



Padre Dam Municipal Water District  
Santee Lakes Recreation Preserve  
**Rules and Regulations**  
January 1, 2020



**SECTION 1 PURPOSE AND ENFORCEMENT OF RULES AND REGULATIONS**

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taking of District water, illegal or unauthorized connections to any facilities owned or used by the District, or interference with District property or facilities; and permits the recovery of three times the amount of actual damage, plus the costs of suit and reasonable attorney's fees.

Any violation of these Rules and Regulations shall be cause for the Board of Directors to apply such penalties as may be provided by law, or to take any other action as deemed appropriate, including the discontinuance of potable water, recycled water, sewer, or recreational service.

#### **1.4.1 Wrongful Acts Subject to Penalties**

The following acts are considered violations of State law, and are subject to penalties imposed by the District. Many offenses are misdemeanors under the laws of California for which the offender may be criminally prosecuted.

No person shall:

- a) Divert or cause to be diverted any District water or sewage flow without authorization or consent of the District;
- b) Make or cause to be made any connection or re-connection to facilities owned or used by the District, in order to obtain water, sewer, or recycled water service without authorization or consent of the District;
- c) Prevent any meter or other device used in determining the charge for service from accurately performing its measuring functions by tampering or any other means;
- d) Tamper with any property or facilities owned or used by the District to provide potable or recycled water service, or sewer service;
- e) Use or receive direct benefit from the District's facilities with knowledge or reason to believe that the diversion of water, or the tampering or unauthorized connection with District water or sewer facilities existed at the time of such use, or that the use or receipt of benefit was without authorization or consent of the District; or
- f) Cause damage to any water, sewer, or recycled water facility or related appurtenances above or below ground intentionally, or by carelessness or neglect.
- g) Take water from any District Facility or District authorized metering device without District permission.

#### **1.4.2 Damages and Penalties**

##### **1.4.2.1 Theft of Water**

- (a) Water theft is prohibited. Each act of water theft constitutes a misdemeanor.
- (b) The taking of water from any fire hydrant, blow-off valve, or other District Facility or connection to a District facility, to which a District authorized metering device has not been installed by the District is considered water theft. Water theft is the taking of water by any means without paying

the District charges or by tampering with District property.

- (c) The District will report any theft of water to the appropriate prosecuting agency and press for prosecution of said activity pursuant to the Penal Code.
- (d) In addition to pursuing criminal penalties, the District, upon discovering a theft of water or tampering with District property, may also pursue the following remedies or other remedies available at law or equity:
  - 1) Turn off water service to correct the violation;
  - 2) Confiscate any equipment or tools used to accomplish the water theft that are attached to District property. Said equipment shall be held by the District until fines and other charges are paid;
  - 3) Charge the customer or perpetrator a civil fine of \$1,000 for each occurrence, which amount is a reasonable estimation of the damages that the District suffers for an act of water theft.
- (e) Payment shall be received by the District prior to water service being restored.

#### **1.4.2.2 General Damages and Appeal Process**

Except as otherwise specified by statute, any person who commits any of the wrongful acts (the offender) may be charged three times the amount of actual damages sustained by the District and be subject to penalty or penalties. District staff shall calculate the amount of damages and/or penalty or penalties to be imposed on the offender, and shall send a bill to the offender for payment of the damages and/or penalty or penalties. The calculation of the amount of the damages and/or penalty or penalties may be appealed by the offender to the District.

Any offender desiring to contest the validity or accuracy of the calculation of the damages and/or penalty or penalties shall submit a written appeal to the District's Board of Directors Secretary, within 14 days of the mailing date of the bill. The written request shall state the reasons for contesting the validity of the damages and/or penalty or penalties in question and shall include any documents or other evidence that the offender wishes to be considered in his or her appeal.

Upon receiving a timely appeal, a hearing date will be established by the Board Secretary. A notice of the hearing shall be mailed to the offender at least 10 calendar days before the date established for the hearing. The hearing shall be conducted by the CEO/General Manager or his or her authorized designee. If the customer is not able to appear at the appointed day and time of the hearing, the CEO/General Manager or his or her authorized designee may make a decision based on all available information, and no other customer hearing will be scheduled. The decision of the CEO/General Manager or his or her authorized designee shall be final and no further appeals on the disputed damages and/or penalty or penalties may be made by the offender to the District. Notice of the determination by the CEO/General Manager or his or her authorized designee shall be mailed to the customer within 10 calendar days of such determination and shall indicate whether the appeal has been denied or granted in whole or in part and set forth the terms and conditions for the decision, if any.

The provisions of Section 1094.6 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the decision of the CEO/General Manager's or his or her designee.

### **1.4.3 Unauthorized Use of a Locked Meter**

In the event a customer or any other person takes water from a locked meter without permission or tampers with any lock, the District may:

- 1) Turn off the water service.
- 2) Charge the customer three times the value of the water taken from the locked meter.
- 3) Charge the customer for the damage to a District lock or clip. Refer to Fees and Charges for current charges.

An investigation shall be conducted within 48 hours after discovery of water taken from a locked meter, to verify that the meter remains locked. In the event a meter shows usage on the second investigation, the meter shall be removed and the curb stop locked. The customer shall be charged three times the value of the water taken from the locked meter.

Before the meter will be replaced and service reestablished, the customer shall deposit twice the average monthly water bill, plus the standard meter reinstallation fee, in addition to a service call charge and an amount representing any damage to District property.

All charges relating to termination of service shall be borne by the party having responsibility for the water account. Charges related to the reestablishment of the service shall be borne by the party requesting service.

### **1.4.4 Service for Individual Property Ownership**

No customer may use water upon any tract of land not included in his or her application for service. Each individual property ownership must be served by a separate meter unless otherwise approved by the District.

Delivery of water by one property owner to another property shall terminate the right to water service and service may be discontinued after 10 day's advance notification of such violation, until the violation is corrected.

### **1.4.5 Unauthorized Regulation of Water or Sewage Flow**

No person except authorized employees of the District will be permitted to turn on or turn off water at any connection, or to open or close any gate valve or other device for regulating the flow or measurement of water, sewage, or recycled water.

### **1.4.6 Resale of Water or Sewer Service; Meters and Submeters for Multi-Unit Structures**

No retail customer shall enter into any contract or agreement to resell any portion of the water or sewer service to which he or she is entitled without the specific authorization of the Board.

Notwithstanding the above, as a condition of new water service, each newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure for which an application for one or more water service connections is submitted after January 1, 2018, shall measure the quantity of water supplied to each individual residential dwelling unit, unless exempt under applicable

law. The owner of the structure shall install individual meters or submeters that comply with all laws and regulations governing the approval of meter types or the installation, maintenance, reading, billing, and testing of meters, including, but not limited to, the California Plumbing Code and California Water Code.

If the owner of a mobile home park, trailer park, apartment building, or other multi-unit structure or development installs a separate meter or submeter for each unit, the owner may sell water purchased from the District to occupants of each such unit, under the following conditions:

- a) The rate charged shall not exceed an equal proration of the District's commodity rate, pumping energy, and system charges during the same period, or such other amount allowed to be charged under Civil Code Section 1954.201 et seq.;
- b) Except as otherwise provided by law or District policy, the owner shall read all submeters;
- c) The property owner shall comply with all state, federal, and local provisions of law applicable to the sale, distribution, and use of water.

#### **1.4.7 Liability for Maintenance or Damages (private property)**

The District assumes no responsibility for the delivery of water or disposal of sewage through private pipelines, or for any damage resulting from operation of such pipelines. The property owner is solely responsible for maintenance and repair of water and sewer lateral pipelines connecting to the District's system.

The connection between the water main and the water meter box, including the water meter, are owned and maintained by the District.

#### **For regulations on repairs to the lateral, see Rules and Regulations Sections 4.1.4.7.1 Service Interruption**

The District shall make every reasonable effort to notify customers in advance of any interruption of the water supply, or sewage collection, except in emergency circumstances. However, the District disclaims any liability for damages sustained to customer-owned water or sewer facilities such as booster pumps, water heaters, or solar equipment. The District also disclaims responsibility for damages to privately owned plumbing and other fixtures that may result from an emergency interruption of water supply, change in water pressure, or sewage collection.

#### **1.4.7.2 Steam Boilers and Hot Water Tanks**

The District disclaims liability for safety of steam boilers or hot water tanks on the premises of any customer. All hot water equipment shall be installed in conformity with the applicable plumbing code. When water is used to supply a steam boiler, its owner must supply a tank of sufficient capacity into which the service pipe will discharge a water supply for at least 12 hours.

### **1.4.8 Right of Inspection and Access**

Employees and agents of the District shall have unrestricted access to all premises during reasonable hours to inspect facilities for the purpose of protection of the District, its customers, inspection of grease traps and grease interceptors, inspection of backflow devices, public health, and to enforce the provisions of these Rules and Regulations, as necessary. Access shall not be blocked for any reason, including, but not limited to: construction, landscaping, storage, or any other permanent alteration to the property.

### **1.4.9 Public Access to Customer Records Restricted**

The names and addresses, and any other data collected by the District regarding customers or property owners within the District, including computerized geographical information and project development files, shall not be available to the public except to the extent required by law.

## **1.5 REFERENCES TO CALIFORNIA CODE SECTIONS**

### **Section 1**

1.4 ( <i>Enforcement</i> )	Civil Code Sections 1882 - 1882.6
1.4.1 ( <i>Protection</i> )	Penal Code Section 498 - Stealing Water; taking water without authority or by making unauthorized connections.
1.4.1 ( <i>Protection</i> )	Penal Code Section 625 - Taking water after works have closed or meter is sealed.
1.4.1 ( <i>Protection</i> )	Penal Code Section 592 - Interfering with or damaging pipelines or conduits.
1.4.1 ( <i>Protection</i> )	Penal Code Section 607 - Damaging tanks, flumes, reservoirs or other water storage and transmission facilities.
1.4.1 ( <i>Protection</i> )	Penal Code Section 624 - Breaking, digging, obstruction or injuring water pipes and related appurtenances.
1.4.1 ( <i>Protection</i> )	Health and Safety Code Section 117000 - Bathing or swimming in reservoirs, lakes, etc.
1.4.1 ( <i>Protection</i> )	Penal Code Section 374.2 - Malicious discharge, dumping, depositing substance capable of causing substantial damage or harm in public sewer facilities.
1.4.2.1 ( <i>Damages</i> )	Civil Code 1671; Penal Code 498; Water Code 71601
1.4.2.2 ( <i>Damages</i> )	Civil Procedure Code Section 1094.6
1.4.3 ( <i>Enforcement</i> )	Water Code 71601; Civil Code 1882.1
1.4.4 ( <i>Enforcement</i> )	Water Code 71601

### **Section 2**

Open - Unused

### **Section 3**

3.2.3 ( <i>Security</i> )	California Code of Civil Procedure Section 995.660(a)
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### **Section 4**

4.1.3 ( <i>Water Availability</i> )	42 U.S.C. 1437f; Government Code Sections 65589.7, 66473.7; Health & Safety Code Sections 50052.5, 50053
4.4.4 ( <i>CWA Fees</i> )	California County Water Authority Act, Chapter 45,



4.4.5 (Capacity Fees)	Section 5.9, Water Code – Appendix
4.4.7 (Public Agency)	Government Code Sections 54999.3, 54999.35
4.4.7 (Public Agency)	California Government Code Sections 54999.3
4.10.4.2 (Water Softener)	California Government Code Sections 54999-54999.6
	Health & Safety Code section 116775 et seq.; Water Code 13148

**Section 5**

5.1.4 (Conservation)	Water Code Section 375 et seq.
5.1.5.2 (Conserv. Proc.)	Water Code Section 350
5.1.5.3 (Conserv. Enf.)	Water Code Section 372
5.1.6.2 (Conserv. Proc.)	Water Code Section 350
5.1.7.2 (Conserv. Proc.)	Water Code Section 350
5.1.7.3 (New Connections)	Water Code Section 356
5.1.8.1 (Conserv. Proc.)	Water Code Section 350
5.1.8.3 (Conserv. Enf.)	Water Code Section 372
5.1.11 (Enforcement)	Water Code Section 377
5.4.2 (Cross-Connections)	17 California Code of Regulations Sections 7583-7605
5.4.3 (Survey & Inspection)	17 California Code of Regulations Section 7584(b)
5.4.4 (Backflow Prevention)	17 California Code of Regulations Section 7584(c)
5.4.5 (Backflow Testing)	17 California Code of Regulations Section 7584(e)

**Section 6**

6.5.2 (Standards)	Environmental Protection Agency under Title 40, CFR, Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants under the Clean Water Act"
6.6.3.5 (Discharges)	40 Code of Federal Regulations Section 403.5

**Section 7**

7.2 (Policy)	Refer to this section for all codes
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**Section 8**

8.4.6 (Liens)	California Water Code Sections 72100 and 72102
8.4.8 (Bankruptcy)	Federal Bankruptcy Act (P.L. 95-598)

**Section 9**

9.2.1 (Authority)	California Water Code Section 71660
9.2.2 (Enforcement)	California Water Code Section 71660

## 1.6 DEFINITIONS OF GENERAL TERMS

The following definitions include general terms used throughout these Rules and Regulations. Other specialized terms are defined within the sections in which they appear.

**"Apartment"** - A service classification for a multiple-dwelling housing structure having more than one residential unit under a single ownership.

**"Applicant"** - Any person, business firm, corporation, or governmental agency that applies for water, sewer, or recycled water service.

**"Billing Period"** - Each "billing period" consists of a consumption period, billing preparation period, and a billing date. The consumption periods are generally 30 days. The billing period will generally begin and end on the same day of the month, but may vary due to weekends and holidays.

**"Biochemical oxygen demand (BOD)"** - The rate at which microorganisms use the oxygen in water or wastewater while stabilizing decomposable organic matter under aerobic conditions. In decomposition, organic matter serves as food for bacteria and energy results from its oxidation. BOD measurements are used as a measure of the organic strength of wastes in water.

**"Blow-Off Assembly"** - A device installed on a water main in order to allow the controlled release of water, usually located at a low elevation point or at the end of a pipeline.

**"Board"** - The "Board" refers to the elected Board of Directors, which is the governing board of Padre Dam Municipal Water District.

**"Capacity Fees"** - Amounts charged for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged. Amounts charged for public facilities in existence are based on the depreciated value of the existing capital facilities. Such fees are described as charges for water storage, distribution, transmission, and pumping capacity, and charges for sewer collector, plant, trunk, and metro capacity.

**"Capital Expansion Fund"** - A fund used by the District for the expansion of major facilities of the water system (storage, pumping, transmission and distribution facilities) and the sewer system (collection, truck, pumping, treatment, and discharge facilities.) These funds are generally made up from capacity fees.

**"Collection Lines (Collector)"** - The District's sewer collection pipelines, up to and including those measuring eight inches in diameter, to which the sewer service laterals are connected.

**"Commercial Service"** - A non-residential service classification for customers conducting a retail or wholesale business or offering some type of service to the public.

**"Condominium / Townhome"** - A residential service classification for an individually-owned unit in a building of multiple dwellings, or on land owned in common.

**"Connection Fee"** - See Installation Fee.

**"Cross-Connection"** - Any unprotected physical connection or arrangement of pipes or fixtures between the District's potable water system and any other potential water contamination (such as wastewater, recycled water, industrial processing, etc.).

**"Customer"** - Any person, firm, association, corporation, or governmental agency supplied with water, sewer, recycled water, or recreational service by the District.

**"Customer Accounts Officer"** – The General Manager or any designated person representing the District in the customer appeals process.

**"Developer"** - Any person, firm, association, corporation, or governmental agency required by the District to install a capital improvement addition to the water system, the sewage collection system, or the recycled water system.

**"Distribution Main"** - A water distribution pipeline measuring up to and including 10 inches in diameter, which is used to distribute water to customers, and to which water service assembly is connected.

**"District"** - Padre Dam Municipal Water District or its General Manager or his/her designee.

**"Domestic Service"** - Water or sewer service provided to single-family dwellings, apartments, condominiums, commercial businesses that furnish lodging by the operation and maintenance of motels, mobile home parks, or by rental of any property for lodging purposes. Domestic service also refers to any residential service for which no other classification is specified.

**"Equivalent Dwelling Unit (EDU)"** - A measurement of water usage or sewage disposal equal to that required to serve an average urban single-family dwelling with a lot size of less than one half acre.

**"General Manager"** - References to the General Manager of the District shall also refer to any designated representative to whom authority has been delegated by the General Manager.

**"Improvement District"** - An area within the District's general boundary, established as a political division or for special accounting purposes.

**"Inclining Block Rates"** - A water rate structure established to encourage water conservation by charging a higher commodity rate for greater than average consumption, calculated on the basis of water use allowances for specific service classifications.

**"Industrial Service"** - A non-residential service classification usually designated for a manufacturing or processing business.

**"Installation Fees"** - Fees charged for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the property to a water distribution line or sewer main, and does not exceed the estimated reasonable cost of labor, materials, and equipment for installation of those facilities .

**"Irrigation Service"** - A water service classification designated to supply water for outdoor landscape areas.

**"Lateral"** - A pipeline extending between the customer's service connection located at the property line, road right-of-way, or boundary of the District's easement, and the District's water main or sewer collection line.

**"Meter"** - Any device used for the purpose of measuring quantities of water or sewage flow.

**"Metro"** – Metro is the City of San Diego Metropolitan Wastewater System. The District has purchased capacity within the Metro system for purposes of transportation and treatment of wastewater generated within the District.

**"Mobile Home Park"** - A residential service classification for a designated community of manufactured homes zoned for such use.

**"Motel"** - A residential service classification for a multiple-unit complex consisting of rooms rented to the public for overnight use by the day, week, or month.

**"Multiple-Family"** - Dwellings consisting of more than one residential unit, such as apartments, townhomes, and condominiums.

**"Notice of Completion"** - A document used by the District to indicate that a capital improvement project has met all construction, easement, and record drawing requirements sufficiently to be accepted by the District as part of its water, sewer, or recycled water infrastructure.

**"Nursing Home"** - A residential service classification for businesses licensed to provide professional nursing care for persons who are unable to care for themselves.

**"Person"** - Any individual, partnership, entity, firm, association, corporation, or public agency, including the State of California and the United States of America.

**"Plant"** - A facility provided directly by, or contracted with the District to process raw sewage and produce effluent acceptable by regulatory agencies for discharge. Also see "Water Reclamation Facility."

**"Potable Water"** - Water that has been sufficiently treated to meet drinking water standards contained in Title 17 of the California Code of Regulations and the California Safe Drinking Water Act.

**"Private Plumbing"** - The customer's water pipe system extending from the discharge side of the water meter, and/or sewer pipeline extending from the road right-of-way or the boundary of the District's easement, to the point of consumers use.

**"Pump Station"** - An installation of pumps, valves, electrical equipment, and related appurtenances necessary to lift water or sewage to a higher elevation.

**"Recycled Water"** - Water or wastewater that has been sufficiently treated to meet California Code of Regulations, Title 22, Div 4, Chapter 3 "Water Reclamation Criteria" regulations for irrigation, industrial, and body contact water sport uses, but not suited for drinking.

**"Reduced Pressure (RP) Backflow Prevention Device"** - An apparatus that prevents the flow of potentially contaminated water into either the potable or recycled water system. Such devices must be designed with at least two check valves allowing flow in one direction only, equipped with an automatic differential

relief valve located between the check valves, shut-off valves on each side of the check valve assemblies, and a test valve.

**"Rest Home"** - A residential service classification for a business licensed for the care of individuals.

**"Return to Sewer" Percentage (RTS)** - An estimated percentage of wastewater that is returned to the sewer system for all types of service classifications, except single family residential accounts. These percentages are estimated by the District and are for billing purposes only.

**"Rooming House"** - A residential service classification for a single-family dwelling in which rooms are rented and occupied as living quarters.

**"RV Park"** - A residential service classification for a park having rental spaces for overnight occupancy by recreational vehicles, usually by the day, week, or month.

**"Service Area"** – An area within the District's general boundary established as a geographical location identifier.

**"Service Assembly"** - The pipe and fittings located between the District's water pipeline and the water meter. Also referred to as a lateral.

**"Service Classifications"** - Categories of property served by the District, as specified on the basis of the land use designation or purpose.

**"Single-Family Dwelling"** - A residential service classification for homes built for occupancy by not more than one family or a congregate residence for 10 or less persons.

**"Standard Specifications"** – Standard Specifications shall refer to the Water Agencies' Standards (WAS) – Standard Specifications for Potable Water, Recycled Water, and Sewer Facilities.

**"Standby Charge"** - A fee levied by the San Diego County Water Authority and/or the Southern California Metropolitan Water District which is included on a tax bill, paid by the owner to guarantee access to a water supply.

**"Storage Facility"** - A steel tank or concrete structure used for storage of a reserve water supply to meet system demands for residential, commercial, industrial uses, and fire flow for a specified period of time.

**"Suspended Solids"** - Any insoluble material contained as a component of wastewater, and capable of separation from the liquid portion of said wastewater by laboratory filtration, as determined by the appropriate testing procedure and Standard Methods for the Examination of Water and Wastewater.

**"System Charge"** - An amount paid by the customer for the active water service account to use the District's water system.

**"Townhome"** - See "Condominium / Townhome".

**"Transmission Main"** - A water pipeline measuring 12 inches or greater in diameter, which transports large quantities of water within the water system, and to which a water service assembly may be connected.

**"Trunk Line"** - The District's sewer pipelines measuring 10 inches or greater in diameter to which sewer laterals may be connected. Pump stations and force mains are considered to be part of the sewer trunk line system.

**"Water"** - For purposes of these Rules and Regulations, the term "water" can be generally understood to mean either potable water or recycled water.

**"Water Recycling Facility"** - A wastewater treatment plant that processes raw sewage and produces effluent acceptable for reuse in recreational lakes, a live stream, or a recycled water supply.

**List of Ordinance Amending Rules and Regulations:**

Ord. 98-03, adopted 4/28/98

Ord. 2001-18, adopted 11/27/01, effective January 2002, Section 1.6

Ord. 2012-04, adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

Ord. 2013-05, adopted 12/4/13, effective 1/1/14, Annual Policy Review

Ord. 2014-04 adopted 11/19/04, effective 1/1/15, Annual Policy Review

Ord 2017-01 adopted 2/1/17, effective immediately, Annual Policy Review

Ord 2019-01 adopted 01/16/19, effective immediately, amending Section 1.4.6 re: individual metering/submetering to comply with SB 7; Section 1.4.7, Liability for Maintenance or Damages (private property) – Revised to resolve conflict with Section 4.11.6 and 4.11.7

**SECTION 2**

**OPEN - UNUSED**

Ord. 2012-04, adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.



**SECTION 3 CONSTRUCTION OF WATER AND SEWER SYSTEMS**

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- 1) CCI shall be reviewed quarterly for fiscal year 2018 thru 2022. Schedule of the Quarterly Review of Capacity Fees will be:
  - 1<sup>st</sup> Quarter (January – March) reviewed in April and applied July 1<sup>st</sup>
  - 2<sup>nd</sup> Quarter (April – June) reviewed in July and applied October 1<sup>st</sup>
  - 3<sup>rd</sup> Quarter (July – September) reviewed in October and applied January 1<sup>st</sup>
  - 4<sup>th</sup> Quarter (October – December) reviewed in January and applied April 1<sup>st</sup>
- 2) If CCI is greater than two percent (positive or negative), capacity fees shall be adjusted to include the total CCI since the last applied adjustment and will be automatically applied at the beginning of the following quarter.
- 3) If capacity fees are not adjusted for three consecutive quarters than an automatic adjustment will be made on the fourth quarter and will encompass the prior year's CCI.
- 4) If any review shows that CCI is greater than five percent (positive or negative), the adjustment must be agendized and presented to the Board of Directors for consideration, no automatic adjustment of five percent or greater shall be made.

Alternatively, the Board may adjust Capacity Fees by special study.

### **3.1.5 Construction at District Expense**

The Board of Directors may authorize construction of capital improvements, upon a determination that such facilities are necessary to correct a deficiency in the water, sewer, and / or recycled water systems, or to provide adequate domestic, commercial, or fire service in accordance with District system design standards or current health and safety requirements.

### **3.1.6 Construction at Developer Expense**

The developer shall install or cause to be installed all water or sewer facilities required to serve the property being developed or improved. Capital improvements shall be constructed at the expense of the developer, in accordance with the District's requirements, applicable standards, and specifications.

Upon completion of the project by the developer, the facilities will be accepted by the District as a contributed asset, and thereafter operated and maintained by the District. The developer may be entitled to future cost reimbursement for constructing those portions of the facilities that benefit other properties or development.

Construction plans for capital improvement additions to the District's water or sewer systems must be prepared by a California licensed civil engineer in accordance with conditions set forth in "Water Agencies' Standards (WAS) – Water Agencies' Design Guide (WADG) for Water and Sewer Facilities."

## **3.2 CONTRACTS AND SECURITY FOR CAPITAL EXPANSION PROJECTS**

### **3.2.1 Policy**

The owner of a project requiring expansion or improvement of the District's water or sewer systems shall enter into a private development contract with the District to make, install, and complete the necessary facilities. Such contract shall be secured with bond(s) or an irrevocable standby letter of credit acceptable to the District.

### **3.2.2 Contracts**

A contract between the developer and the District for improvement or expansion of District facilities shall be on a form provided by the District. In the case of facilities to be installed in conjunction with project development controlled by the County of San Diego, a joint agreement between the County, the District, and the developer shall be executed, using a form provided by the County.

### **3.2.3 Security Documents**

All bonds are to be secured from a surety that meets all of the State of California bonding requirements, as defined in Code of Civil Procedure Section 995.120, and is admitted by the State of California. Personal sureties and unregistered surety companies are unacceptable.

An Irrevocable Standby Letter of Credit is an acceptable security document. The Letter of Credit cannot be issued by any bank directly involved with the actual development.

Forms for either document must be obtained from the District.

In the case of facilities to be installed in conjunction with project development controlled by the County of San Diego, a joint bond or irrevocable standby letter of credit between the County, the District, the bank, and developer shall be executed, using a form provided by the County.

### **3.2.4 Partial Release of Security for Contracts**

The General Manager is authorized to partially release security, for the purposes stated in this section, pursuant to the following conditions:

- a) Security may be partially released only upon written request by the party who posted such security; and
- b) Partial release may be requested only when all facilities shown on the District approved project drawings have been constructed, tested, and connected to the District's operations system; and
- c) Partial reduction shall not exceed 50 percent of the original value of the security, and the remaining security shall amount to no less than \$10,000; and
- d) The security may be reduced to 10 percent of the original value, with the remainder

amounting to no less than \$5,000, upon completion of the project in accordance with the terms and conditions of the contract within the time specified, and upon the filing of a notice of completion by the District.

The 10 percent security shall remain in full force and effect for one year from the acceptance date, as a guarantee for the work performed.

### **3.3 NOTICE OF COMPLETION**

No water or sewer facilities shall be accepted by the District until the District files a Notice of Completion with the County Recorder.

The Notice of Completion shall include, but not be limited to, the following:

- a) A contract to make, install, and complete the facilities has been entered into between the Developer and the District. All provisions of the contract have been satisfied.
- b) Appropriate securities are in place and available for the one year warranty period.
- c) All appropriate fees for service have been paid in full.
- d) The project cost accounting is current. Deposits and payments cannot be delinquent.
- e) Developer/Owner has conveyed to the District all easements, required because of the project, covering all existing or future facility alignments.
- f) Construction has been performed in accordance with the District's signed improvement drawings, Water Agency Standards (WAS), and inspected and accepted by District Engineer or his / her designees.
- g) Any construction changes deviating from the District signed drawings or Standard Specifications have been approved by the District.
- h) District has received final engineering record drawings (as-built mylars of improvement drawings) showing all actual construction conditions and changes.

Until a Notice of Completion has been filed the Developer/Owner is liable for all maintenance and repair of the facilities being constructed as a part of his project. Only upon filing of the Notice of Completion shall the District assume ownership of the facilities, except as limited by the Developer Guarantee as outlined in the Contract.

### **3.4 REIMBURSEMENT CONTRACTS**

#### **3.4.1 Policy**

A developer required to expand the District's water or sewer systems in order to obtain service may, as a part of the construction process, provide additional capacity within those systems for other lands not within the development and ownership of the developer.

The District may enter into a standard 10 year contract with a developer for the reimbursement of a portion of costs incurred by future connections. The District's only obligation is to collect specified reimbursement fees for each connection by others who benefit from the facilities and forward those fees to the developer per agreement.

#### **3.4.2 Reimbursement Contract Procedures**

The reimbursement contract may be executed by the District, for a period of 10 years from the date of acceptance of the facilities by the District, with options for five year extensions. No reimbursement contract shall be entered into by the District unless it is executed by the parties within 90 days after the Board has accepted the completed facilities.

The developer shall provide the District with a written itemization of the costs of constructing the facilities, along with any other cost the developer is requesting to be included, within 30 days of the date of acceptance of such facilities by the Board. Cost may include such items as: engineering, construction, project security, etc.

