions

The District may require as a condition of service, recordation of any final map or providing of service, that applicant, owner, or customer construct or enter into a written agreement to construct, at applicant's sole cost, any necessary or desirable sewer facilities to enable the District to provide sewer service to the property. The agreement shall be secured by a bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement in accordance with detailed plans approved by the District for such construction. In addition, the District may require delivery to the District of executed documents, in forms acceptable to the District, for any easements on private or other property, which are necessary or desirable for the construction, operation and maintenance of such sewer facilities.

Section 9.05.090 Extension of Facilities

If property for which an application for a permit for sewer connection is made is not adjacent to a District trunk sewer, or if the trunk sewer or other facilities have inadequate capacity, the applicant shall, at the time of filing application, enter into a written agreement with the District whereby the applicant agrees to construct, at applicant's sole cost, the necessary expansion of the District's sewer facilities to enable the District to provide sewer service to the property. The agreement shall require applicant to provide to the District, within 180 days of the date of the issuance of the application for sewer connection, as a condition thereto:

9.05.090.01 A bond or other security in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.

9.05.090.02 Detailed plans approved by the District, and any easements on private property or other property which are necessary or desirable for the construction, operation, and maintenance of such sewer facilities.

9.05.090.03 Satisfaction of Conditions

If an applicant has entered into an agreement with the District for the extension of the District's sewer system, the applicant shall have 180 days following the date of application to deliver to the District the security to guarantee the completion of such construction and the detailed plans or easement documents provided for in the agreement. If an applicant fails to provide such security or deliver such plans or easement documents to the District within such time, application for sewer connection shall automatically terminate.

9.05.090.04 See also, Water and Sewer Line Extension policy for more detail.

9.05.090.05 Rights of District

Upon the failure of an applicant to pay fees and charges or to provide such security and deliver such plans and easement documents within the times herein allowed, the application shall automatically terminate.

Chapter 9.07
EQUIVALENT DWELLING UNITS ESTABLISHED

Sections:

| | |
|-----------------|---------------------------------|
| 9.07.010 | Classes of Service |
| 9.07.020 | Calculation for Unlisted |
| 9.07.030 | Final Determination |

Section 9.07.010
Classes of Service

The District has determined the following EDU's for each of the following classes of service:

| LAND USE | EDU(s) |
|--|-------------------------------|
| Single-Family Residential Apartment, Condominium, Duplex or Mobile Home, Each Unit: | Calculated by square footage. |
| <u>Square Footage</u> | |
| ≤1,250..... 0.8 EDU | |
| 1,251 to 2,000..... 1.0 EDU | |
| 2,001 to 3,000..... 1.2 EDU | |
| 3,001 to 4,500 1.5 EDU | |
| 4,501 to 6,000..... 2.0 EDU | |
| >6,000..... Case by Case | |
| A separate Business, Retail Shop, Office or Packing House Equipped with restroom facilities or not so equipped but located in a Building or Complex with common restroom facilities: | |
| Up to 1,000 square feet of floor space. | 1.20 |
| For each additional 1,000 square feet of gross floor space or part thereof. | 0.80 |
| Automobile Service Stations: | |
| Providing RV Holding Tank Disposal Station | 2.00 |
| Four or Under Gas Pumps | 0.80 |
| Over Four Gas Pumps | 1.00 |
| Bakery | 1.00 |
| Car Wash | 1.20 |
| Church, Fraternal Lodge or similar auditorium for each unit of seating capacity for 200 persons. | 1.00 |
| Convalescent Hospital / Boarding Home - Per Bed | 0.40 |
| Country Clubs with Common Restroom Facilities – Each additional Shower Unit, Wash closet and/or fixture. | 1.20 |
| Dentist Office - Per Practitioner | 1.20 |
| Grocery Store | 1.20 |
| Hospital - Per Bed | 0.40 |
| Labor Camp - Per Bed | 0.10 |
| Laundry (Self-Serve) - Each Washing Machine | 0.40 |
| Mortuary | 1.20 |
| Motel or Hotel: | |
| Each Living Unit with a Kitchen | 0.80 |
| Each Living Unit without a Kitchen | 0.40 |
| Restaurants: | |
| Base (Using Non-Disposable Tableware) | 2.70 |
| Per Each 7 Seats or Part Thereof | 1.20 |
| Base (Using Disposable Tableware) | 1.20 |
| Per Each 21 Seats or Part Thereof | 1.20 |
| Schools (Public or Private): | |
| Elementary Schools, Per Each 60 Students, Plus Staff | 1.20 |
| Junior High Schools, Per Each 40 Student, Plus Staff | 1.20 |