The District shall determine the amounts subject to reimbursement by apportioning the appropriate costs among the developer's property and the owners of other land that may benefit from the facilities.

#### **3.4.3 Distribution of Costs**

The amounts subject to reimbursement will be distributed among the various individual parcels of land involved. This distribution of costs may be collected on the basis of street front-footage, capacity fee, area, or a combination of any of these, or by any other method deemed appropriate by the District. The method used will be that which provides, in the opinion of the District, the most equitable distribution of costs.

#### **3.4.4 Reimbursement of Fees Collected**

Fees collected by the District for reimbursement to a developer shall be credited to a special account. The amount in each special account will be paid out on each January 1, April 1, July 1, and October 1.

The reimbursement payments will continue for a period of 10 years from the date of acceptance of the developer installed facilities, or until the developer has received the total amount specified in the reimbursement agreement, whichever occurs first. No interest shall be paid to the developer on any sum paid or payable that is associated with the agreement, except as defined by the reimbursement agreement.

District shall retain a percentage, as specified in the Reimbursement Agreement, of each of the amounts collected as compensation for the expenses incurred in administering the Agreement.

### **3.4.5**      **Time Extensions**

The standard 10 year contract period may be extended for one or more periods of five years, upon a determination by the Board that such extension is in the interest of the parties. Requests for time extensions shall be in writing, and must be submitted to the District by the other party of the reimbursement agreement prior to the expiration date of the agreement.

Notwithstanding provisions of the foregoing paragraph and the terms of a reimbursement agreement, the contract shall be extended for the period of time during which any moratorium or other restrictions upon construction and development may exist which has prevented connections to the District system.

## **3.5**            **DISTRICT PARTICIPATION IN OVER-SIZED FACILITIES**

### **3.5.1**      **Policy**

A developer required to expand the District's water or sewer systems, in order to obtain service, may be required by the District to construct additional capacity within those systems for other properties not within the development. Such facilities shall be designed and installed to provide capacity sufficient to serve both the property of the developer and other property for which capacity will be needed in the future.

### **3.5.2**      **Procedures for District Participation**

District will review developer's capacity needs along with the capacity requirements recommended for in the latest District Master Plan or by special study. If the District determines that expanded capacity in the developer's project facilities is in the best interests of the District and the long term impact to the developer's project, the District will prepare an engineer's estimate of potential District participation costs.

The estimated participation cost will be taken to the District's Board for approval prior to requiring over-sizing or pipeline extension to be a requirement of the developer's project. The District will then enter into an Agreement for District Participation in Construction of Facilities ("Participation Agreement") with the developer regarding reimbursement of a portion of costs incurred. The Participation Agreement may be in the form of either direct District participation or a standard reimbursement agreement. Special arrangements are at the discretion of the Board of Directors.

Upon completion of construction, the developer will provide documentation showing all costs incurred due to increased capacity of infrastructure or additional length of pipelines. After review and District staff approval of these costs, staff will present the final approved participation cost to the District's Board for final approval and payment authorization.

### **3.5.3 Funding by District**

It is the intent of the District to fund requested expansion of capacity through the District's Capital Expansion Funds.

The actual amount of District participation due to over-sizing of facility or pipeline extension will be based upon:

- a) Documentation of reasonable cost of extra engineering; and
- b) Documentation of cost for extra land or easement acquisition required; and
- c) Documentation of added cost for securities if the District requires security coverage of the expanded facilities; and
- d) Documentation of cost for construction of expanded facilities based on actual project bids, or other related documents.

### **3.5.4 Funding by Developer**

In the event the District does not have sufficient funds to participate in the cost of the expanded facilities, the developer will be required to provide such funding.

The Developer shall be reimbursed the documented additional costs per the general policies established in the section for Reimbursement Contracts in these Rules and Regulation, or by special agreement for long term payback directly by District.

## **3.6 EASEMENTS GRANTED TO THE DISTRICT**

### **3.6.1 Policy**

The developer shall provide, at no cost to the District, all easements necessary for the installation, operation, maintenance and replacement of pipelines and facilities owned or to be owned by the District, related to developer's project as well as any additional easements on the proposed project for future connections to adjacent properties.

### **3.6.2 Easement Requirements**

If a subdivision of property is contemplated, such easements must be granted to and accepted by the District prior to District signature on the improvement plan or approval of the final subdivision map.

All water and sewer pipeline easements must be at least 25 feet in width, and must be entirely on one property parcel. If the easement will contain both water and sewer pipelines the minimum easement width shall be 30 feet. Easements for pipelines to be located within streets shall cover the entire width of such street. Easements within parking lot drive aisles shall be the width of the drive aisle.



Irrevocable offers of dedication for the City or County agency of jurisdiction will not be accepted in lieu of District easements unless the irrevocable offer of dedication is accepted by the City or County prior to District signature on the improvement plan or subdivision map dedication. Additionally, subdivision map dedications will not be accepted in lieu of District easements unless dedications to the public for streets and public utilities are fully accepted on the improvement plans or final subdivision map.

If changes to the District pipeline or facilities during construction change the easement requirements then a new easement must be provided and the existing easement must be transferred by quitclaim deed at the Developer's expense. The District will not release 20 percent of the total meters until the final easements have been received.

### **3.6.3 Joint Use Easement Certificates**

Upon approval of a subdivision record map, the District will execute a joint use certificate consenting to the construction and maintenance by the County of San Diego, or by any city, of a public street over, upon, and across the portions of its easements lying within the boundaries of the proposed street. The joint use certificate shall be per District requirements.

The certificate shall provide that the County or City is responsible for the cost of rearrangement, relocation, or reconstruction of District facilities located within such easement, and/or the acquisition of any additional easements or properties that may be required to accommodate the County or City's future use or the alteration of such area for street or public improvements.

### **3.6.4 Enforcement of Easements**

The General Manager is responsible for monitoring, controlling, and enforcing District easements and right-of-ways.

### **3.6.5 Easement Restrictions**

The following items are considered permanent structures and are prohibited within District easements:

- a) Trees and large shrubs.
- b) Buildings, roof overhangs, structures, mobile homes, concrete slabs, footings, curbs or concrete pavement, swimming pools and posts with a buried depth measuring two and one half feet or more.
- c) Stored materials requiring specialty equipment for removal.
- d) Storage of hazardous materials.
- e) Additional items as listed in the specific easement document.

Fences are allowed to be constructed along the exterior boundaries of the District easements, with prior District approval based on site conditions. However, at any point where a fence crosses an easement, a

double gate at least 12 feet in width, approved by the District, must be installed and secured with a District lock. All fences within or along any District easement must be approved by the District prior to installation. Refer to Section 3.6.7.

### **3.6.6 No Liability for Animals on District Easements**

The District shall not be responsible for the escape or injury of any animals that may occur as a result of the District's use of its easement.

If at any time an animal restricts the District's access to its easement and facilities, or presents a danger to the safety of its employees, officers, agents, or contractors, the District reserves the right to take such measures as deemed necessary to protect its representatives.

### **3.6.7 Encroachments on District Easements**

#### **3.6.7.1 General Terms**

When an encroachment on a District easement is discovered or requested, the District will evaluate the potential impact including, but not limited to, the following factors:

- a) Size, material, and depth of the District's water and/or sewer pipeline within the easement.
- b) Water pipeline pressure.
- c) Number of customers served by the pipeline or facility.
- d) Cost of immediate removal of an encroachment versus the District's need for access.
- e) Potential for interference with existing or future facilities and District's access for maintenance, operation, or replacement.

Any existing encroachment that inhibits the District's use of its easement, as determined upon evaluation by the District, shall be removed at the expense of the property owner.

If an encroachment upon the District's easement is to be permitted, the property owner shall enter into a District standard "Consent and Agreement Regarding Use of Easement" document with the District, which contains such safeguards as deemed necessary and appropriate to protect the District's access to its facilities within the easement. The agreement shall be recorded against the owner's property and shall be subject to the Encroachment Processing Fees set forth below.

### **3.6.7.2 Encroachment Processing Fees**

Encroachment Processing Fees shall apply to non-developer related property as follows:

Upon determination of the necessity of the District to review, administer and record the Consent and Agreement Regarding Use of Easement (a.k.a. Encroachment Agreement), the District shall require the payment of a fee that shall represent the average actual cost of such review, administration and recording. *Refer to the section regarding Fees and Charges for miscellaneous services*

### **3.6.8 Purchase of Easements by the District**

Any easement required by the District that is not a part of a private development project may be acquired by purchase from the property owner.

The General Manager is authorized to negotiate with property owners for the purchase or sale of real property or real property rights such as easement. The General Manager must follow state law regarding the purchase or sale of real property or for any special considerations relating to real property, such as condemnation proceedings. All final agreements relating to real property must be approved by the Board and executed through a written contract.

## **3.7 DEVELOPMENT PROJECT DEPOSITS**

### **3.7.1 Purpose of Deposits**

A developer shall pay for all services supplied and expenses incurred, including staff time, by the District in conjunction with the developer's project.

Such deposits, as set forth in the section regarding Fees and Charges shall include, but not be limited to, the following costs:

- a) Communications with the developer, project engineer, computer analysts, and with prospective buyers;
- b) Preparation or review of environmental documents;
- c) Review and approval of detailed plans, final maps, and easements;
- d) Preparation and review of contracts and security documents;
- e) Communications with other governmental agencies and fire department representatives;
- f) Inspection of job sites and construction work;
- g) Supervision of repair of facilities;
- h) Supervision or performance of associated project testing; (i.e., compaction, chlorination, hydrostatic and bacteriological);

- i) Preparation of maps, project databases, drawings, notices, and other documents to incorporate the facilities into District's administrative and operational system; and
- j) Legal, engineering, and other fees and charges incurred by District.

### **3.7.2 Payment of Development Deposit**

The developer shall deposit a sum of money with the District, as shown in the section regarding Fees and Charges. The first deposit, equal to 60 percent of the Project Estimate (at plan submittal), is to cover the cost of project meetings, Engineering plan checking, project administration, finalization of project, and any related services for which no specific fee has been established by these rules and regulations. Said deposit shall be paid upon the initial presentation of a proposed development map or project for processing by the District.

The developer shall pay an additional Inspection deposit, as shown in the section regarding Fees and Charges, the remaining 40 percent of the Project Estimate (prior to construction) for the District's cost of inspecting construction of the proposed facilities. Such deposit shall be paid no later than 48 hours prior to issuance of any building permit, or the start of any construction on the project.

Upon determination that the amounts deposited are inadequate to cover the actual or anticipated cost of providing necessary services for the project, the District may demand the deposit of additional sums by the developer. The District shall suspend such services until such additional sum is paid.

### **3.7.3 Project Accounting**

The District shall maintain records, in accordance with its standard accounting practices, of the labor costs, materials and other expenses incurred by District on the project. Labor costs shall consist of billing rates established for District employees, which included such percentage as the Board may determine is reasonable for overhead and fringe benefits.

### **3.7.4 Final Payment or Refund**

90 days after a 100 percent Notice of Completion has been filed with the County Recorder, and all water and sewer facilities have been conveyed to and accepted by the District, or within 90 days after a project is otherwise terminated, the District shall determine the total costs of the services supplied and expenses incurred.

If the total amount deposited by the developer is less than the actual costs incurred by the District, the developer shall pay the difference within 10 days of being notified. If the total amount deposited by the developer exceeds such costs, the District shall refund the difference. However, no additional payment by the developer or refund by the District shall be required if the sum involved is less than \$75. No interest shall be paid on any amount that is refunded.

If deposits have been made by more than one person on behalf of the project, the person listed in the District records as the current developer shall be entitled to any refund unless otherwise directed by the developer.

### **3.7.5 Soil Testing**

The developer shall provide, without expense to the District, such soil testing and re-testing as the District may require, and as stipulated by the Water Agencies' Standards (WAS) and approved project plans.

### **3.7.6 Bacteriological Testing and Waterline Tie-in**

After passing bacteriological testing per the WAS on all new water mains, services, or appurtenances, the developer and/or contractor shall tie in the new installation to the existing water system within 48 hours of testing completion. Exceeding 48 hours between testing and tie-in will result in additional flushing, sampling, and testing at the developer's expense.

## **3.8 CHARGES FOR OTHER SERVICES**

### **3.8.1 Fire Flow Tests**

Upon request to perform a fire flow test the District shall require the payment of a fee that represents the average actual cost of performing such fire flow test, including but not limited to, coordination with the fire department and other controlling agencies, preparation of documents and plats used by field personnel, personnel time to do the actual test, traffic control, drainage control to protect private property, actual water loss etc. *Refer to the section regarding Fees and Charges for the fire flow test charges.*

### **3.8.2 Miscellaneous Improvement Plans**

Upon submittal of plans of proposed work by City, County, or property owner, not already included in other development projects, the District will determine if plan checking and/or District approval signature are required.

The work represented by these miscellaneous improvement plans may include, but not be limited to, work in public streets requiring protection or relocation of existing District facilities, site plans, grading plans where District has easement rights, easement plats, and on-site recycled water irrigation systems requiring the District's and Health Department's approval. Upon the determination of necessity of District review and plan check of proposed work, the District shall require the developer to deposit a sum of money with the District to cover the cost of plan check and related services, or shall require the payment of a fixed fee that shall represent the average actual cost of performing such services. *Refer to the section regarding Fees and Charges for miscellaneous services.*

### **3.8.3 Other Services**

Whenever the District performs a service, which is not covered by a charge or fee described in these Rules and Regulations, the person for which the service is being performed shall pay the actual costs or a fixed fee that shall represent the average actual cost of labor, materials, and equipment based on the District's billing rates. Prior to performing such services, the District may require payment of a deposit in the amount of the estimated charges.

Services for which actual costs shall be charged include, but are not limited to, wet taps, service and fire hydrant relocations, new fire hydrant and fire service installations, unique installation circumstances impacting standard water and sewer laterals such as concrete paving or steel pipe welding, repairs to damaged District facilities, property lease agreements, etc. Services for which a fixed fee shall be charged include, but are not limited to, necessary office staff time and materials related to the above construction items and services requiring special preparation (i.e., special mapping, data collection, or file search). *Refer to the section regarding Fees and Charges for these other services.*

**List of Ordinances amending Rules and Regulations:**

Ord. 98-03, adopted 4/28/98, Re-write of Rules & Regs

Ord. 99-07, adopted 09/14/99, effective January 2000, Section 3.8.2 Street Improvement and Irrigation Plans

Ord. 2001-16 and 2001-17, adopted 11/27/01, effective January 2002, Sections 3.6.7

Ord. 2001-18, adopted 11/27/01, effective January 2002, Sections 3.1.3, 3.7.1, 3.8.2, 3.8.3

Ord. 2012-05, adopted 7/18/12, effective 7/19/12, Rules & Regs rewrite, Section 3

Ord. 2013-05, adopted 12/4/13, effective 1/1/14, Annual Review

Ord. 2014-04 adopted 11/19/04, effective 1/1/15, Annual Review

Ord 2017-01 adopted 2/1/17, effective immediately, Annual Policy Review

Ord 2017-03 adopted 5/3/17, Section 3.1.4 Capacity Fee Adjustments, effective May 15, 2017

Ord, 2019-01 adopted 1/16/19, effective immediately, Annual Review

**SECTION 4 WATER AND SEWER SERVICES**

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**SECTION 4 WATER AND SEWER SERVICES**  
Procedures for Obtaining Water and Sewer Services

**4.1 DISTRICT POLICY**

The District is committed to providing water and/or sewer services to property within its boundaries in a fair and equitable manner, but the District shall not be obligated to provide water or sewer service beyond its capacity to do so, or to bear the cost of extending pipelines or building additional facilities.

The District shall not be responsible for any events beyond its control, such as natural disasters, droughts, water delivery cutbacks mandated by the San Diego County Water Authority or the Metropolitan Water District, or the State of California, restrictions imposed by the Metropolitan Sewerage System and the San Diego Area Wastewater Management District, or any new state, federal, or local laws and regulations affecting the District's ability to provide service.

**4.1.1 Compliance with Rules and Regulations**

Persons applying for water or sewer service from the District must comply with all rules and regulations in order to be eligible to receive service. The Board reserves the right to modify these rules and regulations as deemed in the best interest of the District. The Board may waive, modify, or extend any condition or requirement established herein, upon a showing of good cause.

**4.1.2 Moratoria and Development Limitations**

A Moratorium is a suspension of activity, a waiting period, or a limit on services sold in an area due to special conditions which is set by an authority, such as the Board of Directors.

The District has no moratoria or development limitations unless specifically listed within this section as subheadings, or as may be imposed pursuant to the District's Rules and Regulations, Section 5, Water Supply Management Conditions.

**4.1.3 Low Income Developments**

- a) In reviewing applications for developments, the District shall grant water and service priority, to any "proposed developments that include housing units for lower income households", specified in Government Code section 65589.7, and Water Code section 10631.1.

During Water Supply Management Conditions 2, 3 and 4, any "proposed developments that include housing units for lower income households" shall be given priority in the requirement for providing a "conservation offset" under District Rules and Regulations Section 4.7.4 (b) (5) Water Service Restrictions.

- b) For purposes of this policy, the following definitions shall apply:
- (1) “Proposed developments that include housing units for lower income households” means developments that include dwelling units to be sold or rented to lower income households at an affordable cost or an affordable rent.
  - (2) “Lower income households” means any person or family whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to United States Housing Act of 1937 section 8. Low income households include extremely low and very low income households.
  - (3) “Affordable cost” means housing costs not exceeding:
    - A. for extremely low households, the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit;
    - B. for very low income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit; and
    - C. for lower income households whose gross incomes exceed the maximum income for very low income households and do not exceed 70 percent of the area median income adjusted for family size, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit. In addition, for any lower income household that has a gross income that equals or exceeds 70 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable housing cost not exceed 30 percent of the gross income of the household.
  - (4) “Affordable rent” means rent which includes a reasonable utility allowance, not exceeding:
    - A. for extremely low income households the product of 30 percent times 30 percent of the area median income adjusted for family size appropriate for the unit;
    - B. for very low income households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit; and
    - C. for lower income households whose gross incomes exceed the maximum income for very low income households, the product of 30 percent times 60 percent of the area median income adjusted for family size appropriate for the unit. In addition, for those lower income households with gross incomes that exceed 60 percent of the area median income adjusted for family size, it shall be optional for any state or local funding agency to require that affordable rent be established at a level not to exceed 30 percent of gross income of the household.

- (5) “Sufficient water supply” means the total water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that will meet the projected demand associated with the proposed subdivision, in addition to existing and planned future uses, including, but not limited to, agricultural and industrial uses. In determining “sufficient water supply,” all of the following factors shall be considered:
- A. The availability of water supplies over a historical record of at least 20 years.
  - B. The applicability of an urban water shortage contingency analysis prepared according to Water Code section 10632 that includes actions to be undertaken by the public water system in response to water supply shortages.
  - C. The reduction in water supply allocated to a specific water use sector according to a resolution or ordinance adopted, or a contract entered into, by the public water system, as long as that resolution, ordinance, or contract does not conflict with Water Code section 354.
  - D. The amount of water that the water supplier can reasonably rely on receiving from other water supply projects, such as conjunctive use, reclaimed water, water conservation, and water transfer, including programs identified under federal, state, and local water initiatives such as CALFED and Colorado River tentative agreements, to the extent that these water supplies meet the criteria of Government Code section 66473.7 (d).
  - E. If a proposed subdivision relies in whole or in part on groundwater, the following factors:
    - (i) For a basin that has not been adjudicated, as follows:
      - (I) For a basin designated as high or medium-priority pursuant to Section 10722.4 of the Water Code, the most recently adopted or revised adopted groundwater sustainability plan or approved alternative. If there is no adopted groundwater sustainability plan or approved alternative, information as to whether the Department of Water Resources has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue.
      - (II) For a basin designated as low or very low-priority pursuant to Section 10722.4 of the Water Code, information as to whether the Department of Water Resources has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue.
- (6) A “water shortage emergency” shall have the meaning of such term in Water Code section 350 and following and the District’s Drought Management Plan, as the same may be amended from time to time. See District’s Water Supply Management Conditions, Section 5 of the District’s Rules and Regulations.

- c) The District shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following reasons specified in Government Code section 65589.7(c):
- (1) The District does not have sufficient water supply, or is operating under a water shortage emergency.
  - (2) The District does not have sufficient water treatment or distribution capacity to serve the proposed development, as demonstrated by a written engineering analysis and report.
  - (3) The District is subject to a compliance order issued by the State Department of Health Services prohibiting new water connections.
  - (4) The District does not have sufficient sewer treatment or collection capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report on the condition of the treatment and collection works.
  - (5) The District is under an order issued by a regional water quality control board that prohibits new sewer connections.
  - (6) The applicant has failed to agree to reasonable terms and conditions relating to the provision of services generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws or regulations or the payment of a fee or charge imposed under Government Code section 66013.
- d) The District shall include projected water use for lower income households in its urban water management plan consistent with Water Code section 10631.1.
- e) In the event of water shortage emergencies, the District shall take into account low income housing service priority when connecting water services consistent with Government Code section 65589.7(b).
- f) When the District makes water determinations regarding a proposed subdivision, low income housing shall be given priority for connecting to water services consistent with Government Code section 65589.7.

## **4.2 PROJECT FACILITY AVAILABILITY**

### **4.2.1 Applications for Availability of Facilities**

Each application for availability of water and/ or sewer facilities and service shall be submitted on a County or City Project Facility Availability Form, together with payment of the appropriate processing fees. *Refer to the section regarding fees and charges for the processing fees.*

Such application shall be accompanied by a copy of the map to be submitted to the County or City, describing the property and the proposed project. If the County or City does not require a map then one shall be prepared for Padre Dam. The map shall contain sufficient detail for the District to make a preliminary determination of the facilities and capacity needed to serve the proposed project.

### **4.2.2 District Review and Approval of Facility Applications**

The District shall review each application to ensure compliance with the foregoing requirements, and to make a preliminary evaluation of the facilities, easements and capacity needed to serve the proposed project.

Upon a determination that water and/or sewer capacity and facilities may be available to serve the applicant's project, the District shall execute the form, certifying the availability of water and/or sewer facilities for a specific property development. Such certification shall list District conditions but does not guarantee the availability of water supply or commit the District to provide services or to execute a Project Facility Commitment Form at a later date. The signature on the Availability Letter is valid for one year.

If the District determines that the proposed project is not feasible, it shall disapprove the application and clearly state the reasons for disapproval.

The applicant may appeal the decision of the District to the Board's Facility Development Committee by filing an appeal with the Board Secretary.

### **4.2.3 Processing Fees**

The processing fee shall be paid prior to the District reviewing the facility availability for the proposed project, and shall include the signing of one Project Facility Availability Letter pursuant to section 4.2.2 and one Project Facility Commitment Letter pursuant to section 4.3.1. Any requested updates of these letters will be an additional charge.

When an update is requested, an applicant shall submit an updated application, fee, and map. If, however, the District determines that the proposed project has significant changes from the original

submittal, including different number of lots, new road or facility alignments, additional easements or additional water, sewer or recycled water demand then new processing fees will be required in lieu of an update fee.

### **4.3 PROJECT FACILITY COMMITMENT**

#### **4.3.1 Applications for Commitment of Facilities**

Each application for water and/or sewer facilities commitment shall be submitted on a County or City Project Facility Commitment Form and include payment of all applicable fees. Such application shall be accompanied by a map of the property for which services are desired. The submitted map must be approved by the County of San Diego, the City of Santee, or other public entity with land use jurisdiction and shall not materially deviate from the submittal provided at the time of the Application for Availability of Facilities. If material changes have occurred, then the District will require that the project be resubmitted in accordance with the Application for Availability of Facilities.

Upon the District's determination that sufficient facilities and uncommitted water and/or sewer capacity are available to serve the applicant's property, the District will process the application for Project Facility Commitment. Signature of this form by the District does not guarantee the availability of a water or sewer supply. The signed form is valid for one year.

During Water Supply Management Conditions 2, 3 and 4, as described in Section 5, the District may modify these forms to indicate the current Water Supply Management Conditions.

#### **4.3.2 Processing Fees**

An Application for Project Facility Availability includes the processing of one Project Facility Commitment letter. Additional updates of the commitment letter will require an additional charge. *Refer to the fees and charges section for processing fees.*

### **4.4 PAYMENT OF CAPACITY AND INSTALLATION FEES**

#### **4.4.1 Application for Capacity**

The acceptance of an application for new water or sewer capacity to serve a property located within the District shall be processed only after the payment of all capacity and installation fees and the following as appropriate:

- 1) Application for a building permit through the County of San Diego, City of Santee, or other public agency with land use jurisdiction.

- 2) Application for a Tenant Improvement through the County of San Diego, City of Santee, or other public agency with land use jurisdiction.
- 3) Application of water service for irrigation. Provided documentation is provided that clearly spells out the pre-construction requirements from the appropriate land use agency, and/or approved landscape and irrigation plans.
- 4) Application for additional water or sewer demand directly to the District as part of business expansion.

*Refer to the section on fees and charges for the capacity fees.*

#### **4.4.2 Credit of Capacity Fees**

Each unit (EDU) of capacity shall be assigned to the property for which it was purchased. After 2004, if the water or sewer service assigned the purchased capacity is not activated and used within five years after purchase, the capacity shall be removed, and the property shall be credited with a dollar value equal to the previously paid capacity. See Section 4.5 Refund of Capacity for the process to obtain a refund.

The District shall not pay interest on any credited money remaining on a property and shall not be responsible for refunding said credit without written request from the Owner.

#### **4.4.3 Transfer of Capacity**

Capacity cannot be transferred from one parcel to another without permission from the District General Manager. Transfer of capacity, from one billing account to another can only be done if all of the following conditions are satisfied:

- 1) the multiple accounts are on one parcel of land;
- 2) the request is in writing from the property owner; and
- 3) the transfer will not place one account in deficiency of capacity.
- 4) The transfer has approval from the General Manager

#### **4.4.4 San Diego County Water Authority Capacity Fees**

As a member agency of the San Diego County Water Authority, the District shall collect from each water service applicant the capacity fees and charges imposed in accordance with the California County Water Authority Act, and shall remit such fees and charges to the Authority.

The ordinance of the Authority in effect at the time a water meter is obtained from the District for potable water shall govern the amount of such charges, the persons liable for payment, and the procedures to be followed. The District shall not provide a water meter or install a service connection until the applicant



has paid to the District the applicable capacity charge of the Authority. No capacity fees shall be charged if the water being supplied is recycled water. *Refer to the section regarding fees and charges for the County Water Authority capacity fees.*

Meters designated as temporary are not required to pay the Authority's capacity fee. Refer to the County Water Authority's Ordinance on Capacity Fees.

#### **4.4.5 Capacity Fees for Public Agencies**

The capacity fees applicable to privately owned property shall also apply to public agencies seeking water or sewer service from the District, subject to Government Code sections 54999.3 and 54999.35.

#### **4.4.6 Special Reimbursement fees**

An additional fee for reimbursement may be collected for any connection to a pipeline constructed at the expense of another developer, which is subject to an existing reimbursement contract and/or refund agreement with the District, as provided in the section regarding construction of water and sewer systems. This special reimbursement fee shall be paid upon application for a connection to such pipeline.

### **4.5 REFUND OF CAPACITY FEES**

#### **4.5.1 Conditions for Refunds**

The District shall refund or credit capacity fees, subject to the following conditions.

- a) Refunds shall be made only to the owner(s) of the property at the time an application for refund is submitted. Refund of capacity fees cannot be made if the property is in the process of sale or change of ownership. The person or entity requesting the refund must make a written declaration to the District that:
  - 1) The applicant is the owner of the described property and that the property is not currently in the process of change of ownership by any mechanism.
  - 2) Any refund of capacity belongs to the applicant and that there are no agreements, understandings, attachments, court orders, or other documents or actions which would require the payment of such refund to another person or entity.
- b) No interest shall be paid on any amount refunded.
- c) Upon written request of the property owner, the District shall refund all capacity fees if it is determined that service has not been provided to the property, facilities have not been constructed to serve the property, and the District has made no financial commitments to serve the property.

- d) If the certification of water or sewer commitment is terminated due to non-compliance with the Rules and Regulations, the District shall refund or credit all capacity fees.
- e) Upon a determination by the District that the property cannot be fully developed under existing ordinances and policies of the County of San Diego, City of Santee, or other agency having jurisdiction, the District shall refund capacity fees that have been paid but cannot be used for the property.
- f) Upon completion of a project or recording of a map, if the capacity purchased in the application is greater than required, the District shall refund capacity fees for the excess capacity.
- g) Refunds can only be made within the first five years after service has been activated and used for the property. All capacity units will remain with the property.
- h) For non-residential properties, the District will calculate the current water consumption and sewer discharge to set a baseline of use. The minimum number of EDUs required on the property will be set at 10 percent over the baseline usage to accommodate for fluctuations in commercial development. Subject to subparagraph (g) of this section, refunds may be made so long as the minimum EDUs are maintained on the property.

#### **4.5.2 Excess Sewer Capacity**

The District may waive the foregoing conditions as they relate to sewer capacity units, as the District sees appropriate and necessary. Sewer capacity is a limited resource and the District may find it necessary to evaluate all sewer accounts to determine the number of excess sewer capacity and when appropriate allow for refunds of excess sewer capacity so that the District may recapture such sewer capacity units for sale and use on other properties.

### **4.6 CLASSIFICATION OF SERVICES**

#### **4.6.1 Policy**

The District has established various water and sewer service classifications based upon the specific land use of the property served. These classifications determine the water and sewer capacity required to adequately serve the property, as measured on the basis of equivalent dwelling units (EDU's), see Section 1, Definitions of General Terms.

If the District determines that a user’s estimated water use or sewer disposal is unique and will vary from the volume assumptions described in the Water Service and Sewer Service Classification Tables in this section, and such variation is significant enough to warrant a determination of a different number of EDUs, the General Manager may authorize an appropriate adjustment which is fair and consistent with other customers of like circumstances.

**4.6.2 Water Service**

For purposes of these Rules and Regulations, each base EDU shall be presumed to use an average water demand of 400 gallons per day or 12,000 gallons per billing period (one month).

The District's water service classifications are shown below:

**WATER SERVICE CLASSIFICATIONS**

RESIDENTIAL SERVICE	EDUs	Estimated Usage Gal/Day	Percentage of Base EDU
Single Family Dwelling (SFD) up to .50 acres	1	400	100 percent
SFD .51 acres through 2.0 acres	1.5	600	150 percent
SFD 2.01 acres and up	2	800	200 percent
Town Houses or Condominiums (per unit)	1	370	92.5 percent
Apartments or Mobile Home Parks (per unit)	1	330	82.5 percent
Motels or Recreational Vehicle Parks (per unit)	1	150	37.5 percent

**COMMERCIAL, INDUSTRIAL AND MISC. SERVICES**

Commercial and Industrial (per class)	1	480	120 percent
Institutional (Schools and Churches)	1	480	120 percent
Irrigation	1	480	120 percent
Agricultural (per class)	1	480	120 percent

Initial classification of a commercial, industrial, or miscellaneous service will be determined by the District, based upon an estimate of a customer's average billing period water consumption for a similar type of business or use.

The residential lot size shown in the table is considered to be net acreage. Net acreage shall be determined by subtracting from the gross/maximum property acreage all legal restrictive easements. Restrictive easements for purposes of calculating capacity shall be those easements which limit or prevent the property owner’s full use of such land for building or irrigation and shall include, but not be limited to, the following easements: Open Space, biological reserve, archaeological reserve, wildlife preservation, equestrian or pedestrian trail, cleared fire break, ingress/egress for other properties, or reserved street openings. Any other restrictive uses set by the City or County will be considered in calculating net acreage.

**4.6.3 Irrigation Service**

The District requires a separate irrigation service for multiple residential, commercial, and industrial accounts, in order to provide better control of billing sewer charges based upon water consumption to an account, as well as water consumption during periods of drought. A single service for combined domestic and irrigation use will only be considered if, in the District's opinion, irrigation consumption will be less than one half of an EDU.

Irrigation service is required to be connected to the recycled water system if facilities are available. Refer to the section regarding Recycled Water for conditions of use.

**4.6.4 Sewer Service**

For the purpose of these Rules and Regulations, each base sewer EDU shall be presumed to have an average sewer discharge of 165 gallons per day or 4,950 gallons per one month billing period. Any property using a separate irrigation meter is assumed to return 100 percent of its domestic water use to the sewage collection system.

The District's sewer service classifications are shown below:

**SEWER SERVICE CLASSIFICATIONS**

RESIDENTIAL SERVICES	EDUs	Estimated Usage Gal/Day	Percent of Base EDU
Single Family Dwellings	1	165	100 percent
Townhomes or Condominiums (per unit)	1	135	81 percent
Apartments or Mobile Home Parks (per unit)	1	110	67 percent

COMMERCIAL AND INDUSTRIAL, plus Suspended Solids Classification			
Motels or Recreational Vehicle Parks (per unit)	1	45	28 percent
Commercial and Industrial, (See Note)	1	220	133 percent
Institutional (Schools and Churches)	1	220	133 percent
Urban Run-off (Storm Water BMPs)	1	Calculated	Variable

#### 4.6.5 Suspended Solids

Suspended solids and biochemical oxygen demand (BOD) concentration level for commercial and industrial accounts is based upon the type of business, the source of sewage discharged, and the ratio between water use and the quantity of sewage discharged.

The District uses the State of California guidelines as the basis for the concentration levels. The following chart was created to categorize commercial accounts within the District's discharge area. (A more detailed list of users and classifications are available at the District office)

Suspended Solids and BOD Combined Concentration levels:

<b>Concentration Level 1 (0-400 mg/L)</b>
Service Station, Retail, Car Wash, Beauty Shop, Health Services, Public Storage, Hospital, Convalescent Center, Coin Op. Laundry, Printing/Photo Co., Churches, Education Facilities, Utility Departments, Bar w/o Dining, Concrete Co., Electrical Manufacture, Veterinary Services, Retail Food Products, Convenience/Liquor Stores (no food service), Business Office, Department Store
<b>Concentration Level 2 (401-500 mg/L)</b>
Hotels w/o Dining, Auto/Mechanical Repair, R.V. Park, Machine Shop, Service Station w/ Mini Mart,
<b>Concentration Level 3 (501-799 mg/L)</b>
Shopping Center, Nurseries, Theater, Amusement Park, Commercial Laundry
<b>Concentration Level 4 (800-1000 mg/L)</b>
Convenience/Liquor Stores w/ Deli, Lumber Yard, Furniture Manufacture, Textile Paper Mill, Rubber & Plastics Manufacturing, Dairy Products/Yogurt Parlor

<b>Concentration Level 5 (1001-1600 mg/L)</b>
Hotel w/Dining, Industrial Laundry, Supermarket, Mortuary, Bars w/Dining, Breweries
<b>Concentration Level 6 (1601-Up mg/L)</b>
Meat Products, Restaurant, Auto Steam Cleaning, Bakery Products, Deli, Septage

The customer billing rates will be determined by the concentration level category the business type is within, the return to sewer classification, and the sewer service classification.

If the proposed development does not fall within any of the above categories, the District may reasonably determine what Suspended Solids and BOD Combined Concentration level will apply.

*Refer to the section regarding fees and charges for the suspended solids billing rates.*

**4.6.6 Return to Sewer Percentage**

All accounts, other than single family residential, will be assigned a Return to Sewer (RTS) percentage. This percentage will indicate the estimated water returned to the sewer system for the type of service and user of the account. These percentages will be estimated by the District and used for billing purposes.

If, at any time, the customer disputes the estimated RTS usage, the customer will need to furnish documentation describing the reasons they believe the estimated RTS is incorrect. This documentation will be reviewed by the Customer Accounts Officer. If the customer is not satisfied with the determination of the Customer Accounts Officer, the customer has the option to appeal the decision by going through the review and appeal process (See the section on Customer Accounts, Customer’s Right to Review and Appeal).

**4.6.7 Reclassification of Water or Sewer Service**

- a) **Reclassification of Water or Sewer** - The District has the authority to require the owner/customer to obtain sufficient capacity units for water and/or sewer usage applicable to a property at any time during the life of the account.

The District will make a determination of the sufficiency of any owner’s/customer's assigned capacity units under the following circumstances:

- 1) An owner / customer requests that the District evaluate the number of capacity units assigned to the property. The number of capacity units may impact the customer’s monthly water or sewer billing.

- 2) Application to the District, by a customer, for commercial or industrial water and/or sewer service.
  - 3) When a signature of approval is required from the District by the City or County associated with modification of property, building structure, or business.
- b) Variance - The District may do an analysis of any non-residential account to determine the variance between the actual EDU demand placed on the District's water and sewer systems, and the number of capacity units purchased.

If the District determines, based on a review, that additional capacity is required, the owner/customer must pay all additional capacity fees prior to initiation of any work to be performed. If capacity fees are not paid prior to initiation of the work to be performed, the District may, at its sole discretion, terminate service to the property.

- c) **Reevaluation Procedures** - If the owner/customer disagrees with the classification of capacity determined by the District, the owner/customer may file a reclassification request on a form provided by the District with the following conditions.
- 1. All capacity fees required under the District classification shall be paid prior to the District's approval for service.
  - 2. The District will not accept a reclassification request or review the usage until after a minimum of six months, and up to one year after service has been established.
  - 3. If the account usage is less than the classification during the time of the review period, the District will refund any excess capacity fees collected.
  - 4. If the usage has exceeded the classification, the District shall have the right to reassess the property for sufficient capacity units and associated capacity fees for actual water and/or sewer usage. If the capacity fees are not paid within the time allotted, the District has the option of terminating service.

## **4.7 PERMANENT WATER SERVICE**

### **4.7.1 Applications for Water Service**

Properties within the District are not obligated to connect to the District's water system for service, so long as other provisions have been made through other appropriate permitting agencies.

Each request for a permanent service to the District's water supply system shall include a legal description of the property (Assessor's parcel number), lot size, meter location, anticipated consumption measured in gallons per minute, and proposed use. The District will furnish a cost quotation based upon current rates. Applications shall be accompanied by payment of required fees and charges for such service, plus payment of any outstanding amounts for services previously provided by the District. Refer to the fees and charges section for installation fees.

#### **4.7.2 Water Usage Changes**

Any change to water use that generates a consumption increase beyond the originally estimated number of capacity units may require additional fees.

#### **4.7.3 Conditions for Water Service**

- a) Service shall be granted only upon payment of all applicable fees
- b) An Applicant shall provide proof of application for grading or building permit from the applicable City or the County.
- c) Requests for water service will be granted only when adequate water distribution systems are installed and available to serve the property, as determined by the District.
- d) A service assembly shall be charged on the basis of actual cost.
- e) When the property for which service is requested is located in an area where pipelines do not front the property, the District may set a meter at the nearest water main with the property owner being responsible for installing the service line between the meter and the property. The property owner shall also be responsible for obtaining and granting any necessary easements for their private lines. Property owner may be required to pay for a main extension to accommodate new service.

It shall be the responsibility of the property owner to construct, operate, and maintain all facilities on the customer side of the meter assembly.

- f) Each legal parcel of land shall be served by at least one water meter.
- g) The District reserves the right to regulate the size, type, and location of each service assembly and meter.



- h) Each newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure for which an application for one or more water service connections is submitted, shall measure the quantity of water supplied to each individual residential dwelling unit, unless exempt under applicable law. This requirement and related terms and conditions are further described in Section 1 of the District's Rules and Regulations.

#### **4.7.4 Water Service Restrictions**

In addition to conditions set forth in this section, the issuance of water meters may be restricted by the Water Supply Management Condition (described in Rules and Regulations Section 5, Water Supply Management Conditions) in effect at the time of application for service.

- a) During Water Supply Management Condition 1, there are no restrictions on the issuance of permanent water meters.
- b) During Water Supply Management Conditions 2, 3 and 4, the District may require one of the following conditions exist in order for a new permanent meter to be installed:
  - (1) A building permit has already been issued.
  - (2) The project is necessary to protect the public health, safety, and/or welfare.
  - (3) The meter will be connected to a source of recycled water.
  - (4) The applicant for the meter can demonstrate that no net increase in water use will occur with the installation of the new meter.
  - (5) The recipient of the meter provides a "conservation offset" to the District. The conservation offset shall be in an amount determined by the District (or by its supplier, if a Water Shortage Emergency Condition exists for the entire service area of the supplier).

**NOTE:** The foregoing conditions for the issuance of permanent water meters may be superseded by mandated regulations of the San Diego County Water Authority, the Metropolitan Water District, or the State of California.

#### **4.7.5 Water Pressures**

Due to areas of widely varying elevations, the District may not be able to provide adequate water pressure or sufficient quantities of water to meet the property owner's demands or requirements. Prior to the

installation of service, the property owner shall be fully informed of the water pressure range available at the desired meter location. The District shall not be responsible for any damage to the customer's property or water supply equipment that may result from either excessive water pressure or the loss of water pressure.

- a) High Pressure - In areas of excessive pressure (225 psi and above), the District will install a pressure regulator on its side of the meter, at the property owner's sole expense. The maximum pressure delivered to the meter will be set at 120 pounds per square inch (psi). *Refer to the section regarding fees and charges for pressure regulator costs.*
- b) Regulator Maintenance - Maintenance of a pressure regulator is at District expense, except under the following circumstances: For properties that currently have a District installed regulator with a delivery pressure lower than 225 psi, the District will not be responsible for maintenance. On failure of these regulators the owner may request removal of the regulator or request a new regulator be installed on the property owner's side of the meter. The Property owner shall assume responsibility of any associated maintenance of a new regulator and of the private plumbing required from either the removal or relocation of the pressure regulator.
- c) Low Pressure - In an area of low water pressure, the property owner may install a private pumping unit after the meter to boost water pressure. If the property owner must install a fire sprinkler system served by the private pumping unit, the owner must obtain approval of the applicable fire protection agency. The property owner is responsible for installation of an automatic shut-off switch to the pump unit in the event of a loss of pressure or water from the District. The property owner shall install a backflow protection device immediately after the meter pursuant to District regulations.

#### **4.7.6 Water Meters**

- a) Ownership - The District retains ownership of all meters and service assemblies, and reserves the right to regulate the size, type, and location of each meter and service installation.
- b) Meter Size Modification - Upon request of the property owner and approval of the District, an existing meter may be modified to a larger size. A change in the Meter size may also be required by the District due to altered conditions of the property. The customer shall pay for a new meter, County Water Authority fees, and service assembly at current rates, less any credit for the value of salvaged materials. A meter handling charge shall also be applied, *refer to the section regarding fees and charges.*

A water meter may not be replaced by one of a larger size during Water Supply Management Conditions 2, 3 and 4, unless it is determined by the District that the exchange will not generate an increase in water use on the property.

An existing water meter may be exchanged for one of a smaller size without refund or any additional cost except for a meter handling charge.

The District's shall replace malfunctioning or aging meters as part of system maintenance at no cost to the customer.

- c) Change in Meter Location - Upon request of the property owner, the District may change the location of a meter. The property owner shall pay the cost of a new service assembly, a meter relocation fee, and reimbursement fees (if required). The District will also charge the property owner for the cost of abandonment of the existing service assembly, upon a determination that there is no potential for future use.

For current rates, *refer to the section regarding fees and charges.*

#### **4.8 TEMPORARY WATER SERVICE**

##### **4.8.1 Purposes of Temporary Water Service**

Temporary water services are those for which no capacity fees have been paid, and are not considered as permanent connections to the District's water supply system. Temporary meters may be required for the purpose of construction, interim landscape maintenance, or other uses not specifically mentioned or described in these Rules and Regulations. Temporary water services may be limited or discontinued at the District's discretion.

##### **4.8.2 Period of Service**

The type of use and the time period for temporary water service shall be specified on the application for such service. A temporary meter will be issued for a maximum time period not to exceed five years. If the use exceeds five years, the meter designation shall be changed to permanent and shall be subject to payment of all current fees associated with permanent meters including capacity fees to continue service.

If the service is not converted to a permanent service after five years the owner shall be obligated to pay the cost to abandon the service.

### **4.8.3 Fees and Water Rates**

Temporary water services shall pay all standard installation and meter fees. The water rate will be charged at the rate set by the section on "Customer Accounts, Standard Billing."

### **4.8.4 Construction Meters**

#### **4.8.4.1 Period of Service**

A construction meter may be issued for a period not to exceed six months. If additional time is needed, the contractor shall submit a written request for an extension not to exceed an additional six months. The extension is at the discretion of the District. Further time extensions may be granted at six month intervals at the discretion of the District. If permanent service is available, or if the water is not being used for construction purposes, the request for extension will be denied.

#### **4.8.4.2 Deposits and Water Rates**

Deposits and water rates will be charged for temporary service at the fees set by the section on "Customer Accounts, Standard Billing." If no water is used within a billing period, the District, at its discretion, may discontinue the service.

If the construction meter is requested on a District appurtenance other than a fire hydrant, a special fee will be charged to cover the cost of any necessary modifications.

#### **4.8.4.3 Construction Service Conditions and Restrictions**

- a) The District will not allow water to be used for construction without a metering device.
- b) A construction meter shall be installed on a District fire hydrant, main line blow-off assembly or other suitable facility, at the discretion of the District, and shall be removed or relocated only by District personnel unless otherwise authorized.
- c) Construction meters shall not be used outside the District's boundaries, nor shall other water district construction meters be used within Padre Dam's boundaries.
- d) Water taken from construction meters shall not be used or transported outside of the District boundaries.
- e) By applying for a construction meter, the applicant authorizes District personnel to inspect the project to confirm that the meter is being used for construction purposes. All construction meters shall be available for District inspection at any time.

- f) At no time, shall a permanent or temporary water service be utilized for the purpose of construction, without prior written authorization from the District. Construction meters shall be utilized for all aspects of construction, and shall be billed separately from permanent or other temporary meters.

#### **4.8.4.4 Construction Service Restrictions**

In addition to conditions set forth in this section, the issuance of construction meters may be restricted by the Water Supply Management Condition, in effect at the time of application, as follows:

- a) During Water Supply Management Conditions 1, no restrictions exist on the issuance of construction meters.
- b) During Water Supply Management Conditions 2, 3 and 4, the District may require one of the following conditions exist in order for the District to issue a construction meter. In addition, at no time shall potable water be used for grading, dirt compaction, or dust control, except to protect the public as required by regulatory agencies.
  - (1) A building permit has already been issued.
  - (2) The project is necessary to protect the public health, safety, and/or welfare.
  - (3) The meter will be connected to a source of recycled water.
  - (4) The water will be used for construction of one single-family dwelling, and the amount of earth to be moved does not exceed the amount permitted by a building permit issued for the project. It is not necessary that a building permit for such a project be issued prior to the declaration of either Condition 2, 3 or 4. See Rules and Regulations Section 5, Water Supply Management Conditions for more information.

### **4.9 OUT-OF-DISTRICT WATER SERVICE**

#### **4.9.1 Conditions for Out-of-District Water Service**

All requests for permanent water service to property located outside the boundaries of the District shall be referred to the Board for approval. Factors to be considered shall include, but not be limited to, the availability of surplus water supply, location of water distribution and transmission facilities, any pending

boundary changes, and the Water Supply Management Condition currently in effect. Final approval may also be required from the San Diego County Water Authority and the Local Agency Formation Commission (LAFCO).

If the property is located within the boundaries of another water agency, the property owner must obtain approval from that agency, to be served by the District.

#### **4.9.2 Fees and Charges for Out-of-District Water Service**

Out-of-District services are subject to all capacity and installation fees. See the section on "Customer Accounts, Out-of-District Water Rates," for billing information.

### **4.10 ANNEXATION INTO THE DISTRICT WATER SERVICE BOUNDARY**

#### **4.10.1 Conditions for Annexation**

All requests for permanent water service to property located outside the boundaries of the District shall be referred to the Board for approval. Factors to be considered shall include, but not be limited to, the availability of surplus water capacity, location of water distribution and transmission facilities, any pending boundary changes, any environmental restriction and the Water Supply Management Condition currently in effect. Final approval also requires the preparation of an environmental impact report, and approval by the San Diego County Water Authority and the Local Agency Formation Commission (LAFCO).

If the property is located within the boundaries of another water agency, the property owner must obtain approval for detachment from that agency in order to be served by the District.

#### **4.10.2 Fees and Charges for Annexed Properties Water Service**

Annexed properties are subject to all capacity and installation fees. See the section on "Customer Accounts, Water Rates," for billing information. Properties to be annexed are also subject to an annexation fee. See the section on "Water Annexation Fees" for current charges.

### **4.11 PERMANENT SEWER SERVICE**

#### **4.11.1 Applications for Sewer Service**

Properties within the District are not obligated to connect to the District's sewer system for service, so long as other provisions have been made through other appropriate permitting agencies.

Each request for a permanent service connection to the District's sewer supply system shall include a legal description of the property (County Assessor's parcel number), lot size, sewer lateral location and anticipated water consumption and description of use which would indicate suspended solids level as indicated in the section on "Water and Sewer Services." The District will furnish a cost quotation based upon current rates. Applications shall be accompanied by payment of required fees and charges for such service, plus payment of any outstanding amounts for services previously provided by the District.

#### **4.11.2 Sewer Capacity**

The use of a sewer connection shall be limited to the equivalent dwelling units of sewer capacity covered by the service application. Any change to water use that generates a sewage discharge increase beyond the originally estimated number of capacity units may require additional fees.

#### **4.11.3 Conditions for Sewer Service**

- a) Service shall be granted only upon payment of all applicable fees.
- b) Requests for sewer service will be granted only when adequate sewer collection systems are installed and available to serve the property, as determined by the District.
- c) A lateral shall be charged on the basis of actual cost.
- d) When the property for which service is requested is located in an area where pipelines do not front the property, the District may set a lateral at the nearest sewer main with the property owner being responsible for installing the service line between the lateral and the property. The property owner shall also be responsible for obtaining and granting any necessary easements for their private lines.

It shall be the responsibility of the property owner to construct all facilities on the customer side of the sewer lateral.

- e) Each legal parcel of land shall be served by at least one sewer lateral.
- f) The District reserves the right to regulate the size, type, elevation, and location of each lateral.
- g) Sewer laterals shall only serve the properties described on the original application for service. Service laterals on existing sewer mains shall be installed by the District. Service laterals on sewer mains constructed by a developer prior to acceptance for ownership and operation by the District shall be installed by the property owner or developer.

#### **4.11.4 Sewer Service Restrictions**

##### **4.11.4.1 Prohibition of Drainage**

A sewer service connection may not be used as a roof drain, spout drain, area drain, or storm drain. A sewer service can, however, be used to drain a swimming pool if there is no other means to do so.

##### **4.11.5 Sewer Lateral Maintenance and Repair**

The property owner is responsible for maintenance of the sewer lateral connecting the District's main sewer pipeline and the property owner's facility. The District is not responsible for any expense incurred by the property owner in relieving or determining the cause of any stoppage in the sewer lateral. The District may provide assistance in the event the property owner's plumber or sewer cleaning service fails to clear a stoppage in the public rights-of-way portion of the sewer lateral.

##### **4.11.6 Repair of the Public Right-of-Way Portion Sewer Lateral**

If repairs are required in the public rights-of-way portion of the sewer lateral, the District will make any necessary repairs at no cost to the property owner.

##### **4.11.7 Repair of the Private Property Portion Sewer Lateral**

Repairs made to the private portion sewer lateral shall be made by a California licensed plumber or sewer cleaning service. The District is not responsible for repairing any portion of the private portion sewer lateral.

##### **4.11.8 Sewer Lateral Definitions**

Sewer Lateral: Sewer lateral is the pipe that transports wastewater from the customer's home or building to the District's sewer main pipeline and wastewater collection system.

Private Property Portion Sewer Lateral: Private property portion sewer lateral is that portion of the sewer piping or line that connects a structure to the public sewer, and includes the wye or saddle at the public sewer.

Public Right-of-Way Portion Sewer Lateral: Public right-of-way portion sewer lateral is that portion of the sewer lateral located on public property, either a street right-of-way or a District easement.

Sewer Lateral Maintenance: Cleaning of debris, root cutting, and any procedure used to keep the entire length of a sewer lateral clean and functional.



Repair of Private Property Portion Sewer Lateral: Any repair made to the private property portion sewer lateral by a private licensed plumber or sewer cleaning service. The District is not responsible for repairing any portion of the private property portion sewer lateral.

Repair of Public Rights-of-Way Portion Sewer Lateral: The District shall make repairs to the public rights-of-way portion sewer lateral at no cost to the property owner.

#### **4.12 TEMPORARY SEWER SERVICE**

##### **4.12.1 Purposes of Temporary Sewer Service**

Temporary sewer system use is for special provisions required to discharge ground water into the sewer system for contamination mitigation. For this purpose, the service type is considered temporary service, allowed on a case-by-case basis. Availability will be determined based on location and type of discharge and the facilities available to serve the customer's needs. All applications are to be approved by the District.

##### **4.12.2 Temporary Service Conditions**

###### **4.12.2.1 Period of Service**

The type of use and the time period shall be specified on the application for such service. A temporary service will be issued for a period not to exceed five years.

###### **4.12.2.2 Fees and Sewer Rates**

The District will require payment of the standard commercial sewer service fee, covering treatment expenses, and a fee toward system capacity use in advance of system usage. Capacity use will be based on a charge equal to seven percent of the full current EDU rate. The fees will be charged in one year increments, for not more than four years, at the current rates, multiplied by the number of EDU's estimated by the owner. The estimate of sewer usage will be determined in gallons per day. Each classification of sewer (EDU) will be determined by the standard 220 gallons per day, per classification.

The sewer system use permit fee does not include any service laterals needed for the property. The applicant must pay for installation of any service lateral in addition to the permit fee.

#### **4.13 OUT-OF-DISTRICT SEWER SERVICE**

##### **4.13.1 Conditions for Out-of-District Sewer Service**

All requests for sewer service to property located outside the boundaries of the District shall be referred to the Board for approval. Factors to be considered shall include, but not be limited to, the availability of sewer collection, location of sewer trunk lines, sewer plant capacity, and any pending boundary changes. Final District approval requires approval from the Local Agency Formation Commission (LAFCO).

If the property is located within the boundaries of another sewer agency, the property owner must obtain approval from that agency, to be served by the District.

##### **4.13.2 Fees and Charges for Out-of-District Sewer Service**

Out-of-District services are subject to all capacity and installation fees. See the section on "Customer Accounts, Out-of-District Sewer Rates," for billing information.

#### **4.14 ANNEXATION INTO THE DISTRICT SEWER SERVICE BOUNDARY**

##### **4.14.1 Conditions for Annexation**

All requests for permanent sewer service to property located outside the boundaries of the District shall be referred to the Board for approval. Factors to be considered shall include, but not be limited to, the availability of surplus sewer capacity, location of sewer collection and truck facilities, any pending boundary changes, and environmental restrictions. Final approval also requires the preparation of an environmental impact report, and approval by the Local Agency Formation Commission (LAFCO).

If the property is located within the boundaries of another sewer agency, the property owner must obtain approval for detachment from that agency in order to be served by the District.

##### **4.14.2 Fees and Charges for Annexed Properties Sewer Service**

Annexed properties are subject to all capacity and installation fees. See the section on "Customer Accounts, Sewer Service Charges," for billing information. Properties to be annexed are also subject to an annexation fee, see the section on "Sewer Annexation Fees" for current charges.

#### **4.15 EARLY BUILDING OCCUPANCY**

##### **4.15.1 Policy**

Upon request of the property owner or project developer, the District will permit setting of permanent

meters for the entire project excluding 20 percent of the total meters, subject to certain conditions and requirements. Only those units with permanent meters shall be occupied.

The remaining 20 percent of meters shall not be set until record drawings are complete and all development fees are paid and deposits are current.

This policy is intended to cover most general development plans. Any project variations to these conditions will be taken into consideration by the District.

#### **4.15.2 Conditions for Early Occupancy**

Permanent meters may be permitted, with the understanding that the Developer has the ultimate responsibility for all water and/or sewer facilities until accepted by the District by the filing of a Notice of Completion. The following conditions must also be met prior to early occupancy:

- a) The water and/or sewer system has been tied into the District's existing facilities and can be physically controlled by access to all valves, blow-off assemblies, air valves, manholes, and clean-outs without interrupting or adversely affecting service to existing units or those to be occupied.
- b) The property owner or developer provides to the District all preliminary engineering record drawings showing all construction changes. Such information shall include the location and size of water services and sewer laterals, and the street addresses and lot numbers for the entire project.
- c) All fire hydrants are adjusted to proper location and finished grade, and are accessible to District and fire department personnel.
- d) All lots to receive a permanent water meter have been issued a building permit by the appropriate City or County building officials, and by all other agencies having jurisdiction.
- e) In the case of sewer services, facilities have been installed to provide service to the units to be occupied, all connections are completed, and the sewer system has been cleaned according to District specifications.
- f) The property owner or developer has paid all applicable connection and capacity fees for each lot for which service is requested.
- g) If meters are moved, tampered with, or found to be used improperly, the District will lock off the appropriate meters to control further misuse. If the District deems it appropriate

to lock off certain meters, the property owner or developer will be required to obtain a fire hydrant construction meter for all construction water previously obtained through individual meters. The fire hydrant construction meter shall be used until the property or project receives a 100 percent completion notice by the District.

- h) Damaged meters will be repaired or replaced by the District with the materials, equipment, and labor costs charged against the property or project.
- i) The property owner or developer is ultimately responsible for all water consumption and sewer collection costs on a project, regardless of the individual name on the account, until the District has issued a 100 percent Notice of Completion. After the Notice of Completion, the property owner or developer will remain responsible for all water and sewer charges related to the accounts that will remain in the property owner's or developer's name.