M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Equivalent Dwelling Units Established 9.07.docx\Amended and Approved 12-6-11 by Ordinance No. 11-06\Amended and Updated 7-25-17 by Ordinance No. 17-08\Amended and Updated 12-8-20 by Ordinance No. 20-13\DRAFT

| | |
|---|------|
| High Schools, Per Each 30 Students, Plus Staff | 1.20 |
| <i>(The number of students shall be the rated capacity of planned schools as determined by State of California Department of Education or shall be the average daily attendance of students plus the staff at the school during the preceding fiscal year determined in accordance with the Education Code of the State of California.)</i> | |
| Spas with Restrooms | 1.20 |
| Swimming Pool with Restrooms | 1.20 |
| Theatre - 200 Seating Capacity | 1.40 |

Section 9.07.020
Calculation for Unlisted

For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Section 9.07.030
Final Determination

The District Representative may review the EDU determination no earlier than one year after the date of the issuance of the permit or one year after the date of full occupancy of the building or buildings for which the permit is issued. Based upon actual metered water usage, or other method, the District Representative will determine the actual daily volume of wastewater being discharged into the District's sewer system and based thereon may re-determine the EDU's for which a permit is required. If based upon such re-determination additional EDU's over those for which the permit was issued are required, the permit holder shall make application to the District for the amendment of the permit to include such additional EDU's and shall pay to the District the required additional fee. If such re-determination indicated that less EDU's are required than the number of EDU's for which the permit was issued, the District may refund, without interest, to the applicant who paid the permit fee the excess amount of the fee which was paid, and may amend the permit by indicating thereon the correct number of EDU's for which it is issued; provided that, the EDU's shall not be reduced to less than one EDU.

This Administrative Code does not alter or affect contractual obligations of the District concerning sewer commitment and EDU purchase or reservations predating the adoption of this Code. All such commitments are grandfathered into this Administration Code as provided in those contracts or other commitments.