**List of Ordinances Amending Rules and Regulations:**

Ord. 2001-15, adopted 10/9/01, effective 11/9/01, Sections 4.10.1 and 4.11.1

Ord. 2001-18, adopted 11/27/01, effective January 2002, Sections 4.3.1, 4.4.1, 4.4.2, 4.4.5, 4.6.1, 4.6.2, 4.6.4, 4.7.5, 4.13.1, 4.14

Ord. 2007-04, adopted 6/12/07, effective 6/13/07, Sections 4.12.3 to 4.12.7

Ord. 2011-06 adopted 6/28/11, effective 6/29/12, Section 4.1.3

Ord. 2012-04, adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

Ord. 2012-09, adopted 12/19/12, effective 1/1/13, amending Sections 4.10.1, 4.10.2, 4.14.1 and 4.14.2

Ord. 2014-04 adopted 11/19/14, effective 1/1/15, Annual Review

Ord. 2016-02 adopted 2/3/16, effective immediately, Annual Review

Ord. 2017-01 adopted 2/1/17, effective immediately, Annual Review

Ord. 2017-03 adopted 5/3/17, Section 4.6.2 and 4.6.4, effective May 15, 2017

Ord 2019-01 adopted 1/16/2019, effective immediately, Annual Review

**SECTION 5 WATER SUPPLY SYSTEM**

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**Section 5**      **WATER SUPPLY SYSTEM**  
Regulations for Use of the System

**5.1**            **WATER SUPPLY MANAGEMENT CONDITIONS**

**5.1.1**         **Declaration Of Necessity And Intent**

- a) This policy establishes water management requirements necessary to conserve water, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, prevent unreasonable use of water, prevent unreasonable method of use of water within Padre Dam in order to assure adequate supplies of water to meet the needs of the public, and further the public health, safety, and welfare, recognizing that water is a scarce natural resource that requires careful management not only in times of drought, but at all times.
- b) This policy establishes mandatory water conservation measures that apply to all persons using Padre Dam water at all times to facilitate efficient water use, replenish water storage reservoirs and offset water shortages.
- c) This policy establishes regulations to be implemented during times of declared water shortages, or declared water shortage emergencies. It establishes four levels of drought response actions to be implemented in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies.
- d) Level 1 condition drought response measures are voluntary and will be reinforced through local and regional public education and awareness measures that may be funded in part by Padre Dam. During drought response condition Levels 2 through 4, all conservation measures and water-use restrictions are mandatory and become increasingly restrictive in order to attain escalating conservation goals.
- e) During a Drought Response Level 2 condition or higher, the water conservation measures and water use restrictions established by this policy are mandatory and violations are subject to criminal, civil, and administrative penalties and remedies as specified in this policy.

**5.1.2**         **Definitions**

The following words and phrases whenever used in this chapter shall have the meaning defined in this section:

- 1. "Grower" refers to those engaged in the growing or raising, in conformity with recognized practices of husbandry, for the purpose of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural or floricultural products, and produced: (1) for human consumption or for the market, or (2) for the feeding of fowl or livestock produced for human consumption or for the market, or (3) for the feeding of fowl or livestock for the purpose of obtaining their products for human consumption or for the market. "Grower" does not refer to customers who purchase water subject to the Water Authority Special Agricultural Rate programs.

2. "Padre Dam" or the "District" means Padre Dam Municipal Water District.
3. "Water Authority" means the San Diego County Water Authority.
4. "DMP" means the Water Authority's Drought Management Plan in existence on the effective date of this policy and as readopted or amended from time to time, or an equivalent plan of the Water Authority to manage or allocate supplies during shortages.
5. "Metropolitan" means the Metropolitan Water District of Southern California.
6. "General Manager" means Padre Dam Municipal Water District's general manager or the general manager's designee.
7. "Person" means any natural person, corporation, public or private entity, public or private association, public or private agency, government agency or institution, school district, college, university, or any other user of water provided by Padre Dam.
8. "Water Shortage Emergency" means a condition existing within Padre Dam in which the ordinary water demands and requirements of the persons within Padre Dam cannot be satisfied without depleting the water supply of Padre Dam to the extent that there would be insufficient water for human consumption, sanitation and fire protection. A water shortage emergency includes a threatened water shortage, in which Padre Dam determines that its supply cannot meet an increased future demand.

### **5.1.3 Application**

- a) The provisions of this policy apply to any person in the use of any water provided by Padre Dam.
- b) This policy is intended solely to further the conservation and efficient use of water. It is not intended to implement any provision of federal, State, or local statutes, ordinances, or regulations relating to protection of water quality or control of drainage or runoff. Refer to the local jurisdiction or Regional Water Quality Control Board for information on any stormwater ordinances and stormwater management plans.
- c) Nothing in this policy is intended to affect or limit the ability of Padre Dam to declare and respond to an emergency, including an emergency that affects the ability of Padre Dam to supply water.
- d) The provisions of this policy do not apply to use of water from private wells or to recycled water.
- e) Nothing in this policy shall apply to use of water that is subject to a special supply program, such as the Water Authority Special Agricultural Rate programs. Violations of the conditions of special supply programs are subject to the penalties established under the applicable program. A person using water subject to a special supply program and other water provided by Padre Dam is subject to this policy in the use of the other water.



#### **5.1.4 Mandatory Water Use Efficiency At All Times**

Authorized by California Water Code sections 375 et seq., the following water use efficiency measures are mandatory, shall apply at all times to all persons using Padre Dam water, and will be enforced by the measures stated in this policy, except where private well water or recycled water is used:

1. Stop washing down paved surfaces, including but not limited to sidewalks, driveways, parking lots, tennis courts, or patios, except when it is necessary to alleviate safety or sanitation hazards.
2. Stop water waste resulting from inefficient landscape irrigation, such as runoff, low head drainage, or overspray, etc. Similarly, stop water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures. Irrigation runoff is prohibited.
3. Irrigate residential and commercial landscape before 10 am and after 6 pm only.
4. Do not irrigate while it is raining and within 48 hours after it rains.
5. Use a hand-held hose equipped with a positive shut-off nozzle or bucket to water landscaped areas, including trees and shrubs located on residential and commercial properties that are not irrigated by a landscape irrigation system.
6. Irrigate nursery and commercial grower's products before 10 am and after 6 pm only. Watering is permitted at any time with a hand-held hose equipped with a positive shut-off nozzle, a bucket, or when a drip/micro-irrigation system/equipment is used. Irrigation of nursery propagation beds is permitted at any time. Watering of livestock is permitted at any time.
7. Use re-circulated or recycled water to operate ornamental fountains, ponds and similar decorative water features.
8. Wash vehicles using a bucket and a hand-held hose with positive shut-off nozzle, mobile high pressure/low volume wash system, or at a commercial site that re-circulates (reclaims) water on-site. Boats and boat engines may be washed down immediately after use using a bucket or hand-held hose with positive shut-off nozzle. Runoff is prohibited.
9. Serve and refill water in restaurants and all other food service establishments only upon request.
10. Offer guests in hotels, motels, and other commercial lodging establishments the option of not laundering towels and linens daily and prominently display notice of this option in every guestroom.
11. Repair all water leaks within five days of notification by Padre Dam unless other arrangements are made with the General Manager. Severe water leaks must be stopped immediately.
12. Use recycled or non-potable water for construction purposes, such as dust control and soil compaction, when available and required by Padre Dam.

## **5.1.5 Drought Response Level 1 – Drought Watch Condition**

### **5.1.5.1 Trigger**

A Drought Response Level 1 condition is also referred to as a “Drought Watch” condition. A Level 1 condition applies when the Water Authority notifies its member agencies that due to an actual or anticipated reduction in supplies to the Water Authority or when water supply conditions specific to the District have a reasonable probability of supply shortages and that a consumer demand reduction of up to 10 percent is required in order to ensure that sufficient supplies will be available to meet anticipated demands, or as otherwise determined by the District in its reasonable discretion.

### **5.1.5.2 Procedure**

The existence of a Drought Response Level 1 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 1 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

During a Level 1 Drought Watch condition, Padre Dam will increase its public education and outreach efforts to:

1. Ask customers to voluntarily reduce their water use by up to 10 percent.
2. Inform customers of the need to implement the mandatory water use efficiency measures listed in Section 5.1.4.
3. Encourage customers to utilize the water conservation incentives and programs offered by Padre Dam and its suppliers.

The General Manager is authorized to rescind a Drought Response Level 1 condition.

### **5.1.5.3 Water Use Restrictions**

The water use restrictions that apply during a Level 1 Drought Watch condition are the mandatory water use efficiency measures that apply at all times and are listed in Section 5.1.4.

During a Level 1 Drought Watch condition, in addition to water use restrictions, the Board of Directors may implement Demand Management Rates and Charges as necessary, depending on the level of potable water use cutbacks required, to ensure that the District recovers sufficient revenues to fund the District’s obligations.

## **5.1.6 Drought Response Level 2 – Drought Alert Condition**

### **5.1.6.1 Trigger**

A Drought Response Level 2 condition is also referred to as a “Drought Alert” condition. A Level 2 condition may apply when the Water Authority notifies its member agencies that due to an actual or anticipated reduction in supplies to the Water Authority, or when water supply conditions specific to the District have limited available water and supplies, and a commensurate consumer demand reduction of up to 20 percent is required in order to balance regional demands with supplies anticipated to be available for the foreseeable future, or as otherwise determined by the District in its reasonable discretion. Additionally, if the Padre Dam Board of Directors adopts findings supporting a Water Shortage Emergency, pursuant to California Water Code section 350 et seq, the Board shall declare a Water Shortage Emergency.

### **5.1.6.2 Procedure**

The existence of a Drought Response Level 2 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 2 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

The existence of a Water Shortage Emergency during a Drought Response Level 2 condition may be declared by the Padre Dam Board of Directors pursuant to California Water Code Section 350, following a public hearing held in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to a Drought Response Level 2 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

The General Manager is authorized to rescind a Drought Response Level 2 condition. In the event a Water Shortage Emergency is declared during a Drought Response Level 2 condition, the Padre Dam Board of Directors may declare an end to the Water Shortage Emergency during a Drought Response Level 2, by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.6.3 Water Use Restrictions**

- a) All persons using Padre Dam water shall comply with Level 1 Drought Watch water use restrictions during a Level 2 Drought Alert, and shall also comply with the following additional conservation measures:
  1. Limit residential and commercial landscape irrigation to the assigned number of days per week as determined by the General Manager and posted by Padre Dam. This section shall not apply to Growers.
  2. Limit lawn water and landscape irrigation with spray head sprinklers to no more than 10 minutes per watering station per assigned day. Irrigation run time shall be adjusted to avoid runoff. This provision

does not apply to landscape irrigation systems using water efficient devices, including: drip, micro-irrigation, stream rotors, rotating nozzles, or weather based irrigation controllers.

3. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5.1.6.3 (a)(1 and 2), on the same schedule set forth in section 5.1.6.3 (a) (1 and 2) by using a bucket, hand-held hose with positive shut-off nozzle, or low-volume non-spray irrigation.
  4. Irrigation to establish new landscape is allowed at any time of day for up to two months, if the new landscape is water efficient and is replacing cool season turf or other high water use landscape; or, if the new landscape is water efficient and is required for a landscape permit.
  5. Repair all leaks within 72 hours of notification by Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
  6. Use recycled water, when available, for ornamental fountains, ponds and similar decorative water features and stop operating if ordered by the General Manager based on water supply conditions.
- b) The restrictions in this subsection shall apply if the Padre Dam Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 et seq. Padre Dam may determine no new potable water service will be provided, no new temporary meters will be provided and those in use will be terminated and collected, no permanent meters will be installed, no additional capacity will be sold, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, as authorized by California Water Code sections 350 and 356. Exceptions to these restrictions may be allowed under the following circumstances:
1. A valid, unexpired building permit has been issued for the project, all grading has been completed, and the construction of structures has begun; or
  2. The project is necessary to protect the public's health, safety, and welfare; or
  3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset to the satisfaction of Padre Dam.
- This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.
- c) Upon the declaration of a Drought Response Level 2 condition, Padre Dam may suspend consideration of annexations to its service area, and any service outside District boundaries.
- d) During a Level 2 Drought Alert condition, in addition to water use restrictions, the Board of Directors may implement Demand Management Rates and Charges as necessary, depending on the level of potable water use cutbacks required, to ensure that the District recovers sufficient revenues to fund the District's obligations.

## **5.1.7 Drought Response Level 3 – Drought Critical Condition**

### **5.1.7.1 Trigger**

A Drought Response Level 3 condition is also referred to as a “Drought Critical” condition. A Level 3 condition may apply when the Water Authority notifies its member agencies that due to an actual or anticipated reduction in supplies to the Water Authority, or when water supply conditions specific to the District have limited available water and supplies, and a commensurate consumer demand reduction of up to 40 percent is required in order to balance regional demands with supplies anticipated to be available for the foreseeable future, or as otherwise determined by the District in its reasonable discretion. Additionally, if the Padre Dam Board of Directors adopts findings supporting a Water Shortage Emergency, pursuant to California Water Code section 350 et seq, the Board shall declare a Water Shortage Emergency.

### **5.1.7.2 Procedure**

The existence of a Drought Response Level 3 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 3 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

The existence of a Water Shortage Emergency during a Drought Response Level 3 condition may be declared by the Board of Directors pursuant to California Water Code Section 350, following a public hearing held in accordance with the procedures specified in California Water Code Sections 351 and 352. The mandatory conservation measures applicable to a Drought Response Level 3 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish or summary a copy of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level 3 and/or a Water Shortage Emergency during a Drought Response Level 3, by the adoption of a resolution at any regular or special meeting held in accordance with State law.

### **5.1.7.3 Water Use Restrictions**

- a) All persons using Padre Dam water shall comply with Level 1 Drought Watch and Level 2 Drought Alert water use restrictions during a Level 3 Drought Critical condition and shall also comply with the following additional mandatory conservation measures:
1. Limit residential and commercial landscape irrigation to the assigned number of days per week as determined by the General Manager and posted by Padre Dam. This section shall not apply to commercial growers or nurseries.
  2. Water landscaped areas, including trees and shrubs located on residential and commercial properties, and not irrigated by a landscape irrigation system governed by section 5.1.7.3 (a) (1), on the same schedule set forth in section 5.1.7.3 (a) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation.

3. Stop filling or re-filling ornamental lakes or ponds, except to the extent needed to sustain aquatic life, provided that such animals are of significant value and have been actively managed within the water feature prior to declaration of a drought response level under this policy.
  4. Stop washing vehicles except at commercial carwashes that re-circulate water, or by high pressure/low volume wash systems.
  5. Repair all leaks within 48 hours of notification by Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
- b) Restrictions in this subsection shall apply if the Padre Dam Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 et seq. Padre Dam may determine no new potable water service will be provided, no new temporary meters will be provided and those in use will be terminated and collected, no permanent meters will be installed, no additional capacity will be sold, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, as authorized by California Water Code sections 350 and 356. Exceptions to these restrictions may be allowed under the following circumstances:
1. A valid, unexpired building permit has been issued for the project, all grading has been completed, and the construction of structures has begun; or
  2. The project is necessary to protect the public's health, safety, and welfare; or
  3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset to the satisfaction of Padre Dam.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

- c) Upon the declaration of a Drought Response Level 3 condition, Padre Dam may suspend consideration of annexations to its service area, and any service outside District boundaries.
- d) During a Level 3 Drought Critical condition, in addition to water use restrictions, the Board of Directors may implement Demand Management Rates and Charges as necessary, depending on the level of potable water use cutbacks required, to ensure that the District recovers sufficient revenues to fund the District's obligations.

**5.1.8 Drought Response Level 4 – Drought Emergency Condition**

**5.1.8.1 Trigger**

A Drought Response Level 4 condition is also referred to as a “Drought Emergency” condition. A Level 4 condition may apply when the Water Authority Board of Directors notifies its member agencies that a consumer demand reduction greater than 40 percent is required in order to have sufficient supplies available to meet anticipated demands or that water supply conditions specific to the District have limited available

water and supplies such that a demand reduction of more than 40 percent is required in order to balance regional demands with the supplies anticipated to be available to the Water Authority for the foreseeable future, or as otherwise determined by the District in its reasonable discretion. Additionally, if the Padre Dam Board of Directors adopts findings supporting a Water Shortage Emergency, pursuant to California Water Code section 350 et seq, the Board shall declare a Water Shortage Emergency.

#### **5.1.8.2 Procedure**

The existence of a Drought Response Level 4 condition may be declared by a resolution of the Padre Dam Board of Directors adopted at a regular or special public meeting held in accordance with State law. The mandatory conservation measures applicable to a Drought Response Level 4 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

The existence of a Water Shortage Emergency during a Drought Response Level 4 condition may be declared by the Board of Directors pursuant to California Water Code Section 350, following a public hearing held in accordance with the procedures specified in California Water Code sections 351 and 352. The mandatory conservation measures applicable to a Drought Response Level 4 condition shall take effect on the tenth day after the date the response level is declared. Within five days following the declaration of the response level, Padre Dam shall publish a copy or summary of the resolution in a newspaper used for publication of official notices.

The Padre Dam Board of Directors may declare an end to a Drought Response Level 4 and/or a Water Shortage Emergency during a Drought Response Level 4, by the adoption of a resolution at any regular or special meeting held in accordance with State law.

#### **5.1.8.3 Water Use Restrictions**

- a) All persons using Padre Dam water shall comply with Level 1 Drought Watch, Level 2 Drought Alert, and Level 3 Drought Critical water use restrictions during a Level 4 Drought Emergency condition and shall also comply with the following additional mandatory conservation measures:
  1. Stop all landscape irrigation, except for crops, landscape products of commercial growers and nurseries, and the following categories:
    - A. Maintenance of trees and shrubs that are watered on the same schedule set forth in section 5.1.7.3 (a) (1) by using a bucket, hand-held hose with a positive shut-off nozzle, or low-volume non-spray irrigation;
    - B. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Marshal of the local fire protection agency having jurisdiction over the property to be irrigated;
    - C. Maintenance of existing landscaping for erosion control;
    - D. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;

- E. Maintenance of landscaping within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf course greens, provided that such irrigation complies with the schedule established by the General Manager under section 5.1.7.3 (a) (1).
  - F. Watering of livestock; and
  - G. Public works projects and actively irrigated environmental mitigation projects.
2. Repair all water leaks within 24 hours of notification by Padre Dam unless other arrangements are made with the General Manager. Severe leaks must be stopped immediately.
- b) The restrictions in this subsection shall apply if the Padre Dam Board of Directors declares a Water Shortage Emergency in the manner and on the grounds provided in California Water Code section 350 et seq. Padre Dam may determine no new potable water service will be provided, no new temporary meters will be provided and those in use will be terminated and collected, no permanent meters will be installed, no additional capacity will be sold, and no statements of immediate ability to serve or provide potable water service (such as, will serve letters, certificates, or letters of availability) will be issued, as authorized by California Water Code sections 350 and 356. Exceptions to these restrictions may be allowed under the following circumstances:
- 1. A valid, unexpired building permit has been issued for the project, all grading has been completed, and the construction of structures has begun; or
  - 2. The project is necessary to protect the public's health, safety, and welfare; or
  - 3. The applicant provides substantial evidence of an enforceable commitment that water demands for the project will be offset to the satisfaction of Padre Dam.

This provision shall not be construed to preclude the resetting or turn-on of meters to provide continuation of water service or to restore service that has been interrupted for a period of one year or less.

- c) Upon the declaration of a Drought Response Level 4 condition, Padre Dam may suspend consideration of annexations to its service area, and any service outside District boundaries.
- d) During a Level 4 Drought Emergency condition, in addition to water use restrictions, the Board of Directors may implement Demand Management Rates and Charges as necessary, depending on the level of potable water use cutbacks required, to ensure that the District recovers sufficient revenues to fund the District's obligations.

**5.1.9 Correlation Between Drought Management Plan And Drought Response Levels**

- a) The correlation between the Water Authority's DMP stages and Padre Dam's drought response levels identified in this policy is described herein. Under DMP Stage 1, Padre Dam would implement Drought Response Level 1 actions. Under DMP Stage 2, Padre Dam would implement Drought Response Level 1 or Level 2 actions. Under DMP Stage 3, Padre Dam would implement Drought Response Level 2, Level 3, or Level 4 actions.



- b) Padre Dam’s drought response levels correspond with the Water Authority DMP as identified in the following table:

<b>Padre Dam Drought Response Levels</b>	<b>Use Restrictions</b>	<b>Conservation Target</b>	<b>Water Authority DMP Stage</b>
1 - Drought Watch	Mandatory	Up to 10 percent (voluntary)	Stage 1 or 2
2 - Drought Alert	Mandatory	Up to 20 percent	Stage 2 or 3
3 - Drought Critical	Mandatory	Up to 40 percent	Stage 3
4 - Drought Emergency	Mandatory	Greater than 40 percent	Stage 3

**5.1.10 This section intentionally left blank**

**5.1.11 Violations, Penalties for Citations/Complaints and Other Remedies**

- a) Any person, who uses, causes to be used, or permits the use of water in violation of this policy is guilty of an offense punishable as provided herein.
- b) Each day that a violation of this policy occurs is a separate offense.
- c) The following enforcement measures will be taken upon a violation of the water use restrictions set forth in this policy:
1. Any violation of the water use restrictions contained herein, and reported to the District by a non-Padre Dam employee, will result in a letter generated by the District, notifying the customer of the incident, with a record of the offense being kept and noted on the customer's account. A Padre Dam employee may follow-up to observe the situation.
  2. Any violation of the water use restrictions contained herein, seen by a Padre Dam employee, will result in the issuance of a citation/complaint assessing a penalty, as set forth in Section 5.1.12 (Penalties for Water Supply System Violations) and notifying the violator of the basis for the proposed civil liability order. The citation/complaint will be served by registered or certified mail.
- d) Any willful violation may result in the appropriate limitation of service by use of a flow restrictor at the service address, or discontinuance of service at that address, as provided by Water Code section 356. Reinstatement of service must be obtained in person at the District Customer Service Center.
- e) Each violation of this policy may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than 30 days or by a fine not exceeding \$1,000, or by both as provided for in Water Code section 377.
- f) Penalties collected by Padre Dam will be used to fund water conservation and drought response programs pursuant to the purposes of Water Code section 375 et seq.

**5.1.12.1 Penalties for Water Supply System Violations**

Unless a timely appeal is requested pursuant to Section 5.1.13, the District’s CEO/General Manager or designee shall issue a final order. Collection of that bill will follow the District's normal collection procedures, and in no event shall a final order be issued on a citation/complaint prior to the 31st day following its issuance.

**1. Penalties for Violations of Mandatory Water Use Efficiency Measures (Sec. 5.1.4)**

<b>Violations Observed by Padre Dam Employee</b>	<b>Penalty Amount</b>
a. First Violation	-0-
b. Second Violation	\$ 75
c. Third Violation	\$ 150
d. Fourth & Subsequent Violations	\$ 300 each

**2. Penalties for Violations of Drought Levels 1 & 2 Water Use Restrictions (Sec.5.1.5 & 5.1.6)**

<b>Violations Observed by Padre Dam Employee</b>	<b>Penalty Amount</b>
a. First Violation	\$ 75
b. Second Violation	\$ 150
c. Third Violation	\$ 300
d. Fourth & Subsequent Violations	\$ 600 each

**3. Penalties for Violations of Drought Levels 3 & 4 Water Use Restrictions (Sec.5.1.7 & 5.1.8)**

<b>Violations Observed by Padre Dam Employee</b>	<b>Penalty Amount</b>
a. First Violation	\$ 150
b. Second Violation	\$ 300
c. Third Violation	\$ 900
d. Fourth & Subsequent Violations	\$2,700 each

**4. Penalties for Continued Violations**

On the 31st day after the District has notified the person of a violation, the person additionally may be assessed a civil penalty in an amount not to exceed \$10,000 plus \$500 for each additional day on which the violation continues.

**5.1.13 Appeals to Citations/Complaints**

- a) A customer who wishes to appeal a citation/complaint and/or a penalty imposed by the District pursuant to Sections 5.1.11 and 5.1.12 shall comply with the following procedures:

1. The customer must file a properly executed "Appeal to Citation/Complaint Form" provided by the District within 15 days of the date of the citation/complaint.
  2. The customer shall pay all amounts due and owing on his or her monthly bill, except for any disputed penalty imposed by the District.
  3. The District's Enforcement Officer, or designee, shall issue a response to the appeal within 30 days from receipt of the properly executed "Appeal to Citation/Complaint Form."
- b) If an appeal is denied, the customer may request a hearing before the CEO/General Manager by submitting a request to the Board Secretary no later than 15 days from the denial of the appeal. If timely requested, the hearing shall not be held sooner than 30 days after the Citation/Complaint was issued.
- c) When considering an appeal, including when determining the amount of civil penalty to assess when a pre-established penalty pursuant to Section 5.1.12 is not applicable, the CEO/General Manager shall take into consideration all relevant circumstances, including, but not limited to, the nature and persistence of the violation, the extent of harm caused by the violation, the length of time over which the violations occurs, and any correction action taken by the violator.
- d) The decision of the CEO/General Manager shall be final and will be memorialized as a final order. Collection of any penalty imposed pursuant to the final order will follow the District's normal collection procedures. The final order may not be issued prior to the 31<sup>st</sup> day after issuance of the citation/complaint.
- e) If a hearing is not requested in a timely manner, the District's denial of the appeal is final and the CEO/General Manager, or designee, will issue a final order no sooner than the 31<sup>st</sup> day after issuance of the citation/complaint seeing forth the penalty.
- f) The provisions of Section 1094.5 of the Code of Civil Procedure of the State of California shall be applicable to judicial review of the final order.

## **5.2 FIRE SUPPRESSION SYSTEM**

A fire suppression system may consist of an interior fire sprinkler system or a private onsite fire hydrant. The Fire Protection agency having jurisdiction over the property will set the fire suppression service requirements.

### **5.2.1 Residential Services**

A residential fire sprinkler system will be served by the residential water meter, unless a separate service is necessary to provide the required fire flow. The property owner shall be responsible for the expense of such installation, and also for installing a backflow prevention device as may be required by the District or the Department of Health Services.

The Customer is responsible for payment of all water service fees and charges to maintain an active service. Delinquency in payment of such fees and charges may result in termination of service.

### **5.2.2 Commercial Services**

In order to provide service to a commercial fire suppression system, the District will install a water service line to either the road right-of-way or the District's easement line. The property owner shall be responsible for the expense of such installation, and also for installing a backflow prevention device as may be required by the District or the Department of Health Services.

### **5.2.3 Restrictions**

Water from a fire suppression service shall not be used for any purpose other than extinguishing a fire or testing of the fire protection system. Upon evidence of a violation of this provision, the District shall install a bypass meter at owner's expense. Owner is responsible for proper maintenance and operation of bypass meter.

### **5.2.4 Charges for Water Use**

If there is a violation of use restrictions listed in these Rules and Regulations, the customer shall pay the cost of all water used for any purpose other than fire protection at twice the normal commodity rate. Also see the section on "Customer Accounts, Customer Account Billing Periods" for standard fire service charges.

## **5.3 FIRE HYDRANTS**

The Fire Protection agency having jurisdiction over the property will set the fire hydrant requirements, including the location, flow and type.

### **5.3.1 General**

All fire hydrants located on District water pipelines are the property of the District. The expense of installation, repair, or relocation is the responsibility of the fire district or the property owners concerned, except by specific agreement approved by the Board.

### **5.3.2 Fire Hydrant Flow Tests**

Only the District will access a fire hydrant for the purpose of performing a flow test. Upon a customer's request, the District will provide the necessary flow test and data, provided the flow test will not cause potential property damage and that the Regional Water Quality Control Board's discharge requirements can be met. The customer will be required to pay the current fee for the hydrant flow tests. For current rates, *refer to the section regarding fees and charges.*

## **5.4 CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION**

### **5.4.1 Incorporation of State Regulations**

Cross-connection regulations issued by the California Department of Public Health are contained within the California Administrative Code, a copy of which is on file at the offices of the District, are hereby incorporated by reference into the Rules and Regulations of the District. Any future amendment of the State regulations shall be deemed included as part of the Rules and Regulations.

### **5.4.2 Cross-Connections Prohibited**

Cross-connections affecting the water supply or water supply system of the District are prohibited. Any existing cross-connections shall be eliminated by disconnection or by installation of a reduced pressure backflow prevention assembly. The District shall approve only those devices tested and approved by the Foundation for Cross-connection Control and Hydraulic Research of the University of Southern California.

For new services requiring a backflow prevention device, the service shall not be turned on until the device has been installed.

### **5.4.3 Cross-Connections Questionnaire and Inspection**

The District may at any time require existing customers, as well as applicants for new water service, to complete a questionnaire supplied by the District regarding possible cross-connections, potential or actual hazards and backflow prevention devices. The questionnaire shall be completed and returned within 10 days of the request by the District, and failure to comply may result in termination of water service.

By accepting water service, the customer grants to the District the right to enter his or her property for the purpose of inspection to determine whether any potential or actual hazard exists, and whether any backflow prevention device is necessary.

### **5.4.4 Requirements / Conditions Requiring Backflow Prevention**

An approved backflow prevention device shall be installed on each service line to a consumer's water service system premises where, in the judgment of the cross-connection staff, actual or potential hazards to the public water system exist. An approved backflow prevention device shall be installed on each service line to a consumer's water system serving premises where the following conditions exist:

- 1) Premises having an auxiliary water supply or recycled water which is not, or may not be, of safe bacteriological or chemical quality and which is not acceptable as an additional source by Padre Dam. On such premises, the public water system shall be protected against backflow from the premises by installing an approved reduced pressure principle backflow prevention assembly at the service connection.

- 2) Premises on which any industrial fluids or any other substances are handled in such a fashion as to create an actual or potential hazard to the public water system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system, which are no longer under the control of Padre Dam. On such premises, the system shall be protected by an approved air-gap or an approved reduced pressure principle backflow prevention assembly at the service connection.
- 3) Premises having (A) internal cross-connections that cannot be permanently corrected and controlled; and (B) intricate plumbing and piping arrangements; or (C) systems where entry to all portions of the premises are not readily accessible for inspection purposes, so that it is impractical or impossible to ascertain whether or not dangerous cross-connections exist. On such premises, the public water system shall be protected against backflow from the premises by installing an approved reduced pressure principle backflow prevention assembly at the service connection.
- 4) Structures of three or more stories. On such premises, the public water system shall be protected at the service connection by an approved reduced pressure principle backflow prevention assembly.
- 5) If the District determines that its water service infrastructure is inadequate or in need of replacement, the District will replace its infrastructure, and may add a backflow protection device to protect the public water supply if one is not currently installed and is deemed necessary. The property owner shall be responsible for the cost of materials and District labor for the installation of the backflow device portion only. The ownership and responsibility of the installed backflow device will be signed over to the property owner. All future testing, maintenance, repair or replacement is the responsibility of the property owner.
- 6) An approved reduced pressure principle backflow prevention assembly shall be installed on each service connection to a consumer's water system serving facilities that include, but are not limited to the following types of facilities unless the cross-connection staff determines that no actual or potential hazard to the public water supply system exists:
  - A) All commercial, agricultural, industrial, government or institutional properties.
  - B) All fire protection system (fire services)
  - C) All water services dedicated for potable irrigation
  - D) All apartments, condos, or mobile home parks
  - E) All water tanks or water tank trucks
  - F) All recycled water services with chemical enrichment systems for irrigation or fertilizer injection systems.

- G) All recycled water services with private pumps
- H) All water fountains with direct water connections
- I) All water used through a construction meter

Below is a nonexclusive list of examples of properties that require backflow prevention:

- A) Hospitals, mortuaries, clinics, nursing homes
- B) Laboratories
- C) Sewage treatment plants, sewage pumping stations or storm water pumping stations
- D) Food and beverage processing plants/restaurants
- E) Chemical plants
- F) Metal plating industries
- G) Petroleum processing or storage plants
- H) Car washes
- I) Churches
- J) Farm service and fertilizer plants and trucks
- K) Dental offices
- L) Radiator shops
- M) Commercial laundries
- N) Photographic film processing facilities
- O) Veterinary and animal grooming clinics
- P) Taxidermists
- Q) Ready-mix concrete
- R) Sand and gravel plants
- S) Schools and colleges
- T) Water services dedicated for potable landscape irrigation systems
- U) Fire protection systems (fire services)
- V) Greenhouses
- W) Water tank trucks or water tanks
- X) Mobile home parks, apartment complexes
- Y) Any residential service with a private booster pump, or private lift station
- Z) Agriculture customers or any commercial services not covered by this list

- 7) An approved reduced pressure principle backflow prevention assembly shall be installed on each new service connection to a residential water system with the following types of facilities unless the cross-connection staff determines that no actual or potential hazard to the public water supply system exists:

- A) Residential Fire Sprinkler
- B) Private water pump
- C) Well
- D) Private sewer lift station
- E) Grey water system
- F) Solar pool heater
- G) Chemical enrichment system for irrigation
- H) Water fountain with direct water connection
- I) Private water tank

#### **5.4.5      Testing and Maintenance**

The customer is responsible for the installation, maintenance, testing, and repair of backflow prevention devices required by Padre Dam Municipal Water District.

All new backflow prevention assemblies shall be tested within five working days after installation of meter. Thereafter, the customer is responsible for having such devices tested annually. The District will send a reminder notice of testing. Copies of all test results, maintenance, and repair reports shall be forwarded to the District by due date of test.

All backflow prevention device tests shall be performed by a tester who meets certification requirements of the American Water Works Association, or American Backflow Prevention Association, or who meets requirements of any other agency using a certification process approved by the District. Original inspection reports shall be forwarded to the District. The District will supply a courtesy list of testers certified to perform such tests.

#### **5.4.6      Enforcement of Cross-Connection Regulations**

Failure of a customer to install, test, and maintain a backflow prevention device as may be required by the District, or to otherwise comply with the provisions of this subsection, shall be grounds for immediate termination of water service to the customer's property. The Cross-Connection Specialist or Director of Operations and Water Quality is authorized to terminate such services.

The District shall notify the customer of intended termination, by courier service, door hanger, mail service or telephone, at least 48 hours prior to termination. However, failure of the customer to receive such notification shall not affect the right of the District to discontinue service.

Prior to the reinstatement of service, customer must pay the discontinuance notification fee and for the cost of service disconnection, including any overhead expenses. *Refer to the section regarding fees and charges for discontinuance notification fee and reinstatement fee amounts.*



**List of Ordinances Amending Rules and Regulations:**

Ord. 2001-18, adopted 11/27/01, effective January 2002, Section 5.2

Ord. 2007-14, adopted 12/11/07, effective January 2008, Section 5.4

Ord. 2008-06, adopted 6/24/08, effective June 24, 2008, Section 5.1 & 5.5

Ord. 2009-04, adopted 04/14/09, effective July 1, 2009, Section 5.1

Ord. 2009-08, adopted 11/10/09, effective November 10, 2009, Section 5.1

Ord. 2012-04, adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

Ord. 2013-05, adopted 12/4/13, effective 1/1/14, Annual review

Ord. 2014-03, adopted 8/6/14, effective 8/6/14, Section 5.1 – Water Supply Management Conditions

Ord. 2015-04, adopted 4/15/15, effective 4/15/15, Section 5.1 – Water Supply Management Conditions

Ord. 2015-05, adopted 6/3/15, effective 6/3/15, Section 5.1 – Water Supply Management Conditions

Ord. 2015-06, adopted 8/5/15, effective 8/5/15, Section 5.1 – Water Supply Management Conditions – Amendments to comply with SB 88

Ord. 2016-05, adopted 4/20/16, effective 4/20/16, Section 5.1 – Water Supply Management Conditions

Ord. 2019-01, adopted 01/16/19, effective immediately, amending Sections 5.1 – Water Supply Management Conditions to incorporate language for the option of implementing Demand Management Rates pursuant to Ordinance 2017-04 removing the Hardship Variance, and other minor changes; Sections 5.2.1 and 5.2.2 updated backflow requirements for Fire Suppression Systems; Section 5.4, Cross Connection Control & Backflow Prevention, various amendments.

**SECTION 6 SEWER COLLECTION SYSTEM**

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these regulations. The District may also terminate the sewer service to any property, if a violation of any provision of this section is found to exist, or if any wastewater discharge into the District's sewer system causes or threatens to cause a condition of contamination, pollution, or nuisance.

When deemed necessary for the preservation of public health or safety, or for the protection of public or private property, the District may suspend or terminate sewer service to any person using the sewer system in a manner endangering the public health or safety, or public or private property. If such endangerment shall be imminent, the District may act immediately to suspend sewer service without notice or warning to said discharger. In terminating service, the District may sever all pertinent connections to the public sewer.

#### **6.1.2.5 Penalties**

- a) The District may, at its sole discretion, direct its General Counsel to seek, in San Diego County Superior Court, civil penalties against any person who violates any provision of these regulations regarding use of the sewer system, or conditions of their Industrial or Food Establishment Wastewater Discharge Permit; or who discharges wastewater that causes pollution; or who violates any cease-and-desist order, prohibition, effluent limitation, or national pretreatment standard for wastewater discharge.
- b) The District may, at its sole discretion, direct its General Counsel to seek criminal penalties for any intentional violation of any provision of these regulations regarding use of the sewer system, or conditions of their Industrial or Food Establishment Wastewater Discharge Permit, or who discharges wastewater that causes pollution; or who violates any cease-and-desist order, prohibition, effluent limitation, or national pretreatment standard for wastewater discharge.

#### **6.1.2.6 Cost Recovery**

A person violating any of these provisions, or who discharges wastewater that causes a deposit, obstruction, damage, or any other impairment to the District's sewer system shall become liable for all expense, loss, or damage sustained by the District by reason of such violation or discharge.

Any person violating these provisions, or who discharges wastewater through a privately owned sewer lateral (PLSD), will be responsible for the clean-up and remediation of the discharge and affected areas. If the discharger is non-responsive or uncooperative, the District may clean-up and remediate the wastewater discharge. The party responsible for the violation will be charged for the actual labor, materials and equipment used.

In addition to such penalties, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by means of an appropriate lawsuit or other remedy against the person or discharger found to have violated these regulations or any Industrial or Food Establishment Wastewater Discharge Permit issued.

### **6.1.3 Notice and Appeal Procedure**

Any notice required to be given by the District under these regulations regarding wastewater discharge shall be in writing, and shall be served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the District. Where the address is unknown, service may be made upon the owner of record of the property involved.

Notice shall be deemed to have been given at the time of deposit, postage prepaid, in a receptacle regularly serviced by the United States Postal Service.

Any person found to be violating any provision of these rules and regulations shall be served by the District with written notice stating the nature of the violation. Within 30 days after the date of the notice, unless the General Manager determines that a shorter time is necessary due to the nature of the violation, correction of a violation or a plan for the satisfactory correction thereof shall be submitted to the District.

If the violation is not corrected, or a satisfactory correction plan is not submitted within the specified time, the District may order such person to show cause for enforcement action not to be taken. The District may propose any enforcement action reasonably necessary to abate the violation.

### **6.1.4 Time Limits**

Any time limit provided in any written notice or in any provision of these regulations may be extended only by a written directive of the District.

### **6.1.5 District's Right of Inspection**

Adequate identification shall be provided by the District for its inspectors and other authorized personnel, who shall identify themselves upon entering any property for inspection purposes.

The District, at its discretion, shall be permitted to inspect the premises of any facility involved directly or indirectly with the discharge of wastewater into the sewer system, and shall take samples of any such wastewater discharge, for the purpose of ensuring that such facilities are maintained and operated properly and are adequate to comply with the provisions of these regulations. Access to such facilities shall be given to authorized personnel of the District at all reasonable times, including those occasioned by emergency conditions.

These facilities shall include but not be limited to sewer pipelines, wastewater pumping stations, pollution control plants, industrial processing activities, food establishments, and other operations discharging grease, oil, or other constituents at levels that may cause sewer blockages, any facilities that generate, convey, and pretreat industrial wastewater, and all similar wastewater facilities.

The owner or operator of a wastewater facility to be inspected shall promptly remove any permanent or temporary obstruction to ready access, at the written or verbal request of the District, and such obstruction shall not be replaced.

The District shall have the right to inspect and copy pertinent records of an industrial wastewater discharger relating to wastewater discharge or pretreatment operations, including inventories, chemical

usage, material sources, hazardous materials manifests and disposal records, treatment and operations log books, and materials invoices.

## **6.2 SYSTEM REGULATIONS**

### **6.2.1 Purpose of Regulating Use of Sewer Service System**

The purpose of this section is to provide:

- a) The maximum public benefit from the District's sewer collection system through adequate regulation of its use and the discharge of wastewater into the system,
- b) Equitable distribution of the District's costs among the users, and
- c) Procedures for complying with wastewater discharge requirements placed upon the District by other regulatory bodies.

### **6.1.2 Scope of Sewer Collection System Regulations**

This section shall be interpreted in accordance with the definitions set forth herein, and its provisions shall apply to the direct or indirect discharge of all waste into the District's sewer system.

This section also provides for regulation of:

- a) The quantity and quality of discharged wastes,
- b) The degree of any waste pretreatment required,
- c) The approval of plans for sewer facility construction,
- d) The issuance of permits for industrial wastewater discharge and food establishment wastewater discharge, and the fixing of fees and charges for such permits, and
- e) The establishment of penalties for violation of these rules and regulations.

### **6.2.3 Conditions for Wastewater Disposal**

Wastewater discharged to the District Sewer shall not:

- a) Damage structures,
- b) Create nuisances such as odors,
- c) Menace public health,

- d) Impose unreasonable collection, treatment, or disposal costs to the District,
- e) Interfere with wastewater treatment processes,
- f) Exceed quality requirements set by regulatory government agencies,
- g) Detrimentially affect the local environment, or
- h) Constitute an illicit discharge as defined by State Water Resource Control Board Order No. 2006-0003, Revised Monitoring and Reporting Program (WQ 2013-0058-EXEC), and Regional Water Quality Board Order No. R9-2015-0002, R9-2007-0005, and, as may be applicable, R9-2009-0037, and as may be amended or reissued.

#### **6.2.4 Wastewater Recycling and Reuse**

The District is committed to a policy of wastewater recycling and reuse, in order to provide an alternate source of water supply, and reduce overall costs of wastewater treatment and disposal. The recycling of wastewater through secondary and tertiary treatment processes may necessitate more stringent quality requirements for wastewater dischargers than those required by agencies which regulate the District.

#### **6.2.5 Industrial Wastewater Discharge**

The District must comply with stated policies of the Federal government and meet increasingly higher standards for recycled water quality. Accordingly, this section provides for the regulation of industrial wastewater dischargers, and establishes quantity and quality limitations on industrial wastewater discharges. The District also establishes methods of cost recovery from processing any wastewater discharges that impose inequitable collection, treatment, or disposal costs on the District.

The District encourages industrial wastewater dischargers to establish recovery and reuse procedures designed to meet their specific discharge limitations, rather than rely upon general procedures designed solely to meet wastewater discharge standards. Such methods shall provide for beneficial reuse of otherwise wasted resources of industrial wastewater treatment wherever feasible.

Optimum use of the District's wastewater facilities may require certain industrial wastewater to be discharged during periods of low flow in the sewer system. Periods of low flow are defined as the hours between 10 pm and 6 am. Periods of high flow are defined as the hours between 8 am and 8 pm.

### **6.3 DEFINITIONS OF WASTEWATER TERMS**

- A. Unless otherwise defined herein, terms relating to water and wastewater shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, The American Water Works Association, and the Water Environment Federation.
- B. Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to



the California Building Standards Law or as set forth in the Federal Water Pollution Control Act, the Porter-Cologne Water Quality Control Act, or any order issued pursuant thereto, if so defined.

- C. Subject to the foregoing provisions, the meaning of various terms as used in this section shall be as follows:

**"Best Management Practices (BMPs)"** – Any program, process, operating method, schedule of activities, prohibitions of practices or measure that controls, prevents, removes, or reduces an unwanted waste stream.

**"BOD"** - Biochemical Oxygen Demand as determined by procedures in Standard Methods.

**"Change in Operations"** - Any change in the ownership, food types, or operational procedures that have the potential to increase the amount of FOG generated and/or discharged by Food Service Establishments in an amount that alone or collectively causes or creates a potential for SSOs to occur.

**"COD"** - Chemical Oxygen Demand as determined by procedures in Standard Methods.

**"Discharger"** - Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Responsible party.

**"District"** – Padre Dam Municipal Water District

**"District Sewer"** - A sewer system owned and operated by the District.

**"Domestic Wastewater"** - The liquid and water-borne wastes derived from humans in dwelling units, said wastes being of such character as to permit satisfactory disposal into a public sewer or private disposal system without special treatment.

**"Effluent"** - Customer's sewage flow or wastewater discharge into District's sewer collection system, or discharge of treated wastewater from District's Recycled Water Facility.

**"Existing source"** - A wastewater discharger in existence on the effective date of the ordinance establishing this section of these Rules and Regulations.

**"FOG"** – Fats, Oils and Greases. Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

**"FOG Control Program Manager"** - The individual designated by the District to administer the FOG Control Program. The FOG Control Program Manager is responsible for all determinations of compliance with the program, including approval of discretionary variances and waivers.

**"Food Establishment"** – Food facilities defined in California Retail Food Code (commencing with Health and Safety Code section 113700), and any commercial entity within the boundaries of the District, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or

employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in the California Retail Food Code. A limited food preparation establishment is not considered a Food Service Establishment when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

**“Food Establishment Wastewater Discharge (FEWD) Permit”** - A permit issued by the District subject to the requirements and conditions established by the District authorizing the permittee or discharger to discharge wastewater into the District’s facilities or into sewer facilities which ultimately discharge into a District facility.

**“Garbage/Food Grinder”** - Any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

**“Grease Interceptor”** – A multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a Food Service Establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. These devices must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on regular intervals to be effective.

**“Grease Trap”** – A grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases where the use of a grease interceptor or other grease control device is determined to be impossible or impracticable.

**“Grease Removal/Control Device”** or **“GRD”** - Any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. “Grease Removal/Control Device” may also include any other proven method to reduce FOG subject to the approval of the District.

**“Industrial Discharger”** - An industry that discharges wastewater that can be classified in one of four categories according to the type and source of discharge.

**“Industrial Wastewater”** - All wastewater, excluding domestic wastewater, that results from any production, manufacturing, processing, institutional, commercial, service, agricultural, or other similar activities and operations including wastes of human origin similar to domestic wastewater originating in the facility.

**“Industrial Wastewater Discharge Permit”** - A permit issued to an industrial wastewater discharger pursuant to these regulations.

**“Inspector”** - A person authorized by the District to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

**“Manifest”** - That receipt which is retained by the generator of wastes for disposing recyclable wastes or liquid wastes as required by the District. A copy of all manifests must be kept onsite for a period of at least one year from the date on the manifest.

**“Mass Emission Rate”** - The weight of material discharged to a public sewer during a given time interval.

**“NPDES”** - The National Pollutant Discharge Elimination System established pursuant to Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.*

**“Permittee”** - A person who has received a FEWD or Industrial Wastewater Discharge Permit to discharge wastewater into the District's sewer facilities subject to the requirements and conditions established by the District.

**“PLSD”** – Private Lateral Sewer Discharge; a discharge of wastewater through a privately owned sewer lateral.

**“Responsible Party”** - business owner, property owner, property management, water and/or sewer account holder, waste discharger, or resident at a commercial or residential property.

**“Sampling Vault”** – The last point downstream on a grease trap or interceptor that is specially constructed to allow inspection and sampling of effluent prior to discharge.

**“Self-Monitoring Program”** - The procedure by which the industrial discharger measures, samples, analyzes, and reports the quantity and quality of wastewater discharge and its compliance or non-compliance with the FEWD and/or Industrial Wastewater Discharge Permit requirements.

**“Sludge”** - Precipitated solid matter separated from liquid wastewater during the sewage treatment process.

**“SSO”** – Sanitary Sewer Overflow

**“Standard Methods”** - The procedures for sampling and testing wastewater described in the current edition of Standard Methods for the Examination of Water and Wastewater, as published by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

**“Suspended Solids”** - Any insoluble material contained as a component of wastewater, and capable of separation from the liquid portion of said wastewater by laboratory filtration, as determined by the appropriate testing procedure or procedures in Standard Methods.

**“Treatment Facilities”** - Structures, equipment and related appurtenances actually used in the processing or recycling of wastewater.

**“25 percent Rule”** - Requirement for grease interceptors to be maintained such that the combined FOG and solids accumulation does not exceed 25 percent of the design hydraulic depth of the grease interceptor. This is to ensure that the minimum hydraulic retention time and required available hydraulic volume is maintained to effectively intercept and retain FOG discharged to the sewer system.

**"Waste"** - The content of wastewater and any and all other such materials, including liquid, solid, gaseous, or radioactive substances of human or animal origin or other source associated with human habitation; or useless byproducts resulting from any producing, manufacturing, or processing operation of any nature, including such substances placed within any containers prior to and for the purpose of disposal.

**"Wastewater"** - Waste and water, whether treated or untreated, discharged into or permitted to enter a public sewer.

**"Wastewater Characteristics"** - Measurements of wastewater constituents, and other properties including volume, flow rate, and other properties that define, classify, or measure the quantity and quality of wastewater.

**"Wastewater Constituents"** - The individual chemical, physical, bacteriological, microbiological, or radiological constituents of wastewater, and such other properties that define, classify, or measure the quality of wastewater.

**"Wastewater System or Facilities"** - Any and all structures, equipment and related appurtenances used for collecting, conveying, pumping, treating, and disposing of wastewater.

**"Weir"** - A device placed in the wastewater flow to divert and/or measure the flow rate.

Note: Commonly used symbols for chemical elements are used throughout this section.

## **6.4 INDUSTRIAL WASTEWATER**

### **6.4.1 Categories of Industrial Wastewater**

**Category 1** - Industries that discharge wastewater generated from a process that is subject to EPA Categorical Standards.

**Category 2** - Industries engaged in activities resulting in the discharge of toxic wastewater or other wastewater that is not regulated by the EPA, including but not limited to the following activities:

- a) Treatment, storage, and disposal of hazardous wastes (TSDf's)
- b) Manufacturing of chemical or microbiological products
- c) Formulation of solvents, lubricants, paints, or inks
- d) Industrial laundries
- e) Processing of Ag or Ag/Cr based photo-sensitive materials
- f) Cleaning of boat hulls, large metal fabrications, or salvage
- g) Radiator repair, auto body sanding, or furniture stripping

- h) Silk-screen, offset, or lithographic printing
- i) Chemical laboratory work
- j) Cleaning vehicle engines, chassis, or other parts
- k) Cleaning parts in a non-automotive machine shop by solvent, hot caustic, jet washer, pressure spray, or steam cleaning

**Category 3** - Industries discharging non-toxic wastewater, including but not limited to industries:

- a) Discharges common in household wastes
- b) Laundering linens and non-industrial clothing
- c) Vehicle exterior body washing
- d) Food establishments and industries with a potential FOG discharge that do not otherwise fall within Category 1 or 2.

**Category 4** - Industries using chemicals that are not discharged with wastewater into the District's sewer system.

#### **6.4.2 Industrial Wastewater Discharge Permits**

Any person, commercial or industrial customer, municipality, sanitation district, or governmental agency proposing to discharge industrial wastewater into a District sewer shall obtain an Industrial Wastewater Discharge Permit from the District. Such industrial wastes shall include all wastewater discharges regulated by Federal or State of California mandates, or local or District ordinances, or discharges which interfere with the operation and maintenance of the sewer system and wastewater treatment facilities. Industrial wastewater dischargers will be responsible for payment of all applicable fees prior to authorization of industrial wastewater discharge. Industrial Wastewater Discharge Permit fees may be the responsibility of any of the following associated with the discharge; Industrial wastewater discharger, property owner, property management company, tenant, or account holder.

The District has a cooperative agreement with the City of San Diego for administering Industrial Wastewater Discharge Permits. Industrial Wastewater Discharge Permit applications are processed by the City of San Diego and upon issuance are routed through the District to the Permittee. The City of San Diego also provides monitoring services to check for compliance with Industrial Wastewater Discharge permits.

#### **6.4.2.1 Industrial Wastewater Discharge Permit Requirements**

The Industrial Wastewater Discharge Permit for Industrial Wastewater Discharge may require:

- a) Limitation of the volume discharged;
- b) Restriction of peak flow discharges;
- c) Pretreatment of industrial wastewater prior to discharge;
- d) Discharge of certain wastewater only to specified sewers of the District;
- e) Relocation of the point of discharge;
- f) Prohibition of discharge of certain wastewater constituents;
- g) Restriction of discharge to certain hours of the day;
- h) Payment of additional charges to defray increased costs of the District created by the wastewater discharge; and
- i) Such other conditions as may be required to achieve a reduction or elimination of industrial waste.

No person shall discharge industrial wastewater in excess of the quantity or quality limitations set by the Industrial Wastewater Discharge Permit for Industrial Wastewater Discharge. Anyone desiring to discharge wastes or use wastewater facilities that are not in conformance with terms of the Industrial Wastewater Discharge Permit must apply to the District for an amendment to the Industrial Wastewater Discharge Permit.

#### **6.4.2.2 Discharge Standard Limitations**

All industrial discharges into the District's sewer system shall comply, at a minimum, with the effluent discharge standards or limitations described in this Section. The District may require more stringent effluent discharge standards, or may apply special permit provisions, with concurrence of the Board of Directors.

#### **6.4.2.3 Special Industrial Wastewater Discharge Permit Provisions**

The customer may appeal in writing to the District for relief of the foregoing effluent standards for Category 2 or Category 3 industrial wastewater discharge. The District may grant an appeal if the following criteria can be demonstrated:

- a) That the discharger is unable to meet the District's effluent standards by means of reasonable modifications to the discharging facility;

- b) That the requested variance will not directly impact the operation of any District wastewater treatment plant, cause the wastewater or sludge of such plant to violate applicable requirements, or harm plant facilities or personnel; and
- c) That the easing of any effluent standards will not violate any Federal pretreatment requirements.

**6.4.2.4 Industrial Wastewater Self-Monitoring Discharge Reporting Provisions**

The District may require any industrial wastewater discharger to file periodic self-monitoring discharge reports. Such reports may include but are not limited to the type of process used, volume of discharge, exact point of sampling, rates of flow, mass emission rate, production quantities, hours of operation, or other information relating to the generation of wastewater, including wastewater constituents and characteristics. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site, even though they may not normally be discharged.

The District may also require industrial wastewater dischargers to provide baseline monitoring reports, compliance time schedule reports, and final compliance reports. Dischargers may be required to provide results of periodic measurements and self-monitoring reports of their discharge, including chemical analyses and flow.

**6.4.3 Industrial Wastewater Discharge Application and Permit**

**6.4.3.1 Application Information Requirements**

Applicants for Industrial Wastewater Discharge Permits shall complete and file an application form, which shall be accompanied by all applicable fees.

The applicant may be required to submit for evaluation, the following information:

- a) Name, address, and Standard Industrial Classification number of applicant;
- b) Name of person responsible for payment of fees, which person may be the industrial wastewater discharger, property owner, property management company, tenant, account holder, or responsible party.
- c) Volume of wastewater to be discharged;
- d) Wastewater constituents and characteristics including, but not necessarily limited to effluent standard limitations and prohibited substances, as determined by a laboratory approved by the District;
- e) Time and duration of discharge;
- f) Average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any;
- g) Description of activities, facilities, and plant operations on the premises, including all materials, processes, and types of materials which are being or could be discharged; and

- h) Any other information deemed necessary by the District in order to evaluate the application.

#### **6.4.3.2 Application Review and Approval**

The District will review the application, and may require the applicant to provide additional information in order to complete the review. Additionally, the District may require an on-site inspection of the wastewater discharge system, pretreatment systems, and any other systems relating to the wastewater discharge.

Upon final approval, the District will issue an Industrial Wastewater Discharge Permit to all Category 2 and Category 3 industrial dischargers within the service area of the District, subject to terms and conditions provided.

#### **6.4.3.3 Industrial Wastewater Discharge Permit Conditions**

Industrial Wastewater Discharge Permits shall be subject to all provisions of this section and all other regulations, user charges, and fees established by the District. The conditions of Industrial Wastewater Discharge permits shall be uniformly enforced by the District in accordance with provisions of this section and all applicable local, State, and Federal regulations.

Industrial Wastewater Discharge Permits issued by the District do not authorize the commission of any act causing injury to the property of another, nor do they protect the discharger from any liabilities under Federal, State, or local laws, nor do they guarantee the discharger a capacity right in the District's sewer system.

A copy of the Industrial Wastewater Discharge Permit shall be maintained at the discharger's business location, so as to be available at all times to its personnel.

The terms and conditions of the Industrial Wastewater Discharge Permit may be subject to modification by the District in accordance with any applicable Federal, State or local law or regulation. Except for modifications required to protect the public health, safety or welfare, which may be required immediately, the discharger shall be informed of any proposed changes in the Industrial Wastewater Discharge Permit at least 30 days prior to the effective date of change. Any modifications or new conditions in the Industrial Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

#### **6.4.3.4 Duration of Industrial Wastewater Discharge Permits**

Industrial Wastewater Discharge Permits for Industrial Wastewater Discharge shall be issued for a specified period not to exceed five years. It is the responsibility of the Permittee to ensure renewal of the Industrial Wastewater Discharge Permit prior to expiration.



#### **6.4.3.5 Industrial Wastewater Discharge Permits not Transferrable**

Industrial Wastewater Discharge Permits are not transferrable. Any sale, lease, transfer, or assignment of the premises or operation, for which an Industrial Wastewater Discharge Permit was issued, shall require a new Industrial Wastewater Discharge Permit. An Industrial Wastewater Discharge Permit shall be issued only for a specific use or operation and any new or modified conditions of operation may require an amended or new Industrial Wastewater Discharge Permit.