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

| CONTRACT INFO | FUND SOURCE | ASSIGN. NO. | STATUS | DATED | DESCRIPTION | CONTRACT AMOUNT | AUTHORIZED ASSIGNMENT | INVOICED TO DATE | CONTRACT BALANCE |
|---|-------------|-------------|------------|---|--|-----------------|-----------------------|------------------|------------------|
| CONTRACT AMOUNT | | | | | | \$ 50,000.00 | | | |
| Title: As-Needed Land Surveying Services Firm: Johnson-Frank & Assoc. Expires: 8/29/2022* (C#18-16) *One year extension. CO-01 for \$0, No Cost Ext. BoD 6/22/21. | NON-CIP | 2019-01 | Closed | 5/14/2019 | Topography - Dentro De Lomas Road repair. | | \$ 5,115.40 | \$ 5,115.40 | \$ - |
| | NON-CIP | 2019-02 | Closed | 8/6/2019 | Easement review - McDowell / Mead. | | \$ 4,100.00 | \$ 1,404.25 | \$ 2,695.75 |
| | NON-CIP | 2020-03 | Closed | 9/19/2020 | Survey & Reset Monument on Los Alisos Lane. | | \$ 6,079.00 | \$ 4,297.76 | \$ 1,781.24 |
| | CIP | 2021-04 | Closed | 5/3/2021 | Prepare Plat Map - Thoroughbred Lift Station | | \$ 22,403.50 | \$ 22,403.50 | \$ - |
| | | | | | Unspecified | | \$ 12,302.10 | \$ - | \$ 12,302.10 |
| TOTALS: | | | | | | \$ 50,000.00 | | \$ 33,220.91 | \$ 16,779.09 |
| CONTRACT AMOUNT | | | | | | \$ 150,000.00 | | | |
| Title: As-Needed Land Surveying Services Firm: KDM Meridian, Inc. Expires: 8/29/2022* (C#18-14) *One year extension. CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21. | NON-CIP | 2018-01 | Closed | 9/11/2018 | Stake easement on Morro Hills due to 20" watermain failure. | | \$ 7,280.00 | \$ 7,278.75 | \$ 1.25 |
| | CIP | 2019-02 | Closed | 1/9/2019 | RMWD "Base Map" to perform in-house design of proposed water facilities on Via Ararat. | | \$ 5,800.00 | \$ 5,800.00 | \$ - |
| | CIP | 2019-03 | Cancelled | --- | Assignment Cancelled - 4 PTR Plottable Easements. | | \$ - | \$ - | \$ - |
| | CIP | 2019-04 | Closed | 4/24/2019 | Stake easement on Gird Road for construction project. | | \$ 5,400.00 | \$ 5,400.00 | \$ - |
| | CIP | 2019-05 | Closed | 6/18/2019 | Legal and Plat for Campbell - Via Ararat. | | \$ 1,195.00 | \$ 1,195.00 | \$ - |
| | NON-CIP | 2019-06 | Closed | 10/24/2019 | Stake easement on Via Oeste Drive and Laketree Drive. | | \$ 10,900.00 | \$ 7,725.00 | \$ 3,175.00 |
| | CIP | 2019-07 | Closed | 11/8/2019 | Easements for new PS on W. Lilac/Via Ararat. | | \$ 4,100.00 | \$ 1,100.00 | \$ 3,000.00 |
| | NON-CIP | 2020-08 | Closed | 4/6/2020 | Linda Vista Drive - Mainline Break. | | \$ 5,563.00 | \$ 5,562.50 | \$ 0.50 |
| | CIP | 2020-09 | Closed | 4/6/2020 | Gird Road - Winery easement analysis and exhibit. | | \$ 7,680.00 | \$ 6,900.00 | \$ 780.00 |
| | CIP | 2020-10 | Closed | 9/1/2020 | Additional Gird Road - Winery easement analysis and new exhibit. | | \$ 5,320.00 | \$ 5,320.00 | \$ - |
| | CIP | 2020-11 | Closed | 11/6/2020 | Easement for Hialeah PRS - Via De La Reina. | | \$ 3,990.00 | \$ 2,545.00 | \$ 1,445.00 |
| | NON-CIP | 2020-12 | Closed | 12/3/2020 | Stake easement - Winterhaven Court | | \$ 4,490.00 | \$ 3,527.50 | \$ 962.50 |
| | NON-CIP | 2020-13 | Closed | 12/16/2020 | Legal and Plat for Gird Road - Winery. | | \$ 5,460.00 | \$ 5,460.00 | \$ - |
| | CIP | 2021-14 | Open | 1/29/2021 | Survey & staking of easements - Rancho Amigos. Auth \$815 over. (Staff evaluating if more work may be needed.) | | \$ 7,530.00 | \$ 8,345.00 | \$ (815.00) |
| | CIP | 2021-15 | Closed | 5/27/2021 | Survey & staking of easement - Turner Pump Station. (Staff evaluating if more work may be needed.) | | \$ 5,665.00 | \$ 5,665.00 | \$ - |
| | NON-CIP | 2021-16 | Closed | 7/22/2021 | Prepare documentation to file a quit claim for Rainbow easement at Fire Station 4. | | \$ 1,500.00 | \$ 1,500.00 | \$ - |
| | NON-CIP | 2021-17 | Closed | 7/29/2021 | Bonsall Park prepare documentation for new easement and quit claim documentation for existing easement. | | \$ 7,240.00 | \$ 7,210.00 | \$ 30.00 |
| | | | | Unspecified | | \$ 60,887.00 | | \$ 60,887.00 | |
| TOTALS: | | | | | | \$ 150,000.00 | | \$ 80,533.75 | \$ 69,466.25 |
| CONTRACT AMOUNT | | | | | | \$ 150,000.00 | | | |
| Title: As-Needed Land Surveying Services Firm: Right-of-Way Eng. Expires: 8/29/2022* (C#18-15) *One year extension. CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21. | NON-CIP | 2019-0A | Closed | 5/15/2019 | Title Reports, Legals & Plats - Los Sicomoros. | | \$ 7,705.00 | \$ 7,705.00 | \$ - |
| | NON-CIP | 2019-0B | Closed | 6/18/2019 | Adams Property Easement - Ranger Road. | | \$ 1,885.00 | \$ 1,885.00 | \$ - |
| | CIP | 2019-0C | Closed | 6/30/2019 | Pardee Easement - North River. | | \$ 2,875.00 | \$ 2,875.00 | \$ - |
| | NON-CIP | 2019-01 | Closed | 6/19/2019 | Easement Survey - Grove View Road. | | \$ 4,220.00 | \$ 3,285.00 | \$ 935.00 |
| | CIP | 2019-02 | Closed | 10/3/2019 | Easement Survey - Pala Mesa/Teocalote/Fire Rd/Pala Lake. | | \$ 15,640.00 | \$ 15,451.30 | \$ 188.70 |
| | CIP | 2019-03 | Closed | 11/6/2019 | Easement Survey - Moosa Creek Pump Station. Restake and reconfigure easement authorized additional \$525. | | \$ 5,675.20 | \$ 5,675.20 | \$ - |
| | CIP | 2020-04 | Closed | 2/19/2020 | Lemonwood Easement Location. | | \$ 5,370.00 | \$ 4,390.00 | \$ 980.00 |
| | CIP | 2020-05 | Closed | 6/9/2020 | Easement Survey - Hutton Pump Station. | | \$ 5,687.50 | \$ 4,577.50 | \$ 1,110.00 |
| | CIP | 2020-06 | Closed | 7/30/2020 | Easement Survey - Rainbow Heights Rd - Calfire Camp Site . | | \$ 5,756.00 | \$ 4,177.60 | \$ 1,578.40 |
| | CIP | 2020-07 | Closed | 8/26/2020 | Easement Survey - RHR - Calfire Camp Site Additional Services. Cancelled. | | \$ 2,276.00 | \$ - | \$ 2,276.00 |
| CIP | 2020-08 | Closed | 10/19/2020 | Easement Survey - OHE Rancho Del Caballo. | | \$ 1,620.00 | \$ 1,445.00 | \$ 175.00 | |