#### **6.4.3.6 Revocation of Industrial Wastewater Discharge Permit**

The District may revoke the Industrial Wastewater Discharge Permit of any discharger who is found to be in violation of this section of the Rules and Regulations or any applicable local, State, or Federal regulations. An Industrial Wastewater Discharge Permit may also be revoked on the basis of the following reasons:

- a) Failure to factually report the wastewater constituents and characteristics of its discharge;
- b) Failure to report significant change in operations;
- c) Refusal to grant reasonable access to the premises for the purpose of inspection or monitoring; or
- d) Violation of a condition of the Industrial Wastewater Discharge Permit;
- e) Failure to pay service charges, penalties, fines, or other outstanding liabilities;
- f) Violation of any provision in this Section.

#### **6.4.3.7 Industrial Wastewater Discharge Permit Fees**

A fee will be charged to and collected annually from all Category 1, 2, and 3 dischargers. The fee is established to cover the annual expense of inspecting and sampling industrial wastewater discharge. The fee will be established and subject to modification by ordinance of the Board of Directors. Prior to any change in the established fee by an ordinance of the Board, a notice of such proposed change shall be posted and published by the District, in accordance with the California Government Code. *Refer to Section 10 of these Rules and Regulations regarding fees and charges for the amount of the Industrial Wastewater Discharge Permit fee.*

The City of San Diego levies fees for the monitoring and testing program (Section 6.4.2) and bills Permittee directly.

## **6.5 INDUSTRIAL WASTEWATER MONITORING AND RECORD KEEPING REQUIREMENTS**

### **6.5.1 Industrial Wastewater Self-Monitoring Facilities**

Under terms of an Industrial Wastewater Discharge Permit, the District may require the discharger to install and maintain a self-monitoring facility for the purpose of measuring flow rate and total volume, and sampling the discharge for chemical or biological analysis.

The monitoring and sampling facility shall be constructed in accordance with the District's requirements, and shall be completed within 90 days following written notification by the District, unless a time extension is granted.

Such facility shall consist of a calibrated flume, weir, flow meter, or similar measuring device, and automatic proportional flow sampling equipment and/or automatic analysis and recording equipment.

In lieu of wastewater flow measurement, the District may accept records of water usage, and may determine peak and average flow rates for the specific industrial wastewater discharge by computing an adjusted flow volume on the basis of suitable factors.

#### **6.5.1.1 Location of Monitoring Facilities**

Industrial wastewater discharge monitoring facilities shall be situated on the discharger's premises. However, when such a location would be impractical or cause undue hardship on the user, the District may allow the facility to be constructed in the public street or sidewalk area. Such facility shall not be obstructed by landscaping or parked vehicles, and shall be subject to approval by the local zoning and land use agency.

#### **6.5.1.2 Self-Monitoring Reports**

Dischargers who must take periodic measurements of industrial wastewater flows and constituents shall provide the minimum number of measurement reports required, and according to the schedule established in the Industrial Wastewater Discharge Permit. Each report shall contain the date, signature, title, and these words: "I declare under penalty of perjury that the foregoing is true and correct."

#### **6.5.1.3 District Access to Monitoring Facilities**

Industrial wastewater dischargers who are required to provide monitoring facilities shall allow the District or its representatives ready access at reasonable times to all parts of their premises for purpose of sampling or performing any necessary duties. All sampling, analysis, and flow measurement procedures, equipment, results, and records shall be subject to inspection by the District at all reasonable times.

The District shall have the right to install on the discharger's premises any devices necessary to conduct sampling or metering operations. Dischargers shall allow entry of District personnel, upon presentation of suitable identification.

### **6.5.2 Standards and Guideline Resources**

All flow measurements, sampling, analysis, and reporting shall be performed in accordance with applicable procedures approved by the District, and approved by the Environmental Protection Agency under Title 40, CFR, Part 136, "Guidelines Establishing Test Procedures for Analysis of Pollutants Under the Clean Water Act," as amended at a laboratory certified for such testing by the State Department of Health Services.

The industrial discharger is referred to the following resources for selection, installation, calibration, and operation of flow measurement devices and sampling technique:

- a) "A Guide to Methods and Standards for the Measurement of Water Flow," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 421, May 1975, 97 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by SD Catalog No. C13.10:421.)
- b) "Water Measurement Manual," U.S. Department of Interior, Bureau of Reclamation, Third Edition, Revised Reprint, 2001, 327 pp. (Available from the U.S. Government Printing Office, Washington, D.C. 20402. Order by Catalog No. 127.19/2:W29/2, Stock No. S/N 24003-0027.)
- c) "Flow Measurement in Open Channels and Closed Conduits," U.S. Department of Commerce, National Bureau of Standards, NBS Special Publication 484, October 1977, 982 pp. (Available in paper copy or microfiche from National Technical Information Service (NTIS) Springfield, VA 22151. Order by NTIS No. PB-273-535/5ST.)
- d) "NPDES Compliance Sampling Manual," U.S. Environmental Protection Agency, Office of Water Enforcement, Publication MCD-51, 1977, 140 pp. (Available from the General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225.)
- e) "Standard Methods for the Examination of Water and Wastewater".

The Federal Regulations for Industrial Wastewater and Pretreatment requirements are contained in Title 40CFR, Part 403.

### **6.5.3 Retention of Industrial Wastewater Discharge Records**

All dischargers subject to terms of an Industrial Wastewater Discharge Permit shall retain and preserve all records and books, including any and all summaries thereof, which relate to monitoring, sampling, and chemical analysis conducted by or on behalf of such discharger in connection with its industrial wastewater discharge. Such records shall include all related documents, memoranda, reports, correspondence, and computer data, and shall be retained for a period of not less than three years.

All records pertaining to matters subject to any administrative action, or other enforcement or litigation activities initiated by the District, shall be retained and preserved by the discharger until all such activities are concluded, and until all periods of limitation relating to any and all appeals have expired.

## **6.6 INDUSTRIAL WASTEWATER DISCHARGE REQUIREMENTS**

### **6.6.1 Pretreatment of Industrial Wastewater**

Dischargers shall ensure that wastewater to be discharged is acceptable under the limitations established before discharging to any public sewer.

Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the sole expense of the discharger. Detailed plans, compliance schedules, and operating procedures shall be submitted to the District for review and approval prior to construction of the facility.

The approval of such plans and operating procedures will in no way relieve the discharger from the responsibility of modifying the facility, in order to produce an effluent acceptable under the provisions of this section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the District. No discharger shall increase the quantity of water used in their process of doing business, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any local, State, or Federal discharge standard.

The District shall have the authority to impose on any industrial wastewater discharger appropriate compliance schedules for installation of specific pretreatment equipment, filing of reports, and achievement of specific discharge conditions, including target parameter concentrations.

### **6.6.2 Protection from Accidental Discharge**

#### **6.6.2.1 Safeguards Required**

Each industrial wastewater discharger shall provide safeguards and protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's sole expense.

#### **6.6.2.2 Accidental Discharge Procedures**

In the case of an accidental discharge, it is the responsibility of the Permittee to immediately notify the District. The notification shall include location of discharge, type of waste, the concentration and volume, and corrective actions taken.

Within five days following an accidental discharge, the discharger shall submit to the District a detailed written report, describing the cause of the discharge and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the discharger of any expense, loss, damages, or other liability which may be incurred as a result of damage to the wastewater systems, fish kills, or any other damage to persons or property; nor shall such notification relieve the Permittee of any fines, civil penalties, other liability, or other reporting requirements which may be imposed by this Section or other applicable law, including but not limited to the reporting requirements in Water Code section 13271 and 13272.

A notice shall be permanently posted in a prominent place on the premises of the discharger, advising employees who may cause, allow, or observe any accidental discharge of proper emergency notification procedures.

**6.6.3 Prohibited Discharge Substances**

The concentration or amount of any constituent considered as excessive or unreasonable will be determined by the results of technical evaluation and the actions of regulatory agencies. The list of regulated constituents indicates specific limits, as currently established. Constituents listed without specific limits are wastes that may be subject to future regulation.

**6.6.3.1 Pretreatment Standards for Facilities Existing Prior to 7-15-82**

This subsection applies to any industrial wastewater discharger who was discharging on or before 7/15/82.

- a. Category I Industries, except for Job Shops and Independent Printed Circuit Board Manufacturers must achieve the following pretreatment standards:

Pollutant or pollutant property	Concentration Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Cadmium (T)	0.69	0.26
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
Total Toxic Organics (TTO)	2.13	-----
Note: T=Total		

- b. Alternatively, for industrial facilities with cyanide treatment, upon agreement between a source subject to those limits and the pollution control authority, the following amenable cyanide limit may apply in place of the total cyanide limit specified in paragraph above.

Pollutant or pollutant property	Concentration Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Cyanide (A)	0.86	0.32

No user introducing wastewater pollutants into the Padre Dam System under the provisions of this subpart shall augment the use of process wastewater as a partial or total substitute for adequate treatment to achieve compliance with this standard.

- c. An existing source submitting a certification in lieu of monitoring must implement the toxic organic management plan approved by Padre Dam.

- d. An existing source subject to this subpart shall comply with a daily maximum pretreatment standard for Total Toxic Organics (TTO) of 4.57 mg/L.

**6.6.3.2 New Source Performance Standards**

This subsection applies to any industrial wastewater discharger who began discharging after 7/15/82.

- a. Category I Industries must achieve the following performance standards:

NSPS	Concentration, Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Pollutant or pollutant property		
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
Total Toxic Organics (TTO)	2.13	-----
Oil & Grease	52	26
TSS	60	31
pH	(1)	(1)
(1) Within 6.0 to 9.0		
(T) = Total		

- b. Alternatively, for industrial facilities with cyanide treatment, and upon agreement between a source subject to those limits and Padre Dam, the following amenable cyanide limit may apply in place of the total cyanide limit specified in paragraph (a) of this section:

	Concentration Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Pollutant or pollutant property		
Cyanide (A)	0.86	0.32

- c. No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.
- d. An existing source submitting a certification in lieu of monitoring must implement the toxic organic management plan approved by Padre Dam.

**6.6.3.3 Pretreatment Standards for New Sources (PSNS)**

This subsection applies to any industrial wastewater discharger who began discharging after 7/15/82.

- a. Category I Industries that introduce pollutants into the Padre Dam System must achieve the following pretreatment standards for new sources (PSNS):

Pollutant or pollutant property	Concentration, Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
Total Toxic Organics (TTO)	2.13	-----
Note: (T) = Total		

- b. Alternatively, for industrial facilities with cyanide treatment, and upon agreement between a source subject to those limits and Padre Dam, the following amenable cyanide limit may apply in place of the total cyanide limit specified in paragraph (a) of this section:

Pollutant or pollutant property	Concentration Milligrams per liter (mg/L)	
	Maximum for any one day	Monthly Average Shall not exceed
Cyanide (A)	0.86	0.32

- c. No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.
- d. An existing source submitting a certification in lieu of monitoring must implement the toxic organic management plan approved by Padre Dam.

**6.6.3.4 Standard Maximum Effluent Concentrations**

All Category 1, 2 and 3 industries must meet the following maximum effluent concentrations:

**STANDARD MAXIMUM EFFLUENT CONCENTRATIONS**

CONSTITUENT	Units	Value	CONSTITUENT	Units	Value
BOD (1)	mg/L (3)	1000	Manganese	mg/L	3.0
TSS (2)	mg/L	1000	MBAS (5)	mg/L	1.5
Ammonia	mg/L	50.0	Mercury	mg/L	2.0
Antimony	mg/L	2.0	Nickel	mg/L	4.1
Arsenic	mg/L	2.0	Nitrogen, Nitrate as N	mg/L	45
Barium	mg/L	10.	Nitrogen, Total as N	mg/L	60
Beryllium	mg/L	2.0	Oil and Grease	mg/L	300
Boron	mg/L	2.0	Phenol	mg/L	25
Chloride	mg/L	400	Phosphorus, Total as P	mg/L	30
Chlorinated Hydrocarbons	mg/L	ND (4)	Selenium	mg/L	2.0
Chlorine Residual	mg/L	100	Sodium (percent)	%	60%
Color	units	100	Sulfate	mg/L	500
Flash Point	°F	>140°F	Sulfide (dissolved)	mg/L	1.0
Iron	mg/L	3.0	Thallium	mg/L	2.0
Lead	mg/L	0.03	TDS (6)	mg/L	(7)
<b>Notes:</b>					
(1) BOD: Biochemical Oxygen Demand			(6) TDS: Total Dissolved Solids		
(2) TSS: Total Suspended Solids			(7) Not more than 300 mg/L greater than the		
(3) mg/L: Milligrams per Liter			monthly average concentrations in the domestic		
(4) ND: Non-detectable			water supplied by the District.		
(5) MBAS: Methylene Blue Active Substance					

**6.6.3.5 General Requirements**

Unless approval has been obtained from the District, no person shall discharge or cause to be discharged into a public sewer which directly or indirectly connects to the District’s sewer system, the following:

- a) Any liquid, solid or gaseous substance that would cause or tend to cause flammable or explosive conditions in the wastewater system.
- b) Any liquid, solid, or gaseous substance containing toxic or poisonous solids, liquids, or gases in such quantities that alone or in combination with other substances may create a health hazard for humans, animals, or the local environment, and may interfere detrimentally with wastewater treatment processes, or may cause a public nuisance, or cause any hazardous condition to occur in the wastewater system.



- c) Any matter having a pH factor lower than 5.5 or greater than 10.0, or having any corrosive or other detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel, or may cause damage to structures, equipment, or other physical facilities of the wastewater system.
- d) Any solids or viscous substances or other matter of such quality, size, or quantity that may obstruct the wastewater flow in the sewer, or may be detrimental to proper wastewater treatment plant operations.
- e) Any storm water, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from outdoor fountains, ponds or lawn sprays, or any other outdoor collected water.
- f) Any discharge having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius), or a temperature that causes the influent to the wastewater treatment plant to exceed 85 degrees Fahrenheit (30 degrees Celsius).
- g) Any discharge that create odors.
- h) Any discharge containing over 1.0 mg/L of dissolved sulfides, iron, pickling wastes, or plating solutions.
- i) Any discharge with a pH factor high enough to cause alkaline incrustation on sewer walls.
- j) Any discharge releasing, promoting, or causing the promotion of toxic gases.
- k) Any discharge requiring an excessive quantity of chlorine or other chemical compound to be used for disinfection purposes.
- l) Any deionized water, steam condensate, distilled water, or single-pass cooling water.
- m) Any radioactive discharge, except under the following circumstances:
  - i) When the discharger is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
  - ii) When the matter is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17), and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and
  - iii) When the discharger is in compliance with all rules and regulations of all other applicable regulatory agencies.
- n) Any discharge producing excessive discoloration in the wastewater treatment plant effluent.

- o) Any toxic materials, including but not limited to all heavy metals, cyanide, phenols, chlorinated hydrocarbons, and other organic compounds, unless limited to a concentration that complies with all local, State, and Federal discharge limitations, and does not interfere with the operation of the wastewater facilities.
- p) Any wastes having BOD concentrations greater than 5,000 mg/L or COD concentrations greater than 10,000 mg/L or non-decomposable organic contents.
- q) Any excessive amounts of organic phosphorous type compounds.
- r) Any waste containing substances that may precipitate, solidify, or become viscous at temperatures between 50 and 85 degrees Fahrenheit.
- s) Any waste producing excessive discoloration of wastewater or treatment plan effluent.
- t) Any water added for purposes of diluting wastes which would otherwise exceed applicable maximum concentration limitations.
- u) Any waste prohibited by Federal standards from being discharged to the sewer system.
- v) Any other wastes that may be specifically prohibited by the District.
- w) No user subject to the provisions of this subpart shall augment the use of process wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.

#### **6.6.4 Garbage Grinders Limitations**

Discharges from garbage grinders, except that for discharges which are generated in preparation of food normally consumed on the premises, shall not be discharged into the sewer. The District may issue a FEWD or Industrial Wastewater Discharge Permit for other specific garbage grinder uses, on condition that the discharger undertakes whatever self-monitoring is required to determine the equitable sewer service charges, based upon the waste constituents and characteristics.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the District's sewer system. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse for discharge to the sewer system.

#### **6.6.5 Point of Discharge Limitations**

Discharge of any substances directly into a manhole or an opening into a sewer pipeline other than a sewer lateral connection approved by the District is prohibited, unless an Industrial Wastewater Discharge Permit for such direct discharges has been obtained from the District, upon written application and payment of applicable charges and fees.

### **6.6.6 Prohibition of Discharge from Septic Tank Pump Trucks**

Dumping or discharging into the District's sewer system, or into facilities discharging directly or indirectly into the sewer system, any materials from a vacuum truck, septic tank or "cesspool" pump truck or other liquid waste transport truck, including the contents of a septic tank, seepage pit, interceptor, or cesspool, and any industrial or other liquid wastes is prohibited.

### **6.6.7 Excessive Industrial Wastewater Discharges**

Industrial wastewater discharges shall not exceed the limitations allowed by the discharger's Industrial Wastewater Discharge Permit or the amounts reported to the District. If measurements or other investigations reveal an excessive flow rate, flow quantity, or chemical oxygen demand, or the presence of excess suspended solids, the discharger shall be subject to assessment of delinquent sewer service charges, modification of future charges, and amendment of the Industrial Wastewater Discharge Permit in addition to any other remedy available to the District.

The findings of the District shall be confirmed by a minimum of two additional 24 hour flow samples and flow measurements obtained by the District, with the cost of sampling and analysis borne by the discharger. Such data, together with any other relevant information obtained by the District or presented by the discharger, shall be used to establish accurate measurements, as required to determine the proper amount of future sewer service charges and the delinquent charges to be assessed.

Additionally, the discharger shall apply to the District for an amended FEWD or Industrial Wastewater Discharge Permit, adjusting the terms accordingly.

In the absence of other evidence, a discharger who violates terms of an existing FEWD or Industrial Wastewater Discharge Permit shall be presumed to have been discharging at the determined values of the constituent or constituents in question over the preceding three years, or since the District's previous verification of quantity parameters, whichever period is shorter.

### **6.6.8 Wastewater Facilities Capacity**

If the District lacks sufficient capacity in its wastewater facilities, the District may require existing industrial wastewater dischargers to restrict their discharge until additional capacity becomes available. The District may refuse service in locations where the District's available capacity is not adequate to accommodate the proposed quantity or quality of such discharge.

Persons desiring to establish an operation which would discharge industrial wastewater into the District's wastewater treatment facilities may request the District to recommend suitable areas.

## **6.7 WASTEWATER DISCHARGE FROM FOOD ESTABLISHMENTS**

### **6.7.1 Food Establishment Wastewater Discharge (FEWD) Permits**

The intent of the program is to facilitate the maximum beneficial public use of the District's sewer services and facilities while preventing the discharge of excess grease and oil into the wastewater collection system, to minimize the potential of formation of blockages to the flow of wastewater as a result of grease accumulations and to eliminate sewage spills that may result from such blockages.

All food establishments including, but not limited to, restaurants, delis, ice-cream parlors, commercial kitchens, etc. desiring to discharge wastewater into the District's sewer system shall obtain a Food Establishment Wastewater Discharge (FEWD) Permit from the District.

#### **6.7.2 Subject to Industrial Wastewater Limitations**

Wastewater discharged into the District's sewer system from establishments engaged in preparing food for public consumption shall be subject to the limitations for Industrial Wastewater Discharge, as set forth earlier in these Rules and Regulations, including but not limited to Section 6.3.2 (Penalties for Violations) and 6.3.3 (Notice and Appeal Procedure), and such other conditions and requirements as may be specified in the Food Establishment Wastewater Discharge Permit.

The FEWD permit for discharging wastewater from a food establishment shall be subject to all provisions of this section and all other regulations, user charges and fees, as established by ordinance of the Board of Directors of the District.

Food establishments which do not discharge FOG to the sanitary sewer system may be exempt from FEWD Permit requirements that include the installation of a Grease Removal Device (GRD). This exemption is at the sole discretion of the District and the establishments are still subject to inspection and other FEWD Permit requirements.

#### **6.7.3 FEWD Permit Requirements**

The Food Establishment Wastewater Discharge Permit may require pretreatment of wastewater prior to discharge, restriction of peak flow discharges, discharge of certain wastewater only to specified sewers of the District, or relocation of the point of discharge. Such requirements may also include prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the District created by the wastewater discharge, and such other conditions as may be required to achieve the purpose of this section.

Discharge of industrial wastewater in excess of the quantity or quality limitations or other requirements set by the Food Establishment Wastewater Discharge Permit is prohibited.

#### **6.7.4 Applications for Food Establishment Discharge Permits**

Applicants of a Food Establishment Wastewater Discharge Permit shall complete and file with the District an application in the form prescribed by the District.

##### **6.7.4.1 Information Requirements**

The applicant may be required to submit, for evaluation, the following information:

- a) Name and address of applicant;
- b) Service and site address;

- c) Volume of wastewater to be discharged;
- d) Name and address of property owner or lessor and the property manager where the Food Service Establishment is located.
- e) Time of daily food preparation operations;
- f) Description of food preparation, type, and number of meals served, clean-up procedures, dining room capacity, number of employees, and size of kitchen; and
- g) Applicants may be required to submit site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, FOG control device, grease interceptor or other pretreatment equipment and appurtenances by size, location, and elevation for evaluation.
- h) Any other information deemed necessary by the District to evaluate the application.

#### **6.7.4.2 Application Review and Approval**

The District will review the FEWD Permit application, and may require the applicant to provide additional information in order to complete the review. Additionally, the District may require an on-site inspection of the wastewater discharge system, pretreatment systems, and any other systems relating to the wastewater discharge.

Upon final approval and payment of the FEWD Permit fee(s), the District will issue a Food Establishment Wastewater Discharge (FEWD) Permit, subject to terms and conditions of these Rules and Regulations. Refer to Sections 6.4 and 10.8.2 for fee information.

#### **6.7.4.3 Duration of FEWD Permits**

FEWD Permits shall be issued for a specified period not to exceed five years. A FEWD permit may be valid for less than a year or may be issued to expire on a specific date. It is the responsibility of the Permittee to ensure renewal of the FEWD Permit prior to expiration.

#### **6.7.4.4 Terms and Conditions of FEWD Permits**

The terms and conditions of the Food Establishment Wastewater Discharge Permit may be subject to modification by the District, in accordance with any changes in the discharge standard limitations or the prohibited discharge substances described. Except for modifications required to protect the public health, safety or welfare, which may be required immediately, the discharger shall be informed of any proposed changes in the FEWD Permit at least 30 days prior to the effective date of change. Any modifications or new conditions in the FEWD Permit shall include a time schedule for compliance as determined by the District.

#### **6.7.4.5 FEWD Permits not Transferrable**

Any sale, lease, transfer, or assignment of the premises or operation for which a Food Establishment Wastewater Discharge Permit was issued shall be reported to the District prior to the change and shall require a new FEWD Permit.

A FEWD Permit shall be issued only for a specific use or operation, and any new or modified conditions of operation shall require an amended or new permit.

#### **6.7.4.6 Revocation of FEWD Permit**

The District may revoke the FEWD Permit of any discharger who is found to be in violation of this section of the Rules and Regulations. A Food Establishment Wastewater Discharge Permit may also be revoked on the basis of the following violations:

- a) Failure to install grease pretreatment devices as required by the FEWD Permit;
- b) Failure to fulfill reporting requirements or pretreatment maintenance as required by the permit;
- c) Refusal to grant reasonable access to the premises for the purpose of inspection or monitoring;
- d) Violation of a condition of the FEWD Permit;
- e) Establishment causes interference, sewer blockages, or SSOs within the District's collection or treatment system;
- f) Failure to make timely payment of all amounts owed to the District for user charges, fees, or any other fees imposed pursuant to this ordinance;
- g) Knowingly provides a false statement, representation, record, report, or other document to the District;
- h) Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method;
- i) Failure to comply with the terms and conditions of FEWD Permit suspension or CSA;
- j) Discharges effluent to the District's sewer system while FEWD permit is suspended.

#### **6.7.4.7 Compliance Schedule Agreement (CSA)**

- a) Upon determination that a Permittee is in noncompliance with the terms and conditions specified in its FEWD Permit or any provision of this Section, or needs to construct and/or acquire and install a grease control device or grease interceptor, the FOG Control Program Manager may require the Permittee to enter into a CSA.

- b) The issuance of a CSA may contain terms and conditions including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Section.
- c) The FOG Control Program Manager shall not enter into a CSA until such time as all amounts owed to the District, including user fees, noncompliance sampling fees, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the FOG Control Program Manager.
- d) If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the FOG Control Program Manager may issue an order suspending or revoking the FEWD Permit.

## **6.7.5 Food Establishment Wastewater Discharge Requirements**

### **6.7.5.1 Grease Removal**

The food establishment discharger/responsible party shall ensure that wastewater is acceptable for discharge into the District's sewer system in accordance with the limitations established.

Each discharger/responsible party shall install a grease removal device, of a type approved by the District, to remove grease from wastewater prior to discharge. Such device shall be located on the waste line leading from areas where grease may be introduced into the sewer system such as sinks, drains, appliances, and other fixtures or equipment used in food preparation or the cleanup process. The GRD shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease. GRD sizing and installation shall conform to the current edition of the Uniform Plumbing Code.

Grease interceptors shall be constructed in accordance with the design approved by the FOG Control Program Manager and shall have a minimum of two compartments with fittings designed for grease retention. Access manholes, with a minimum diameter of 24 inches, shall be provided directly over each grease interceptor chamber, crossover tee, and sanitary tee. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities. Sampling vaults must be installed with every grease interceptor.

Each discharger or responsible party shall also provide a collection drum or other container for the purpose of physically segregating all oils, greases, and greasy solids. No such collected grease shall be introduced into any drainage pipeline or public sewer system. The use of additives, directly or indirectly to the plumbing or sewer system, to emulsify grease and/or oil, is specifically prohibited.

The FEWD Permit holder shall develop and implement Best Management Practices (BMPs) to minimize the discharge of FOG to the sanitary sewer system. These procedures are for the food establishments personnel to perform maximum segregation of oils, greases, and greasy solids, which shall be collected in a drum or container prior to discharging of washing or cleaning wastewater into the sewer system. Drain screens shall be installed on all drainage pipes in food preparation areas. Grease removal devices shall be

maintained in efficient operating condition by means of periodic removal of accumulated grease. Dischargers shall be responsible for the proper removal and disposal of material captured from grease removal devices, and from collection drums used for segregating oils, greases, and greasy solids. Decanting or discharging of removed waste back into the grease interceptor, for the purpose of reducing the volume to be hauled, is prohibited.

#### **6.7.5.2 Grease Removal Device (GRD) Maintenance and Record Keeping**

The 25 Percent Rule requires that the depth of FOG along with the depth of settleable solids in a trap or interceptor shall be less than 25 percent of the total operating depth of the grease removal device. The operating depth is determined by measuring the internal depth from the outlet water elevation to the bottom of the compartment.

Maintenance of the GRD shall be performed as frequently as necessary to protect the sanitary sewer system against accumulation of FOG. Maintenance shall be performed as determined by inspection and application of the 25 Percent Rule, at intervals specified in the FEWD Permit or at the following intervals, whichever is more often.

- 1) Interceptors shall be pumped, at a minimum, on a quarterly basis (Every 90 days).
- 2) Grease traps shall be pumped, at a minimum, on a twice monthly basis (Every 15 days). Grease traps shall be maintained in efficient operating conditions by removing accumulated grease on a daily basis.
- 3) Oversized and undersized grease removal devices may be required to be pumped more frequently due to inefficiency, lack of proper flow, or other conditions subject to the limitations for Industrial Wastewater Discharge such as high or low pH.
- 4) Dishwashers and food waste disposal units shall not be connected to or discharged into any grease trap.
- 5) Grease traps shall be inspected periodically (at a minimum, at the time of pump-out) to check for leaking seams and pipes, and for effective operation of the baffles and flow regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

The discharger shall keep records of grease removal device cleaning, maintenance, and grease removal and report on such maintenance annually and upon request to the District. The report shall provide documentation of delivery of all grease and oil to a recycling or disposal contractor or facility. Documentation shall be in the form of a manifest from the transporter or receipt which identifies the date, volume, type of waste, address, phone, and contact person with the contractor or facility.

Dischargers shall make the records available to District inspectors during normal business hours. Records shall be kept by the facility for a period of not less than three years.

Property owners of commercial properties or their official designee(s) shall be ultimately responsible for the installation and maintenance of the GRD.



**6.7.5.3 Food Establishment Wastewater Monitoring Reports**

Each food establishment required to hold a Food Establishment Wastewater Discharge Permit may be required to provide the results of periodic measurements of its discharge, which is to include chemical analysis of oil and grease content and/or any other constituents as deemed necessary by the District.

**6.7.5.4 Discharge Limits**

All dischargers of wastewater from food establishments into the District's sewer system shall comply at a minimum with the following effluent discharge limitations, unless special provisions are approved in accordance with this section by the District.