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

| CONTRACT INFO | FUND SOURCE | ASSIGN. NO. | STATUS | DATED | DESCRIPTION | CONTRACT AMOUNT | AUTHORIZED ASSIGNMENT | INVOICED TO DATE | CONTRACT BALANCE |
|--|------------------------|-------------|--------|------------|---|-----------------|-----------------------|------------------|------------------|
| | CIP | 2020-09 | Closed | 11/3/2020 | Easement Survey - Rainbow Heights Rd. Westside - Calfire Camp Site. | | \$ 11,521.00 | \$ 8,449.20 | \$ 3,071.80 |
| | CIP | 2021-10 | Closed | 1/11/2021 | Topographic Survey - Rainbow Heights Road | | \$ 8,820.00 | \$ 8,525.00 | \$ 295.00 |
| | CIP | 2021-11 | Closed | 1/19/2021 | Easement Survey - Skycrest Drive. | | \$ 7,710.00 | \$ 4,162.60 | \$ 3,547.40 |
| | CIP | 2021-12 | Closed | 2/4/2021 | Easement Survey, Legal Desc./Plat Map - Camino Del Cielo. (Staff to evaluate if more work may be needed.) | | \$ 5,490.00 | \$ 6,007.50 | \$ (517.50) |
| | CIP | 2021-13 | Closed | 2/23/2021 | Easement Survey/County ROW Marking, Topo Map - Camino Del Cielo. (Staff evaluating if more work may be needed.) | | \$ 2,320.00 | \$ 2,320.00 | \$ - |
| | CIP | 2021-14 | Closed | 2/23/2021 | Easement Survey - Skycrest Drive. | | \$ 4,720.00 | \$ 795.00 | \$ 3,925.00 |
| | CIP | 2022-15 | Closed | 1/25/2022 | Old Mission Road (LS-1) - Legal Description & Plat Map | | \$ 2,940.00 | \$ 2,940.00 | \$ - |
| | CIP | 2022-16 | Open | 2/1/2022 | River Village-Daniels Market (LS-1) - Staking Easements Centerlines/Limits | | \$ 1,470.00 | \$ - | \$ 1,470.00 |
| | | | | | Unspecified | | \$ 47,769.30 | | \$ 47,769.30 |
| | | | | | TOTALS: | \$ 150,000.00 | | \$ 84,665.90 | \$ 66,804.10 |
| | CONTRACT AMOUNT | | | | | \$ 50,000.00 | | | |
| Title: As-Needed Civil Engineering Services Firm: Dudek Expires: 6/25/2022 (C# 19-16) CO-01 for (\$100K) BoD 6/22/21. | Both | 2019-01 | Closed | 12/18/2019 | PRS and other Schematic Design/Drafting Services. | | \$ 10,000.00 | \$ 7,527.50 | \$ 2,472.50 |
| | CIP | 2020-02 | Closed | 8/5/2020 | Design of Hutton Pump Station Site - Assignment Cancelled. | | \$ 1,787.50 | \$ 1,787.50 | \$ - |
| | | | | | Unspecified | | \$ 38,212.50 | \$ - | \$ 38,212.50 |
| | | | | | TOTALS: | \$ 50,000.00 | | \$ 9,315.00 | \$ 40,685.00 |
| | CONTRACT AMOUNT | | | | | \$ 300,000.00 | | | |
| Title: As-Needed Civil Engineering Services Firm: Omnis Consulting, Inc. Expires: 7/01/2022 (C#19-17) CO-01 for \$150K BoD 6/23/20. | NON-CIP | 2019-01 | Closed | 7/16/2019 | PS&E Pavement Repair - Dentre De Lomas. | | \$ 8,890.00 | \$ 8,890.00 | \$ - |
| | CIP | 2019-02 | Closed | 8/1/2019 | Olive Hill Estates Transmission Water Main. | | \$ 73,700.00 | \$ 73,700.00 | \$ - |
| | CIP | 2019-03 | Closed | 10/14/2019 | Vista Valley Retaining Wall Design. | | \$ 23,495.00 | \$ 23,040.67 | \$ 454.33 |
| | CIP | 2019-04 | Closed | 12/3/2019 | Sarah Ann to Gird Road Force Main Replacement. | | \$ 22,790.00 | \$ 22,790.00 | \$ - |
| | CIP | 2020-05 | Closed | 3/24/2020 | Gird Road Water Main Upsize. | | \$ 21,120.00 | \$ 21,120.00 | \$ - |
| | CIP | 2020-06 | Closed | 8/5/2020 | Caltrans Encroachment Permit Renewal. | | \$ 6,410.00 | \$ 3,670.00 | \$ 2,740.00 |
| | NON-CIP | 2020-07 | Open | 10/14/2020 | Standard Drawing - CAD Updates. | | \$ 4,400.00 | \$ 2,200.00 | \$ 2,200.00 |
| | NON-CIP | 2020-08 | Closed | 10/29/2020 | PEIR Pipe Alignment Analysis. | | \$ 19,920.00 | \$ 19,920.00 | \$ - |
| | CIP | 2021-09 | Open | 4/19/2021 | Sarah Ann Waterline Replacement. | | \$ 6,800.00 | \$ 5,265.00 | \$ 1,535.00 |
| | CIP | 2021-10 | Closed | 4/19/2021 | Rainbow Water Quality Improvement Relocation Design. Amended for additional design services. | | \$ 13,900.00 | \$ 13,900.00 | \$ - |
| | CIP | 2021-11 | Open | 6/9/2021 | Wilt Road Water Pipeline Design. | | \$ 45,905.00 | \$ 33,214.00 | \$ 12,691.00 |
| | CIP | 2021-10A | Open | 10/26/2021 | Rainbow Water Quality Improvement Relocation Design. Amended for additional design services. | | \$ 6,290.00 | \$ 2,796.00 | \$ 3,494.00 |
| | CIP | 2021-12 | Open | 12/15/2021 | Additional Services for Wilt Road Water Pipeline Design. | | \$ 23,090.00 | \$ - | \$ 23,090.00 |
| | NON-CIP | 2021-13 | Open | 2/3/2022 | Rice Canyon Road - Prepare Street Improvement Plans | | \$ 8,630.00 | \$ - | \$ 8,630.00 |
| | | | | | Unspecified | | \$ 14,660.00 | \$ - | \$ 14,660.00 |
| | | | | | TOTALS: | \$ 300,000.00 | | \$ 230,505.67 | \$ 69,494.33 |
| | CONTRACT AMOUNT | | | | | \$ 110,000.00 | | | |
| Title: As-Needed Civil Engineering Services Firm: HydroScience Eng., Inc. Expires: 6/25/2022 (C#19-18) CO-01 for (\$40K) BoD 6/22/21. | CIP | 2019-01 | Open | 12/18/2019 | Live Oak Park Road Bridge Crossing. | | \$ 42,020.00 | \$ 39,755.00 | \$ 2,265.00 |
| | CIP | 2022-02 | Open | 2/2/2022 | Additional Services for Live Oak Park Road Bridge Crossing. Bid Support/Engineering Services during Construction. | | \$ 24,290.00 | \$ - | \$ 24,290.00 |
| | | | | | Unspecified | | \$ 43,690.00 | \$ - | \$ 43,690.00 |
| | | | | | TOTALS: | \$ 110,000.00 | | \$ 39,755.00 | \$ 70,245.00 |

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

| CONTRACT INFO | FUND SOURCE | ASSIGN. NO. | STATUS | DATED | DESCRIPTION | CONTRACT AMOUNT | AUTHORIZED ASSIGNMENT | INVOICED TO DATE | CONTRACT BALANCE |
|--|------------------------|-------------|--------|-----------|---|---------------------|-----------------------|---------------------|--------------------|
| | CONTRACT AMOUNT | | | | | \$ 40,000.00 | | | |
| Title: As-Needed Real Estate Appraisal Services Firm: Anderson & Brabant, Inc. Expires: 6/25/2022 (C# 19-19) CO-01 for \$20K BoD 6/22/21. | CIP | 2019-01 | Closed | 9/19/2019 | North River Rd Easement Appraisal. | | \$ 3,500.00 | \$ 3,500.00 | \$ - |
| | CIP | 2020-02 | Closed | 2/19/2020 | PRS Fire Road Appraisal. | | \$ 7,500.00 | \$ 7,500.00 | \$ - |
| | CIP | 2021-03 | Closed | 4/28/2021 | Hutton Pump Station Site Appraisal. (Staff authorized additional work.) | | \$ 7,500.00 | \$ 7,500.00 | \$ - |
| | CIP | 2021-04 | Closed | 8/11/2021 | Thoroughbred Lift Station Appraisal. (Four Reports) | | \$ 17,500.00 | \$ 17,500.00 | \$ - |
| | CIP | 2022-05 | Open | 2/1/2022 | S. Mission Road (LS-1) - Fair Market Appraisal | | \$ 3,500.00 | \$ - | \$ 3,500.00 |
| | | | | | Unspecified | | \$ 500.00 | \$ - | \$ 500.00 |
| TOTALS: | | | | | | \$ 40,000.00 | | \$ 36,000.00 | \$ 4,000.00 |