**Standard Maximum Effluent Concentrations**

<u>Constituent</u>	<u>Concentration</u>
Grease and Oil	300.0 mg/L

**6.7.5.5 Special FEWD Permit Provisions for Food Establishments**

The Customer may appeal in writing to the District for relief of the foregoing effluent standard or treatment requirements for a food establishment wastewater discharge if the following criteria can be demonstrated:

- a) The discharger is unable to meet the District's effluent standard by means of reasonable modifications to the discharging facility; and
- b) The requested variance will not directly or indirectly impact the operation of any District wastewater treatment plant, cause the wastewater or sludge of such plant to violate local, State, or Federal requirements, or harm plant facilities or personnel.

The District will review the application and forward recommendations for special permit provisions to the Board of Directors.

**6.7.5.6 Compliance with FOG Control Program**

Compliance with the FOG control program shall be evaluated based on the following criteria:

- 1) Implementation of Best Management Practices (BMPs).
- 2) Grease Removal Device kept in compliance with the 25 Percent Rule.
- 3) Regularly scheduled maintenance of the GRD.
- 4) Documentation and record keeping showing proper disposal.
- 5) Documentation of employee education and training.
- 6) Conditions of the FEWD Permit have been met.

In addition to any other remedy available to the District, establishments which are not in compliance with the FOG control program may be subject to a re-inspection fee following a compliance schedule agreement to bring the establishment into compliance and any other fees associated with the compliance schedule agreement. All fees, charges and penalties are due by the responsible party as determined by the District.

**6.7.5.7 Employee Training**

- 1) Employees of the food service establishment shall be trained on:
  - a) How to “dry wipe” pots, pans, dishware, and work areas before washing to remove FOG.
  - b) How to properly dispose of food waste and solids in enclosed plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
  - c) The location and use of absorption products to clean under fryers, and other locations where grease may be spilled or dripped.
- 2) Training shall be documented and employee signatures retained indicating each employee’s attendance and understanding of the practices.
- 3) Training records shall be available for review at any reasonable time by the District inspector.

**6.8 VALIDITY OF PROVISIONS CONTAINED IN THIS SECTION**

If any provision contained in this section or the application thereof to any person or circumstance is held to be invalid, the remainder of the provisions and the application of such provisions to other persons or circumstances shall not be affected thereby.

**List of Ordinance amending Section 6:**

Ord. No. 2000-09, effective January 2001

Ord. 2012-04 adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

Ord. 2013-05, adopted 12/4/13, effective 1/1/14, Annual Policy Review

Ord. 2014-04 adopted 11/19/14, effective 1/1/15, Annual Policy Review

Ord. 2016-02 adopted 2/3/16, effective immediately, Annual Policy Review

Ord, 2019-01 adopted 01/16/19, effective immediately, minor changes part of Annual Policy Review

**SECTION 7**

**RECYCLED WATER**

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- California Code of Regulations Title 22, Division 4, Chapter 3, Recycled Water Criteria
- California Code of Regulations Title 17, Division 1, Chapter 5, Subchapter 1, Group 4, Article 1 and 2
- State Water Resources Control Board, Policy for Water Quality Control for Recycled Water
- American Water Works Association - California/Nevada Section, Guidelines for the Distribution of Non-Potable Water
- California Water Code, Section 13050

### 7.3 DEFINITIONS OF RECYCLED WATER TERMS

The following terms are defined for purposes of this section:

- Air-Gap Separation - A physical break between a supply pipe and a receiving tank. The air-gap shall be at least double the diameter of the supply pipe, measured vertically above the flood rim of the tank, and in no case shall be less than one inch. The Design shall be to the satisfaction of the District.
- Agriculture - Agricultural purposes include the growing of field and nursery crops, row crops, and trees and vines.
- Artificial Lake - A man-made lake, pond, lagoon, or other body of water that is used wholly or partly for impounding landscape water or a restricted recreational impoundment.
- Approved Use Area or Designated Use Area - A designated site, with defined boundaries, listed on the Recycled Water User Permit for the purpose of receiving and using recycled water.
- Automatic System - An electronic, electrical, or mechanical system which includes automatic controllers, valves, and associated equipment required for the programming of effective water application time and rates when using recycled water.
- Backflow Prevention - See Reduced Pressure Backflow Prevention Device and Double Check Valve.
- Commercial Use - A service classification for the use of recycled water for toilets, urinals, decorative fountains, and other related uses.
- Construction Use - An approved use of recycled water to support construction activities such as soil compaction and dust control during grading.

- i) Cross Connection - Any connection between a recycled water system and any part of a potable water system, any other source of water, or other sources such as sewers and sewage force mains, whereby contamination may enter the potable water supply, or the recycled water supply.
- j) Double Check Valve - An assembly of at least two independently acting approved check valves including tightly closing shut-off valves on each side of the check valve assembly and suitable leak-detector drains plus connections available for testing the water-tightness of each check valve.
- k) Greenbelt - Recreational or unoccupied lands that include but are not limited to road medians, cemeteries, parks, and landscaping.
- l) Industrial Process Water - Water used by any industrial facility for purposes that include but are not limited to rinsing, washing, cooling and circulation, or construction; or any facility regulated by industrial waste discharge rules and regulations.
- m) Landscape Impoundment - A body of recycled water which is stored, or used for aesthetic enjoyment or irrigation, or which otherwise serves a similar function is not intended to include public contact (also see Artificial Lake).
- n) Non-Potable Water - Water that has not been treated for, or is not acceptable for, human consumption in conformance with Federal, State, and local water standards. Non-potable water includes recycled water.
- o) Offsite Recycled Water System - Recycled water facilities located on District property, in District easements and in dedicated public right of way, maintained by the Padre Dam Municipal Water District.
- p) Operational Plan - A document describing the application rates, time of use, sequencing of irrigation, industrial use, or other relevant operational features of a recycled water use system.
- q) On-Site Facilities - Facilities for the conveyance, metering, or use of recycled water which are owned by the user and are not owned by the District. Such facilities are under the control and maintenance of an On-Site Recycled Water Supervisor.
- r) Ponding - A collection of recycled water that does not drain and creates an artificial pond, not designated as an artificial lake, such that a hazard or potential hazard to public health may occur.
- s) Project Facility Availability Form - This is a form generally required by the City of Santee or County of San Diego Planning Departments as a part of their land planning and use process.
- t) Recycled Water - Water or wastewater that has been sufficiently treated to meet State of California, Title 22, Recycled Water Criteria regulations and is suitable for a direct



beneficial or controlled use such as irrigation, commercial, and industrial uses, but not suited for drinking.

- u) Recycled Water Distribution System - A system of pipelines, pumps, and reservoirs designed and used for the delivery of recycled water, which is separate from and in addition to the potable water distribution source.
- v) Recycled Water Supervisor - An individual in the employ of the user, specifically trained and certified in the use of recycled water, and who is knowledgeable of the on-site system.
- w) Recycled Water Site Supervisor Certification Training Course. – Provided by the City of San Diego, Public Utilities Department, designed to provide recycled water users in the State of California with the necessary information required to become fluent in the operational practices of recycled water.
- x) Recycled Water Use Permit - A permit issued by the District authorizing the use of Recycled Water at a specific property site for a specific purpose.
- y) Recreational Impoundment - A body of recycled water used for recreational activities including, but not limited to, fishing, boating, and/or swimming.
- z) Reduced Pressure (RP) Backflow Prevention Device - a backflow preventer incorporating not less than two check valves, an automatically operated differential relief valve located between the two check valves, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.
- aa) Regulatory Agencies - Included but not limited to the Regional Water Quality Control Board, State of California Department of Environmental Health , and the County of San Diego Department of Environmental Health .
- bb) Restricted Recreational Impoundment - A body of recycled water used for recreational activities limited to fishing, boating, and other non-body-contact water recreational activities.
- cc) Retrofit - The conversion of existing irrigation or other water use facilities for the use of recycled water.
- dd) Runoff - Any surface movement of recycled water beyond the boundaries of the designated use area.
- ee) Separation - The horizontal and vertical distance between a recycled water pipeline and a parallel or crossing potable water pipeline, sewer pipeline, or a sludge force main. The separation shall be a specified distance between the pipelines in question.
- ff) Service Area - The geographical area within the District, designated by the District, where recycled water service is available upon satisfactory completion of service application.

- gg) Wastewater Discharge - A combination of water and water-carried wastes deposited, released, or flowing into a sewer system from any commercial, industrial, agricultural, or residential source.
- hh) Windblown Spray - Dispersed airborne particles of recycled water resulting from the discharge of recycled water and capable of being transmitted through the air to locations other than those for which the direct application of recycled water was intended.

## **7.4 RECYCLED WATER SERVICE REQUIREMENTS AND APPLICATIONS**

### **7.4.1 Mandatory Use of Recycled Water**

In areas where recycled water is available, no connections to the potable water source will be allowed for irrigation or any other use for which recycled water is suitable unless determined otherwise by the District.

The District shall determine in each recycled water service area whether greenbelt, agricultural, irrigation uses, commercial office buildings, artificial lakes, industrial processes, front yard residential landscaping, construction grading, dust control, and other uses are to be limited to the use of recycled water.

Development approval for any new, or expansion of existing developments, may require the use of recycled water. The District will make that determination at the time a Project Facility Availability Form is submitted to the District.

### **7.4.2 Voluntary Applications for Recycled Water Service**

Voluntary applications for recycled water may be considered by the District based upon location of property, the intended use, and the proposed amount of recycled water needed.

### **7.4.3 Classification of Service**

The District has established various water classifications based upon the specific land use of the property served. These classifications are used to determine the capacity required to adequately serve the property. The District has also set installation fees for water meters and related materials. For detailed explanation, refer to the Water and Sewer Services section of these Rules and Regulations.

### **7.4.4 Service Requirements**

Recycled water service and the use of recycled water shall be subject to all the terms and conditions of these rules and regulations.

Service shall be granted upon completion of application for service, payment of all applicable fees, and issuance of Recycled Water Use Permit. Refer to the Fees and Charges section of these Rules and Regulations for fees.

The District reserves the right to control and schedule the use of recycled water when it is necessary to maintain acceptable working conditions in the distribution system.

Each building shall have a functional isolation valve on the domestic water system that is located above grade located immediately before water enters the building.

Each building shall have the water pressure regulator installed after the buildings isolation valve on the domestic water system.

#### **7.4.5 Applications for Recycled Water Service**

All applicants proposing the use of Recycled Water shall submit an application for recycled water service to the District Engineering Department.

The application is provided by the District and must contain detailed information concerning the applicant and site as follows:

- a) The applicant's relationship to the property for which recycled water service is requested. In cases where the applicant is not the legal owner of the property, the legal owner shall consent to the application on a supplemental notarized form.
- b) The address and legal description of the property covered by the application, including Assessor Parcel Number and lot size.
- c) Proposed meter location.
- d) Anticipated use of recycled water and proposed consumption measured in gallons per minute (gpm).
- e) Proposed hours of use.
- f) Plat showing area of use.
- g) Designation of the user's Recycled Water Site Supervisor.
- h) Any special condition for service pursuant to these Rules and Regulations.

#### **7.4.6 Notice of Determination**

The District shall review the application and make a determination if the property shall be served by recycled water. The District will require access to the property to make a preliminary inspection of the property.

Upon determination of District's ability to serve the property, the District shall notify the applicant whether plans for the proposed use may be submitted.

#### **7.4.7 Appeal Process**

Any potential customer may appeal to the District within 30 days of receiving a Notice of Determination to comply with the requirement to convert to recycled water, requesting reconsideration of such determination, or modification of the proposed conditions or conversion time schedule. The appeal must be in writing, addressed to the Engineering Department, and must specify reasons for the objection. The preliminary determination shall be final if no appeal is filed by the customer within the specified 30-day period.

The General Manager shall make an executive determination within 30 days of the filing of the appeal. Upon receiving an executive determination, the customer may appeal to the Board of Directors of the District, as follows:

- a) Appeal of such executive determination shall be filed in writing with the Board Secretary within 10 days of receiving such notice;
- b) The appeal shall state all facts supporting the customer's belief that the executive determination by the General Manager is not appropriate;
- c) The appeal to the Board shall be reviewed by staff and scheduled with a recommendation for Board action at the earliest convenient Board meeting.
- d) The review of the appeal and the determination made by the Board shall be final.

#### **7.4.8 Project Drawings**

Upon determination by the District that the property will be served by recycled water, the customer is responsible for preparation of improvement drawings showing proposed on-site facilities. These drawings must be approved by the District and signed by the appropriate regulatory agencies in conformance with Title 22, Article 4, Sections 60313-60316 of the Code of Regulations, prior to commencing construction of facilities.

#### **7.4.9 Construction and Inspection of Facilities**

The installation or retrofit of all on-site facilities shall be by customer's forces. District recycled water facilities required for service shall be installed by the customer's contractor, in accordance with District and County of San Diego Department of Environmental Health approved design standards and District approved improvement plans except for recycled water services installed on existing recycled water mains. All plan checking and inspection costs shall be subject to the District's project deposit requirements. Installation or retrofit of all on-site and District recycled water facilities shall be inspected by the District, and appropriate regulatory agencies.

#### **7.4.10 Issuance of Recycled Water Use Permit and Service Start**

Upon District approval of onsite improvement drawings, preliminary approval of facility installation, preliminary approval of the on-site operational plan for the property, and payment of all applicable fees, the District shall issue a Recycled Water Use Permit. After the permit has been issued, the customer may request start of service. When a property served with recycled water changes ownership, or tenant, the existing recycled water permit shall be terminated.

Use Permit is non-transferable. Any change in the party the Use Permit is issued to will require a new use review and new Use Permit.

#### **7.4.11 Temporary Use of Potable Water**

Upon District approval, potable water may be used in place of recycled water on a temporary basis. Before the applicant will receive temporary potable water, in place of recycled water, a Recycled Water Use Permit must be obtained for new on-site distribution facilities.

## **7.5 DISCONTINUANCE / INTERRUPTION OF SERVICE**

### **7.5.1 Discontinuance of Service**

The District Rules and Regulations are for the protection of the public health, safety, and welfare. Failure by a customer to follow the rules and regulations may result in the discontinuance of recycled water service.

Discontinuance of service may be for:

- a) Non-payment of any District bill. Discontinuance of recycled water service for non-payment will be handled according to the procedures found in Section 8.
- b) Violation of the Use Permit issued to the property which could cause or create a public nuisance (See Section on Prohibited Conditions and Uses).
- c) A change in property ownership or tenant.
- d) Failure to obtain a certified Recycled Water Supervisor designated for the site.
- e) Failure to comply with the cross connection control and prevention requirements of Section 5.4.

In order to reinstate service to the property, the violation(s) must be remedied to the satisfaction of the District. Service reinstatement must also meet all the conditions in Section 8, and any penalties incurred during the violation must be paid in full before the service will be re-activated. If the District determines that it is not in their best interest to re-activate a service, the service will be discontinued until reactivation is warranted.

During operation of facilities designed to use recycled water, if real or potential hazards are evidenced, the District has the authority to immediately discontinue recycled water service. In the event that recycled water service is so discontinued, the District will notify the customer within 24 hours of discontinuance either by door hanger, phone, or in writing, and may supply water to the affected facilities either temporarily or permanently from the potable water system.

The District is not obligated to provide an alternative water source should discontinuance of recycled water service be due to failure to comply with these Rules and Regulations.

### **7.5.2 Interruption of Service**

The District may need to interrupt the recycled water flow in order to protect recycled water facilities or make repairs. This would be a temporary interruption and service would be re-activated at the earliest possible time.

### **7.5.3 Discontinuance Due to Supply**

If the District is unable to obtain recycled water or otherwise provide recycled water service, it will be at the discretion of the District to discontinue service. The District will attempt to provide other sources of water, if appropriate.

## **7.6 VIOLATION OF USE PERMIT**

### **7.6.1 Fines and Penalties**

Violations of these Rules and Regulations shall be subject to a daily fine as specified in the Fees and Charges section of these Rules and Regulations, per day (or any portion thereof), for each day of violation. The use of recycled water in any manner in violation of these rules and regulations or of any permit issued is hereby declared a public nuisance and shall be corrected or abated as directed by the District. Any person creating such a public nuisance is guilty of a misdemeanor.

### **7.6.2 Use Permit Revocation**

In addition to any other statute or rule authorizing termination of water service, the District or the Regional Water Quality Control Board may revoke a Recycled Water Use Permit issued, if a violation of any provision of the rules and regulations is found to exist or, if any person uses, transports, or stores such water in violation of the discharger/producer's rules and regulations or in a manner which creates, or threatens to create conditions of pollution, contamination, or nuisance, as defined in the California Water Code.

### **7.6.3 Prohibited Conditions and Requirements for Use**

Prohibited conditions and requirements for use of Recycled Water include, but are not limited to, the following:

1. Runoff and Erosion - Recycled water draining off or away from the designated use area is prohibited.
2. Ponding - Recycled water shall not be allowed to gather or pond. The water application rate shall be adjusted to prevent ponding.
3. Windblown Spray - Watering shall be adjusted, by the spray and timing, so that any spray mist or run off onto an un-designated use area will be kept to a minimum.
4. Cross Connections - Cross Connections shall not be allowed. All potable water service on recycled water sites shall have an approved Reduced Pressure Backflow Prevention Device. Refer to the section regarding Cross Connections located in the Water Supply Section.
5. Unprotected Drinking Fountains - All drinking fountains shall be protected from any type of contamination from recycled water.
6. Unprotected Public Facilities - All contact with eating surfaces or playground recreational equipment for the general public, by recycled water even if located within the designated use area, shall be kept to a minimum.
7. Hose Bibs - Hose bibs shall not be connected to the recycled water system.

8. Fire Hydrants - Fire hydrants shall not be connected to the recycled water system unless specifically approved by the District and proper signage provided.
9. Period of Operation - Time periods for watering shall be within the hours mutually agreed to between the customer and the District, and consistent with distribution system supply and demand. The District reserves the right to schedule water use periods. The operation of the irrigation system shall be during periods of minimal public exposure.
10. Reuse of Equipment - Any equipment, such as tanks, temporary piping or valves, and portable pumps that have been used with recycled water, shall be cleaned and disinfected before removal from the approved use area. The disinfection process shall be done in the presence of, and approved by, a District Inspector.
11. Disposal in Unapproved Areas - Disposal of recycled water for any purposes, including uses in areas other than those explicitly approved in the current effective Use Permit issued by the District and without the prior knowledge and approval of the appropriate agencies is strictly prohibited.
12. No irrigation with recycled water shall take place within 50 feet of any domestic water supply well.
13. No impoundment of recycled water shall occur within 100 feet of any domestic water supply well.
14. Storage facilities owned and/or operated by recycled water users shall be protected against erosion, overland runoff, and other impacts resulting from 100-year frequency, 24-hour duration storms.
15. Storage facilities owned and/or operated by recycled water users shall be protected against 100-year frequency peak stream flows as defined by the San Diego Flood Control agency.
16. Construction Water Use – Recycled water used for soil compaction or dust control must comply with the use requirements set forth in section 7.7.7.

## **7.7 OPERATION REQUIREMENTS FOR ON-SITE AND CONSTRUCTION - WATER FACILITIES**

### **7.7.1 Approved Construction Specifications and Drawings**

All recycled water facilities onsite and offsite shall be installed per the requirements of the Water Agency Standards (WAS) and Water Agency Design Guide (WADG). Three sets of the site irrigation plans must be submitted to the District for review, approval and signature. The District will also coordinate the review with the County of San Diego Department of Environmental Health. These irrigation plans must include all required notes and a signature block for the District and for the County of San Diego.

### **7.7.2 Recycled Water Supervisor**

The customer must have a designated Recycled Water Supervisor at all times. If the Recycled Water Supervisor position becomes vacant, the customer shall have 30 days to fill the vacancy with a qualified Recycled Water Supervisor and to notify the District and the County of San Diego Department of Environmental Health of the name of the new Recycled Water Supervisor. Not having a properly certified Recycled Water Supervisor shall be sufficient reason for the District to terminate service until such a person has been designated.

Each Recycled Water Supervisor must complete the Recycled Water Supervisor Training Course. The San Diego County Water Authority or the District shall attest to the training by issuing a certificate of completion for the Recycled Water Supervisor Training Course.

The operation, surveillance, and maintenance of on-site recycled water systems and construction-water facilities shall be under the management of the Recycled Water Supervisor designated by the Customer and approved by the District. The Recycled Water Supervisor for a commercial, industrial, multiple residential, and school facility must work on the site using the recycled water. Public facilities such as parks will be handled on a case-by-case basis. The Recycled Water Supervisor shall be available by telephone at a number listed with the District for emergency contact.

### **7.7.3 Personnel Training**

It shall be the responsibility of the Recycled Water Supervisor to ensure that all on-site operations personnel, responsible for daily operation and maintenance, are trained in and familiar with the use of recycled water, and are familiar with the pertinent information contained in these rules and regulations and those applicable portions of Title 22, Div. 4, Chapter 3, of the California Code of Regulations; this information shall be supplied by the District upon request of the Recycled Water Supervisor.

### **7.7.4 On-Site Information**

The Recycled Water Supervisor shall be responsible for furnishing the on-site operations personnel system operating instructions, maintenance instructions, controller charts, and record drawings to ensure proper operation in accordance with the irrigation system design and these regulations. At least one complete set of this information shall be kept on site or in the nearest field office or maintenance building established by the Recycled Water Supervisor, who retains the responsibility of properly distributing this information to all appropriate operations personnel.

### **7.7.5 On-site Inspection**

Onsite inspection shall consist of:

1. Inspect the Recycled Water Supervisor's system maintenance records and a visual inspection of the facility for possible cross connections with the potable water systems at least once a year.
2. A physical cross connection test, between the potable and recycled water systems shall be performed at least once every four years, or whenever new recycled water systems have been installed.



3. Backflow Prevention Devices shall be tested periodically as called for in the Water Supply Section of these Rules and Regulations.
4. Inspect facility for conditions listed in section 7.6.3, entitled Prohibited Conditions and Requirements for Use, as well as any other conditions that exist which are not compatible with recycled water use.

The District reserves the right to periodically inspect the on-site systems and their operations for conformance to these rules and regulations and the Recycled Water Use Permit. The Recycled Water Supervisor shall provide District with access, including appropriate keys to all irrigation controllers.

The District shall complete the inspection and testing using a cross connection control specialist who meets certification requirements of the American Water Works Association, or who meets requirements of any other agency using a certification process approved by the State Department of Environmental Health and the District.

In addition, the site may be inspected by authorized representatives of the California Regional Water Quality Control Board, San Diego Region; and/or the San Diego County Department of Environmental Health, upon presentation of proper credentials, to verify whether the user is complying with the District's Rules and Regulations.

#### **7.7.6 Operational Plan**

The Recycled Water Supervisor may be required to prepare an Operational Plan specifying times and areas of use for on-site recycled water use, if required as a condition of service. The Operational Plan if required must be approved by the District prior to issuance of the Recycled Water Use Permit.

#### **7.7.7 Construction Water Usage**

Recycled Water for construction will be permitted only at those property sites that the District determines the use can be monitored and controlled, and capable of meeting "Construction Water Usage" and the "Prohibited Conditions and Requirements for Use" called for in this section of the Rules and Regulations.

Recycled water used for the purpose of soil compaction and dust control shall not be stored or applied in a manner which causes runoff, ponding or windblown spray conditions. If such conditions occur, the method of application shall be altered to correct them and prevent any and all further violations of use. Control valves on the water distribution vehicles and other controlling devices shall be properly employed to prevent the application of recycled water outside the approved use area onto surfaces including but not limited to street pavements, sidewalks, and drainage courses.

#### **7.7.8 Irrigation Application Rates**

Recycled water shall be applied at a rate that does not exceed the infiltration rate of the soil. When the application rate exceeds the infiltration rate of the soil, automatic system control devices shall be utilized and programmed to prevent the ponding and/or runoff of irrigation water. If runoff or ponding occurs before the landscape's water requirements are met, the automatic controls shall be reprogrammed with additional watering cycles to meet the requirements and prevent runoff.

### **7.7.9**      **Confinement of Irrigation**

The on-site irrigation system shall be operated to prevent discharge onto areas which are not approved for use. Over-spray resulting from attempts to reach remote portions of the approved use area shall not be allowed. This situation shall be rectified by appropriate corrections to the system layout.

### **7.7.10**      **Period of Operation**

To the extent practicable, the operation of the irrigation system shall be during periods of minimal use by humans of the approved use area. Such periods of operation shall remain within any general period of recycled water irrigation operation specified by the District and the San Diego County Department of Environmental Health. The Standard recycled water use period shall be 10:00 pm to 6:00 am.

### **7.7.11**      **Maintenance**

It is the responsibility of the Recycled Water Supervisor to provide surveillance of the on-site facilities in a manner that assures compliance with these rules and regulations and the Recycled Water Use Permit.

A preventive maintenance program designed to ensure the continued operation of all system elements within the requirements of these Regulations shall be signed by the current Recycled Water Supervisor and open to inspection by the District.

The customer is responsible for all costs associated with proper operations and maintenance of the on-site facilities.

### **7.7.12**      **Signage**

The customer shall provide and maintain necessary signs in a legible condition at locations designated on the District approved improvement plans in accordance with District design standards.

All above ground recycled water facilities will be the color purple, or painted purple, marked or tagged appropriately, and maintained in good condition.

All signage shall be in English and Spanish in accordance with the San Diego County Department of Environmental Health.

### **7.7.13**      **Liability**

The **District** assumes no responsibility for the maintenance and operation of any on-site Customer-maintained recycled water systems beyond that which it retains with respect to violations of the Regulatory Agency requirements. The **Customer** assumes all liability and responsibility for maintaining on-site recycled water systems and shall hold the District blameless at all times for any claim resulting from matters involving quantities, time or occasion of delivery, or any other phase of the maintenance, operation, and service of the on-site Customer-maintained facilities.

#### **7.7.14 Change of Ownership**

Written notification shall be provided to the District, within 30 days, of any changes in ownership, tenancy, management, materials, or proposed change in the character of use of the recycled water.

### **7.8 RECYCLED WATER FEES AND CHARGES**

#### **7.8.1 Installation and Capacity Fees**

Fees are explained in the "Water and Sewer Services" section of these Rules and Regulations. *Refer to the fees and charges section of these Rules and Regulations.*

#### **7.8.2 Commodity Charges**

The water charges for recycled water are set at the District's discretion and are currently set at a discounted rate of the potable water Normal Water Commodity Rate. Recycled water has no water use allowance restrictions and is not subject to Conservation Water Commodity Rates. *Refer to the fees and charges section of these Rules and Regulations.*

#### **7.8.3 Billing Period System Charges**

The billing period system charges for all permanent meter installations, whether or not water is used, shall be the same as those for potable water meter installation. *Refer to the fees and charges section of these Rules and Regulations.*

#### **7.8.4 Construction Meter Deposits and Charges**

Each applicant for a construction meter shall pay a deposit, determined on the basis of the meter size requested, to cover costs of meter installation and removal, and final billing charges. *Refer to the section regarding temporary water service connections for uses and restrictions, and to the section regarding fees and charges for the current charges and deposit amounts.*

### **7.9 RECYCLED WATER FILLING STATIONS**

Padre Dam Municipal Water District (District) operates a Recycled Water Filling Station (Filling Station) as an option to customers to obtain recycled water for use at their residences during State-mandated drought restrictions. The program also makes recycled water available for additional uses for a fee. These uses include:

- Street sweeping and cleaning of sidewalks and outdoor work areas
- Dust control, soil compaction, and construction
- Sewer flushing and pressure testing of newly constructed tertiary recycled water pipelines, sewer force main pipelines, and gas pipelines
- Irrigation of commercial and residential landscapes, crops, and nursery stock
- Fire protection

In accordance with the Title 22 Engineering Report titled "Installation of Hauled Recycled Water Fill Stations and Use of Hauled Recycled Water in the San Diego Region" dated July 8, 2015, Padre Dam has gained approval from the Regional Water Quality Control Board, Division of Drinking Water and the San Diego County Department of Environmental Health to operate Recycled Water Filling Stations.

Hours of operation will be posted on the District's website. Staffed residential fill stations will be closed on all holidays, and/or holiday weekends.

### **7.9.1 Recycled Water Filling Station Use for Residential Customers**

The District, and/or hauler, must comply with the following requirements unless the San Diego Division of Drinking Water or the San Diego County Department of Environmental Health determines that alternative criteria provide equivalent or better protection of public health and the environment.