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

| CONTRACT INFO | FUND SOURCE | ASSIGN. NO. | STATUS | DATED | DESCRIPTION | CONTRACT AMOUNT | AUTHORIZED ASSIGNMENT | INVOICED TO DATE | CONTRACT BALANCE |
|---|------------------------|-------------|--------|-------------|---|-----------------|-----------------------|------------------|------------------|
| Title: As-Needed Real Estate Appraisal Services Firm: ARENS Group, Inc. Expires: 6/11/22 (C# 19-20) CO-01 for \$20K BoD 6/22/21. | CONTRACT AMOUNT | | | | | \$ 40,000.00 | | | |
| | NON-CIP | 2019-01 | Closed | 7/15/2019 | Bonsall Reservoir Appraisal (to include rent value). | | \$ 3,050.00 | \$ 3,050.00 | \$ - |
| | CIP | 2020-02 | Closed | 1/7/2020 | Moosa Creek Pump Station Easement Appraisal. | | \$ 5,350.00 | \$ 6,542.50 | \$ (1,192.50) |
| | CIP | 2020-03 | Closed | 1/7/2020 | Hutton Pump Station Easement Appraisal. | | \$ 3,400.00 | \$ 3,400.00 | \$ - |
| | | | | | Unspecified | | \$ 28,200.00 | \$ - | \$ 28,200.00 |
| TOTALS: | | | | | | \$ 40,000.00 | | \$ 12,992.50 | \$ 27,007.50 |
| Title: As-Needed Geotechnical Services Firm: Leighton Consulting, Inc. Expires: 11/13/2022 (C# 19-39) | CONTRACT AMOUNT | | | | | \$ 100,000.00 | | | |
| | CIP | 2020-01 | Closed | 6/25/2020 | Rainbow Heights Pump Station geotechnical exploration. | | \$ 8,630.00 | \$ 8,484.20 | \$ 145.80 |
| | CIP | 2021-02 | Closed | 4/15/2021 | Turner Pump Station geotechnical exploration. | | \$ 14,300.00 | \$ 14,286.63 | \$ 13.37 |
| | CIP | 2021-03 | Open | 5/15/2021 | Hutton Pump Station geotechnical exploration. | | \$ 8,450.00 | \$ 703.30 | \$ 7,746.70 |
| | | | | | Unspecified | | \$ 68,620.00 | \$ - | \$ 68,620.00 |
| TOTALS: | | | | | | \$ 100,000.00 | | \$ 23,474.13 | \$ 76,525.87 |
| Title: As-Needed Geotechnical Services Firm: Ninyo & Moore G.E.S. Expires: 11/1/2022 (C# 19-40) | CONTRACT AMOUNT | | | | | \$ 100,000.00 | | | |
| | NON-CIP | 2020-01 | Closed | 3/26/2020 | Dentro De Lomas - Geotech observation & material testing. Proj. #2 | | \$ 6,518.00 | \$ 1,369.00 | \$ 5,149.00 |
| | | 2020-02 | Closed | 8/6/2020 | Vista Valley Villas PRS geotech observation & material testing. | | \$ 10,235.00 | \$ 7,136.00 | \$ 3,099.00 |
| | | 2021-03 | Open | 5/6/2021 | Dentro De Lomas - Geotech observation & material testing. Proj. #1 | | \$ 6,097.00 | \$ 4,104.00 | \$ 1,993.00 |
| | | 2021-04 | Open | 2/9/2022 | Rice Canyon Road Improvements geotech observation & material testing. | | \$ 3,422.00 | \$ - | \$ 3,422.00 |
| | | | | | Unspecified | | \$ 73,728.00 | \$ - | \$ 73,728.00 |
| TOTALS: | | | | | | \$ 100,000.00 | | \$ 12,609.00 | \$ 87,391.00 |
| Title: As-Needed Geotechnical Services Firm: ATLAS (SCST, LLC) Expires: 11/20/2022 (C# 19-41) | CONTRACT AMOUNT | | | | | \$ 100,000.00 | | | |
| | CIP | 2020-01 | Closed | 7/7/2020 | Olive Hills Estates Trans. Main geotech observation/field test. | | \$ 36,619.00 | \$ 17,563.00 | \$ 19,056.00 |
| | | | | | Unspecified | | \$ 63,381.00 | \$ - | \$ 63,381.00 |
| TOTALS: | | | | | | \$ 100,000.00 | | \$ 17,563.00 | \$ 82,437.00 |
| Title: As-Needed Construction Management & Insp. Services Firm: Harris & Associates Expires: 1/28/2023 (C# 20-01) CO-01 for \$20K BoD 6/22/21. | CONTRACT AMOUNT | | | | | \$ 170,000.00 | | | |
| | CIP | 2020-01 | Closed | 3/13/2020 | CM Support Services for the WSUP. | | \$ 100,000.00 | \$ 99,972.50 | \$ 27.50 |
| | CIP | 2020-02 | Closed | 4/7/2020 | Constructability design review of PUP-1. | | \$ 6,270.00 | \$ 5,280.00 | \$ 990.00 |
| | NON-CIP | 2020-03 | Open | 4/21/2020 | Sewer North River Road - Emergency Repair. | | \$ 11,000.00 | \$ 8,548.61 | \$ 2,451.39 |
| | CIP | 2020-04 | Closed | 9/21/2020 | District Wide Inspection Services. | | \$ 20,000.00 | \$ 19,981.73 | \$ 18.27 |
| | CIP | 2022-05 | Open | 1/6/2022 | Continued District Wide Inspection Services. | | \$ 20,000.00 | \$ - | \$ 20,000.00 |
| | | | | Unspecified | | \$ 12,730.00 | \$ - | \$ 12,730.00 | |
| TOTALS: | | | | | | \$ 170,000.00 | | \$ 133,782.84 | \$ 36,217.16 |
| Title: As-Needed Construction Management & Insp. Services Firm: Reilly Construction Mmmt. Expires: 1/28/23 (C# 20-02) CO-01 for (\$100K) BoD 6/22/21. | CONTRACT AMOUNT | | | | | \$ 50,000.00 | | | |
| | | | | | Unspecified | | \$ 50,000.00 | \$ - | \$ 50,000.00 |
| | | | | | | | \$ - | \$ - | \$ - |
| TOTALS: | | | | | | \$ 50,000.00 | | \$ - | \$ 50,000.00 |

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

| CONTRACT INFO | FUND SOURCE | ASSIGN. NO. | STATUS | DATED | DESCRIPTION | CONTRACT AMOUNT | AUTHORIZED ASSIGNMENT | INVOICED TO DATE | CONTRACT BALANCE |
|---|-------------|-------------|--------|------------|---|-----------------|-----------------------|------------------|------------------|
| CONTRACT AMOUNT | | | | | | \$ 325,000.00 | | | |
| Title: As-Needed Environmental Services | CIP | 2020-01 | Closed | 5/13/2020 | Pipeline Upgrade Project - Disney Lane - Cultural/ Biological Evals. | | \$ 9,148.00 | \$ 5,804.56 | \$ 3,343.44 |
| Firm: Helix Environmental | CIP | 2020-02 | Closed | 5/13/2020 | Pipeline Upgrade Project - Via Vera - Cultural/Biological Evals. | | \$ 9,155.00 | \$ 4,446.37 | \$ 4,708.63 |
| Expires: 2/25/2023 (C# 20-03) | CIP | 2020-03 | Closed | 5/14/2020 | Pipeline Upgrade Project - Hutton Pump Station - Cultural/Biological Evals. | | \$ 13,209.00 | \$ 6,793.54 | \$ 6,415.46 |
| CO-01 for \$110K BoD 6/22/21. CO-02 for \$115K BoD 12/7/21. | CIP | 2020-04 | Closed | 5/14/2020 | Pipeline Upgrade Project - Turner Pump Station - Cultural/Biological Evals. | | \$ 13,209.00 | \$ 7,683.26 | \$ 5,525.74 |
| | CIP | 2020-05 | Closed | 7/16/2020 | North River Road Sewer Points Repair - Biological Survey. | | \$ 3,900.00 | \$ 3,136.05 | \$ 763.95 |
| | CIP | 2020-06 | Closed | 9/10/2020 | Gopher Canyon Water Pipeline Impv. Project - CEQA IS/MND. | | \$ 34,695.00 | \$ 31,363.46 | \$ 3,331.54 |
| | CIP | 2021-07 | Closed | 3/25/2021 | Rainbow Heights Pipe Installation - Bird Survey. | | \$ 5,000.00 | \$ 808.80 | \$ 4,191.20 |
| | CIP | 2021-08 | Open | 5/21/2021 | RMWD HQ - Biological Survey & Buffer Mapping. | | \$ 11,684.00 | \$ 5,945.00 | \$ 5,739.00 |
| | CIP | 2021-09 | Open | 11/16/2021 | CIP General Environmental Support Services | | \$ 25,000.00 | \$ 3,362.50 | \$ 21,637.50 |
| | CIP | 2021-10 | Open | 11/30/2021 | Hutton & Turner Pump Stations - Cultural, Biological, Noise Reports. CEQA - IS/MND. | | \$ 46,603.00 | \$ 16,953.20 | \$ 29,649.80 |
| | CIP | 2021-11 | Open | 12/8/2021 | Rice Canyon Pipeline - Cultural & Tribe Monitoring | | \$ 111,400.00 | \$ 13,698.74 | \$ 97,701.26 |
| | CIP | 2022-12 | Open | 1/10/2022 | LS-1 Environmental Compliance | | \$ 48,798.00 | \$ - | \$ 48,798.00 |
| | | | | | Unspecified | | \$ (6,801.00) | \$ - | \$ (6,801.00) |
| TOTALS: | | | | | | \$ 325,000.00 | | \$ 99,995.48 | \$ 225,004.52 |
| CONTRACT AMOUNT | | | | | | \$ 85,000.00 | | | |
| Title: As-Needed Environmental Services | CIP | 20-01 | Closed | 11/6/2020 | Rainbow Heights Road Transmission Main Biological Survey. | | \$ 3,240.00 | \$ 3,234.75 | \$ 5.25 |
| Firm: Rincon Consultants | | | | | Unspecified | | \$ 81,760.00 | \$ - | \$ 81,760.00 |
| Expires: 2/25/2023 (C# 20-04) | | | | | | | | | |
| CO-01 for (\$15K) BoD 6/22/21. | | | | | | | | | |
| TOTALS: | | | | | | \$ 85,000.00 | | \$ 3,234.75 | \$ 81,765.25 |
| CONTRACT AMOUNT | | | | | | \$ 85,000.00 | | | |
| Title: As-Needed Environmental Services | | | | | | | | | |
| Firm: Michael Baker International | | | | | | | | | |
| Expires: 3/24/2023 (C# 20-05) | | | | | | | | | |
| CO-01 for (\$15K) BoD 6/22/21. | | | | | Unspecified | | \$ 85,000.00 | \$ - | \$ 85,000.00 |
| TOTALS: | | | | | | \$ 85,000.00 | | \$ - | \$ 85,000.00 |