1. Haulers interested in participating in this program must apply for a Recycled Water use Permit issued by the District. A "Recycled Water Filling Station User Application and Agreement" application must be filled out completely, signed and dated, and submitted to the District for review for use of the Residential Filling Stations. For trucked recycled water, a "Recycled Water Tanker Truck Program Use Permit" application must be filled out completely, signed and dated, and submitted to the District for review.
2. Use areas receiving hauled, recycled water must follow the same California Code of Regulations, Titles 17 and 22 requirements as a similar use area receiving traditionally piped recycled water. These requirements shall be addressed in the District's permitting process.
3. Before trucks or containers can be filled for the first time, all haulers are required to attend a brief on-site orientation or training in order to learn about using the filling station and the proper handling and safe use of recycled water. Annual refresher training is recommended. The District shall maintain records which document when each hauler completed the required training.
4. Once the hauler completes the on-site orientation or training, and a Recycled Water Program Inspector verifies the tanker truck or containers meet the recycled water use requirements, the Inspector will issue a signed Recycled Water Use Permit. The Recycled Water Use Permit must be available for inspection at all times. The hauler must carry a copy in the vehicle at all times while hauling recycled water.
5. Recycled water must not be introduced into any potable water piping system and no connection shall be made between the tank and any part of a potable water system.
6. If the hauler requests to supply recycled water to use area that uses any plumbed potable or recycled water distribution systems, the District must ensure that the end use complies with all applicable requirements of California Code Regulation, Titles 17 and 22, including cross connection control testing and backflow prevention device installation prior to allowing pick up of recycled water. Dual plumbed use areas can only receive recycled water from a recycled water agency that has been granted approval under California Code Regulations, Title 22, Section 60313(a).

7. The hauler must keep a log book for each vehicle, tank, or container used to transport recycled water. The log book must be available for inspection at all times. The hauler must carry a copy in the vehicle at all times while hauling recycled water. The log book should include:
  - a. Date of delivery and use
  - b. Volume of water delivered and used
  - c. Intended use of water
  - d. Name and address of the recipient/customer
8. The hauler or Recycled Water Site Supervisor must notify workers and/or the public when recycled water is used at a use site and inform workers and/or the public not to drink recycled water or use it for food preparation.
9. Precautions should be taken to avoid food coming in contact with recycled water while the use site is wet.
10. The hauler shall take adequate measures to prevent overspray, ponding, or run off of recycled water from the authorized recycled water use area. Unused recycled water must not be released into streams, rivers, or waterways.
11. No irrigation or impoundment of recycled water is allowed within a minimum of 50 feet of any domestic drinking water well.
12. No connection shall be made between a tank or container of recycled water and any part of a potable water system.
13. The recycled Water Use Permit issued by the District must be available for inspection at all times.
14. Recycled water shall not be applied where it could spray on external drinking water fountains, passing vehicles, buildings, or areas where food is handled or eaten.
15. Tank trucks, containers, and appurtenances must be clearly identified as “non-potable,” equipped with a legally sized air gap, and must not be used to provide potable water. Containers and hoses associated with hauling recycled water must not be used for potable water. Commercial hauling trucks that may be filled with potable water for non-potable uses must have two separate filling systems, one dedicated to potable water and one dedicated to recycled water. When the truck is filled from a potable water source, there must a water agency or municipality provided meter and backflow device between the truck fill line and the potable source.
16. Vehicles, tanks, and containers must have water-tight valves and fittings, must not leak or spill contents during transport, and are cleaned of contaminants. This must be checked by the hauler before each use. Water-containing vessels that are open to the atmosphere during hauling are not acceptable for use.
17. Haulers should not overfill containers or trucks.

18. Hoses used for the application of recycled water shall be removable and shall be stored in a disconnected condition during transport. Hoses should be inspected prior to filling to ensure that they are in serviceable condition and free from leaks.
19. In the event of an emergency concerning the recycled water hydrant, meter fill pipe or hose (spillage, leaks, etc.), the hauler should call the emergency contact number listed on the filling station sign for further instructions.
20. The District may conduct use area visits to ensure proper use of recycled water according all applicable requirements of California Code of Regulations, Title 17, Title 22, and Recycled Water Use Permit conditions. This may include follow up phone calls or surveys of end users about completion of the hauling process and recycled water application.
21. Conditions under which haulers may lose their permits should be clearly communicated by the District; including failure to follow program requirements and/or adhere to applicable State, County or local codes will result in suspension of the hauler's permit. Violations of such codes may also result in fines and applicable administrative fees being levied.
22. Residential hauling programs shall have filling stations staffed at all times by a representative from the District. This is to ensure proper handling and filling procedures are being conducted at the fill stations.
23. Residential hauling programs must limit onetime hauls to 300 gallons. Volumes larger than this should require investigation into the actual usage at the resident's use area.
24. The permitted hauler shall notify the District prior to using recycled water for a use not approved by the District.
25. The District, San Diego Division of Drinking Water, and Department of Environmental Health have the right to enter any recycled water use site with these requirements and the District's Rules and Regulations for Recycled water use.

#### **7.9.2 Recycled Water Filling Station Use For Commercial Purposes**

The District and/or hauler must comply with the following requirements, unless the San Diego Division of Drinking Water or San Diego County Department of Environmental Health determines that alternative criteria provide equivalent or better protection of public health and the environment:

1. Trucks hauling recycled water that may also be filled with potable supplies for non-potable purposes shall have a dedicated potable use fill line through an air gap separation. The fill lines shall be properly labeled as potable or recycled water. As an alternative, the water supplier may install a reduced pressure principle backflow device on the potable system for filling truck with potable water. Vehicles used to transport recycled water shall not be used to carry water for potable purposes.
2. The risers, hoses, and fittings for each supply shall be color coded or painted blue for potable and purple for recycled water.

3. The hoses, hydrants, and risers for each supply shall have separate and unique fittings (i.e., 2-1/2 inch diameter on the potable system and 2 inch diameter on the recycled water system) such that the potable system cannot accidentally be used on the recycled system and vice versa.
4. All vehicles used in transporting recycled water must be clearly marked with typical signage that reads: "CAUTION: RECYCLED WATER – DO NOT DRINK" in English and Spanish. The District shall conduct annual inspections of the trucks to ensure that all requirements in this Order are being met and that recycled water is being used in compliance with the requirements of this Order.
5. Vehicles used for the transportation or distribution of recycled water, or for street sweeping, must be equipped with an air gap to ensure backflow protection.
6. The use of recycled water for street sweeping or construction shall comply with the appropriate local storm water ordinance. Typical compliance measures include preventing overspray, ponding, or runoff of recycled water from the use area.
7. Haulers shall be required to enter the date and amount collected on the fill station log sheet during each visit. Include locations the recycled water will be used and approximate amounts.
8. For hydrant Meter Filling Stations, ensure the meter is shut off before disconnecting the fill line and make sure no water is leaking from the meter or hydrant.
9. For Gate Access Filling Stations, ensure no water is leaking from the fill pipe or hose and securely re-lock the gate after leaving the filling station.
10. A truck or tank that has contained material from a septic tank or cesspool shall not be used to contain or distribute recycled water.
11. Fees for the use of recycled water are included in Section 10 of the Rules and Regulations.

#### **7.10 RECYCLED WATER REFERENCE DOCUMENTS**

A separate document called Water Agency Standards and Water Agency Design Guide sets forth the standards and conditions for sewer; water, and recycled water design, and construction; and consists of a Design Guide, Specifications, and Standard Drawings.

**List of Ordinances amending Section 7:**

- Ord. 98-03 adopted 4/28/98, Re-write of Rules and Regulations
- Ord. 2008-10 adopted 10/14/08 amending section 7.2, Recycled Water Policy
- Ord. 2012-04 adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.
- Ord. 2014-04 adopted 11/19/14, effective 1/1/15, Annual Review
- Ord. 2016-02 adopted 2/3/16, effective immediately, Annual Review
- Ord. 2017-01 adopted 2/1/17, effective immediately, Annual Review
- Ord. 2019-01 adopted 01/16/19, effective immediately, minor changes with Annual Review



**SECTION 8 CUSTOMER ACCOUNTS**

Billing and Payment for Water and Sewer Services

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## **SECTION 8      CUSTOMER ACCOUNTS**

### **Billing and Payment for Water and Sewer Services**

#### **8.1            METER READING**

The District will attempt to collect a meter reading every billing period.

##### **8.1.1        Estimated Readings**

Should any active water meter fail to register or if a reading cannot be obtained during a billing period, the customer will be billed for an estimated amount of water use, as determined by the District. The bill will be marked "ESTIMATED."

##### **8.1.2        Meter Testing for Accuracy**

Any customer has the right to request their water meter be tested by the District for accuracy. The District requires a deposit for such testing. The meter that was tested will not be re-installed at the original location. The new meter will be the permanent meter on record. Meter testing will be performed by an independent test lab and results will be available upon request. *Refer to the section regarding fees and charges for the meter test deposit amount.*

If such testing indicates a deviation of more than 1.5 percent over the true registration, the District will adjust the customer's account accordingly, and refund the meter test deposit. The District will not adjust a customer's account for more than two billing periods preceding the customer's meter test request.

If such testing indicates a deviation of less than 1.5 percent of the true registration, the District will consider the meter to be registering within the limits of true accuracy and the District will not adjust the customer's account, nor refund the meter test deposit.

American Water Works Association (AWWA) Standards for new meters are used to determine acceptable deviation from true registration. Those deviations may vary per meter size and type.

##### **8.1.3        Meter Reading to Start or Stop Service**

The District will collect a meter reading and turn on service during regular business hours. Upon request of the customer, the District may start water service after hours or during a weekend for an additional overtime charge.

The District will stop service only during normal business hours.

Property owners will be required to provide a completed Owner Acknowledgement Form (OAF) for each tenant occupying rental property located in the District within seven days of requested start of service. If the completed OAF is not received, the account will be placed and billed in the owner's name. The District will not allow a tenant to be named on the account until the signed OAF is received

## **8.2 STANDARD BILLINGS**

Billings consist of water charges, system charges, any applicable pumping energy charges, applicable sewer service charges, applicable late payment charges, notification fees, discontinuance fees, or other service charges.

### **8.2.1 Water Charges**

The District determines the water consumption for each customer based on a meter reading from the customer's water meter. The recorded consumption is used to calculate water rates as described in this section. *Refer to the fees and charges section of these Rules and Regulations for current Water Rates.*

Single-family and multi-family residential tiered water allocations are based on purchased capacity and the average historical use of all similar customers. Commercial, government, and potable water irrigation allocations are based on purchased capacity only. The tiers are designed to recover the incremental costs to the District of serving more water to those who place higher demands and greater burdens on the District's water system and resources. These costs include, for example, sizing, operating and maintaining water system pipes, reservoirs, pump stations and other related facilities. The tiers also recognize certain residential customers have already paid for a portion of the costs related to sizing the water system to provide additional capacity to serve them.

The District may implement Demand Management Rates and Charges during locally declared water shortages, state mandated reductions in the level of potable water usage, or other natural disaster or event that requires reductions in water usage.

There are three water customer classes – single-family, multi-family and non-residential. Within the single-family customer class there are three sub-classes SF1, SF2, and SF3. The multi-family (MF) class covers multi-family dwellings (apartments), mobile home parks, and condominiums/townhouses. Non-residential customer class includes commercial/government (hotels and rest homes included), potable irrigation, recycled irrigation, potable construction, recycled construction, flushing, agriculture, and fire service. The rates for non-residential customers are uniform rates for each category and do not have tiers.

The following tables show the monthly water allocation for each customer type in each tier, effective for bills mailed on or after December 1, 2017.

**All numbers are in Hundred Cubic Feet**

Monthly Single-Family Residential and Multi-Family Allocations

<b>Effective for bills mailed on or after 12/1/2017</b>				
<b>Tier</b>	<b>SF1</b>	<b>SF2</b>	<b>SF3</b>	<b>MF</b>
1	0-9	0-14	0-18	0-7
2	10-20	15-30	19-40	8-17
3	21+	31+	41+	18+

**8.2.2 Residential Irrigation Adjustment to Daily Water Allocations**

Note: Effective November 1, 2017, Residential Irrigation Adjustments to Daily Water Allocations are no longer in effect.

**8.2.3 Recycled Water Charges**

The recycled water charge is a uniform rate and has no water use allowance restrictions. *Refer to the fees and charges section for current Recycled Water Rates.*

**8.2.4 System Charges**

A System Charge will be assessed for each active water meter, whether or not water is actually used. This charge recovers certain fixed operative costs that do not vary with consumption. These costs include, but are not limited to, the costs of operating and maintaining the water system, the collection of meter reads, preparing and posting bills, and other related services. The System Charge will be prorated when service is provided for more or less than a full billing period. The System Charge is determined by the size of water meter used to recover the incremental costs of sizing facilities to sufficiently deliver water to properties served. *Refer to the section regarding fees and charges for current System Charges.*

**8.2.5 Sewer Service Charges**

Sewer service charges will be assessed each billing period. The amount will be determined by the customer's type of service, the service classification, the estimated amount of water returned to the sewer system (Return to Sewer (RTS) percentage), and water use. *Refer to the section regarding fees and charges for current sewer service charges.*

At no time will the sewer charges be less than or more than the minimum or maximum per EDU, as reflected in the section regarding fees and charges.

#### **8.2.5.1 Single-Family Residential**

The single-family residential sewer rate is based upon 60 days of the lowest daily water consumption documented during a full two-month, consecutive billing period in the previous calendar year.

For new accounts or those accounts with less than a full 12-month history, the District-wide average of the lowest daily water consumption documented during a full two-month consecutive billing period in the previous calendar year shall apply. Accounts with no water consumption history available shall be charged at the District-wide average for residential homes. *Refer to the section regarding fees and charges for current sewer service charges.*

#### **8.2.5.2 Multi-Family Residential (Townhomes/Condominiums, Apartments, Mobile Homes)**

Multi-Family equivalents (EDU's) are based upon a percentage of a Single-Family Dwelling as reflected in Section 4.

To calculate the sewer charge for multiple dwellings, multiply the number of Multi-Family EDUs by the appropriate base rate, then add the RTS multiplied by the appropriate strength rate. The RTS is determined by multiplying the water usage by the RTS percentage (refer to section 4) as determined by the District. At no time will the sewer charges be less than or more than the minimum or maximum per EDU. *Refer to the section regarding fees and charges for current sewer service charges.*

#### **8.2.5.3 Commercial, Government, Hotels/Motels/RV Parks, Resthomes**

To calculate the sewer charge for commercial accounts, multiply the number of EDU's by the appropriate base rate, then add the RTS multiplied by the appropriate strength rate. The strength rate is determined by the sewer strength level of Suspended Solids and Biochemical Oxygen Demand as defined by the District. The RTS is determined by multiplying the water consumed by the RTS percent (refer to section 4) as determined by the District. Commercial accounts with no water consumption or a well on the property shall be charged the District-wide average for commercial properties. *Refer to the section regarding fees and charges for current sewer service charges.*

#### **8.2.5.4 Sewer Charges During Mandatory Water Use Reductions**

The District may freeze each single-family residential customer's sewer charges during mandatory water use reductions to maintain adequate revenues for sewer operations and capital costs.

### **8.2.6 Pumping Energy Charges**

Each pumping station used to pump water to elevations above the gravity flow service area operates on electrical energy. The District's energy costs for pumping water are charged to those customers who benefit from such pumping stations. *Refer to the section regarding fees and charges for current pumping rates.*

### **8.2.7 Demand Management Rates and Charges**

Demand Management Rates and Charges may be implemented to ensure that there are sufficient revenues to fund the District's obligations in the event Padre Dam has to implement mandatory conservation measures in the next five years from July 1, 2017 through June 30, 2022.

Demand Management Rates and Charges could be implemented during locally declared water shortages, state mandated reductions in the level of potable water usage, or other natural disaster or event that requires reductions in water usage. The Board of Directors may authorize, by majority vote, the General Manager to implement the Demand Management Rates and Charges as necessary, depending on the level of potable water use cutbacks required, to ensure the District recovers sufficient revenues to meet its expenditures and debt obligations.

The Demand Management Rates and Charges are comprised of two components to aid in cost recovery. An additional water systems charge will recover a portion of the District's fixed expenditures as fixed revenue. The remaining revenue need will be recovered through an additional variable water rate. The Demand Management Rates and Charges would be in addition to the rates in effect at the time of implementation.

### **8.2.8 Agricultural Water**

TSAWR is the San Diego County Water Authority's (CWA) *Transitional Special Agricultural Water Rate Program*. TSAWR customers will be subject to higher reductions compared to M&I customers in the event of supply shortage actions from Metropolitan Water District of Southern California (MWD).

The District will assess a special service charge per billing for each account participating in TSAWR. *Refer to the Fees and Charges section for these billing amounts.*

#### **8.2.8.1 TSAWR Program**

CWA adopted the TSAWR Program in response to the decision by MWD to terminate its Interim Agricultural Water Program (IAWP). The program is in effect until December 31, 2020. TSAWR is a special water rate offered by CWA in return for a lower level of water supply reliability. TSAWR contains an exception for storage charge, system reliability charge, and the supply rate differential. CWA has full responsibility for the program administration and provides member agencies with procedures to administer the TSAWR program for qualifying customers.

Customers enrolled in the IAWP program since January 1, 2009 are the only customers eligible to enter the TSAWR program and must meet additional eligibility requirements as established by CWA. Customers exiting the TSAWR program may not re-enter in the future. Program eligibility will be tied to retail customer meter accounts and not property ownership. TSAWR customers will face greater water reductions than M&I customers during emergency situations, where CWA's Emergency Storage supplies are being used, and will not have access to CWA's carryover storage program supplies.

If the District determines a customer receiving the TSAWR benefit no longer meets the eligibility requirements, that customer shall be deemed ineligible and will no longer benefit from the TSAWR program.

**Methodologies for Administering, Monitoring and Verifying Reduction** – If MWD reduces M&I supply, TSAWR customers will receive allocations determined by the percentage reduction for the time period imposed by MWD and the most recently completed fiscal year TSAWA deliveries as follows:

- a) Monthly invoicing will reflect the allocation for the specific month and the amount of usage over and under the monthly allocation.
- b) Water usage under the monthly allocation will result in a "usage credit" which can be rolled forward to offset over-usage in successive months of the 12-month program. However, credits remaining at the end of the initial 12-month program cannot be rolled forward into a subsequent year or program, if one is implemented.
- c) Water usage over the monthly allocation will result in a "monetary penalty". The penalty will be charged for all water in excess of the allocation for the billing period. Penalties will be equal to what CWA assesses the District in addition to the customer's regular ag water rate. *Refer to the fees and charges section for penalty fees and agricultural rates.*
- d) Penalties paid to the District can be earned back with subsequent usage credits. However, penalties paid but not earned back at the end of the 12-month fiscal year cannot be earned back with under usage in a subsequent year or program, if one is implemented.
- e) In cases of customers repeatedly or flagrantly exceeding monthly allocations, the District has the authority to impose additional fines, penalties, or flow-restrict the customer's meter as follows:

**First Violation** - If at the end of any two consecutive billing cycles, the TSAWR participant usage is five percent or more above the cumulative allocation for that two month period, the TSAWR participant will pay the applicable penalty rate for the over usage and receive a notice and warning by phone call and certified letter stating that if the participant is still above the cumulative allocation at the end of the third month, or warning month, then effective with the start of the fourth month, the participant meter will be flow restricted to 50 percent of the meter design flow for the next 30 calendar days.



If at the end of the fourth month, the TSAWR participant usage is at or under the cumulative allocation for the preceding four months, the flow restrictor will be removed at the beginning of the fifth month. If at the end of the fourth month, the TSAWR participant's usage remains over the cumulative allocation for the preceding four months, the flow restrictor will remain in place until a subsequent account billing demonstrates that the cumulative usage of the TSAWR participant for all preceding months is at or under the cumulative allocation. If necessary, greater flow restriction may be placed upon the meter if subsequent months continue to exceed allocations.

**Second Violation** - If in any subsequent month after the first violation, a participant previously flow restricted under the provisions of the TSAWR Reduction Implementation Plan again exceeds the usage allocation and accumulated usage credits by five percent or more, the participant will pay the penalty rate for over usage and receive Notice and warning by phone and certified letter. If at the end of the Warning Month, the cumulative consumption for the month in which the allocation was exceeded and allocation for the warning month is still above the cumulative allocation for the two month period, then the individual participant meter(s) will be flow restricted to 50 percent of the meter design flow until a subsequent account billing demonstrates that the cumulative usage of the TSAWR participant for all preceding months is at or under the cumulative allocation. If necessary, greater flow restriction may be placed upon the meter if subsequent months continue to exceed allocations.

**Third Violation** - If, in a subsequent month after the second violation, a TSAWR participant's usage exceeds the allocation and accumulated usage credits by five percent or more for that period, then the 50 percent design flow restriction will be implemented, without warning, for the duration of the reduction program. If necessary, greater flow restriction may be placed upon the meter if subsequent months continue to exceed allocations.

#### **8.2.8.2 Program Exit and Ag Appeals**

**Program Exit** –Customers cannot re-enter TSAWR after exiting and will become a full-price customer. Upon becoming a full price customer, service category is based on original service type purchased from Padre Dam.

**Appeals** – TSAWR participants may appeal program implementation provisions and decisions made by Padre Dam staff, such as penalty imposition and flow reduction, as follows:

- a) Decisions made by the Padre Dam staff can be appealed in writing to the District's Customer Accounts Officer. All appeals shall be filed within 15 calendar days of the date of the provision or decision being appealed. The Customer Accounts Officer shall then have 30 calendar days to render a written decision on the appeal.

- b) All decisions may be appealed to the General Manager. Requests for appeals to the General Manager must be made in writing.

During the appeal process, all provisions and decisions under appeal shall remain in full effect until the end of the appeal process.

**Changes** - This plan is based upon information available at the time of adoption. District staff is aware that there are possible future implementation policy decisions at CWA which could impact the content of the District's implementation plan.

#### **8.2.9 Temporary Meter Water Rates**

Each applicant for a temporary water meter shall pay a deposit determined on the basis of the meter size requested. There will also be a new account charge and a meter installation and removal charge.

Applicable water and pumping/energy charges will also apply. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

Owner may request the option of payment of all fees associated with a permanent water service application. Permanent meter designation allows for payment of commodity rates associated with such designation.

#### **8.2.10 Construction Meter Charges**

Each applicant for a construction meter shall pay a deposit determined on the basis of the meter size requested. There will also be a new account charge and a meter installation and removal charge.

Applicable water and pumping/energy charges will also apply. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

#### **8.2.11 Out-of-District Water Rates**

Upon payment of all connection and capacity fees assessed to the property, water service for property located outside District boundaries shall be charged at the current water rates. If capacity fees have not been paid, water service shall be charged at twice the current water rate. System charges and applicable pumping energy charges will be assessed at the normal rate.

#### **8.2.12 Out-of-District Sewer Rates**

Upon payment of all connection and capacity fees assessed to the property, sewer service for property located outside District boundaries shall be charged at the standard sewer rate. If capacity fees have not been paid sewer service shall be charged at twice the sewer rate.

### **8.2.13 Fire Service Charges**

Customers are charged a flat fee for unmetered fire service. *Refer to the section regarding fees and charges for current rates.*

## **8.3 SERVICES AND MISCELLANEOUS SERVICE CHARGES**

*Refer to section regarding fees & charges for current amounts of the following misc. charges:*

### **8.3.1 Billing Adjustments**

Any adjustments to charges shall be handled in a fair and equitable manner, on a case-by-case basis, following investigation. Adjustments are limited to no more than two billing periods.

### **8.3.2 New Account Service Fee**

A service fee will be assessed on all new or transferred accounts. The purpose of this fee is to recover field and administrative costs related to establishing new accounts.

### **8.3.3 Late Payment Fee**

A late payment fee is applied on each account that is not paid within nine days after the due date. The late fee is calculated on the total outstanding balance for the account.

### **8.3.4 Notification Fee**

A notification fee is charged to an account that becomes subject to discontinuance and is given a minimum of 48-hour notification. The purpose of this fee is to recover the cost of notifying the customer.

### **8.3.5 Discontinuance Fee**

A fee is charged to recover the costs associated with processing a Discontinuance notice for water or sewer service due to non-payment or non-compliance.

### **8.3.6 Overtime Fee**

An overtime fee is charged for turning on a water service outside of normal business hours to recover overtime labor costs.

### **8.3.7 Returned Payment Fee**

A processing fee is charged to each customer whose payment issued to the District is returned by any financial institution.

If warranted and at the discretion of the District, further charges may be assessed to recover the District's costs.

### **8.3.8 Establishment and Discontinuance of Accounts**

At the time of application for water and/or sewer service, the applicant shall be required to provide their billing information and a social security number to establish creditworthiness. Valid photo identification may be required.

Any applicant unable to establish creditworthiness and/or provide adequate identification shall be required to provide a security deposit. Refer to the section regarding security deposits.

The owner of property receiving service is ultimately responsible for all charges including but not limited to all unpaid service charges and any delinquent fees or other fees/charges; however, any person (s) listed on a rental agreement may be listed in an application for service as responsible for water and/or sewer charges and fees. Each actual user agrees to the terms and conditions of service, and shall meet the requirements of the District's rules and regulations. The District may require copies of a verifiable rental agreement and/or a completed Owner Acknowledgement Form (OAF) and paperwork showing proof of ownership.

The District may require that an account in which a single meter serves multiple tenants be held in the property owner's name.

It is the responsibility of the account holder to notify the District of a request to discontinue service prior to the closing date. If no discontinuance request is received, the account holder remains responsible for any water use, and associated charges and fees. Any unauthorized water use between account holders is the ultimate responsibility of the property owner.

Unpaid charges and fees may be transferred to or consolidated with another existing account held in the name of the person(s) responsible for such unpaid charges and fees, including the property owner where charges remain unpaid by the tenant(s).

Property owners may elect to have the account established in the name of the tenant as primary account holder so that the tenant will receive the water/sewer bills and be principally responsible for payment of charges for service for a rental property. The District recommends property owners list themselves as co-tenant at the property if they wish to monitor the account status. The property owner will remain ultimately responsible for payment of all charges/fees and in the event of nonpayment by the tenant and/or property owner, a lien may be placed on the property in order to secure the amount due. An OAF must be completed within seven days of account establishment or the account will be placed and billed in the owner's name. The District will not allow a tenant to be named on the account until the signed OAF is received.



charged to program participants is per meter or account when new Continuity of Service accounts are opened and is valid for a term of five years. Active water meters for the properties included in an Agreement will be automatically transferred into the owner's name when a tenant discontinues service with the District. The owner will be responsible for the utility bills incurred until the date that a new tenant begins receiving service in the District's billing system.

#### **8.3.12 Delinquent Sewer Customer Penalty**

A penalty is charged for sewer-only accounts for which the District is unable to disconnect service due to non-payment. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

#### **8.3.13 Lien Recording Fee**

A fee is charged to recover the costs associated with recording a lien on an account, including but not limited to, staff time, notary services and travel to the County Recorder's office. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

#### **8.3.14 Lien Release Fee**

A fee is charged to recover costs associated with releasing a lien on an account and includes staff time, notary services and filing of other required documents with the County Recorder. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

#### **8.3.15 Certified Letter Fee**

A fee is charged to recover the costs associated with processing and mailing a certified letter. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

#### **8.3.16 Fees for Meter Tampering and Meter Removal /Restoration**

A fee is charged if the clip or padlock on a meter assembly has been tampered with, damaged, or removed. In severe cases, the water meter may be removed and additional charges will be incurred. All damages will be charged at current labor, time, and material rates. *Refer to the section regarding fees and charges for current water rates and deposit amounts.*

If any part of the water service is found to be damaged, the charges for materials, time, and labor will be billed to the property owner. Damaged water service parts include but are not limited to the meter box, meter, radio, angle stop, customer valve, couplings, padlocks, security plugs, and meter lids.

### **8.3.17**      **Other Services**

For services not specifically listed in these rules and regulations, *refer to the section regarding fees and charges for miscellaneous fee amounts.*

Whenever the District performs a service which is not covered by a charge or fee described in these Rules and Regulations, the person for which the service is being performed shall pay a reasonable fee. Special information requests for customers' billing records that require research of District records, as permitted by law, will require payment of actual cost based on the District's billing rates.

## **8.4**            **BILLINGS AND PAST DUE PROCEDURES**

### **8.4.1**          **Original Billings**

Bills will be prepared and sent to customers every billing period. The bill will state the procedures for filing a complaint or requesting an investigation concerning services or charges.

Bills are due 15 days after the date sent. All customer bills will indicate a "due" date.

### **8.4.2**          **Late Notices**

The District will provide late notices on the subsequent month's bill on accounts that are not paid by the due date.

The bill which includes the past due notice messaging will include the following:

- a) Name and address of the customer whose account is delinquent
- b) Amount of original bill
- c) Past due charges
- d) Total amount due if not paid within a minimum of five working days
- e) The dates by which payments or arrangements for payment are required to avoid a 48-hour notification and termination of service
- f) The fee for the 48-hour notification
- g) The procedure to request amortization
- h) The procedure to appeal services or charges
- i) The procedure to obtain information regarding financial assistance.
- j) The telephone number of District representatives who can provide additional information.

If the service address is different than the customer of record address, or the service address supplies a master meter for a multi-unit residential structure or mobile home park, additional notice will be mailed to the address of actual users of the service. The notice will state that the account is in arrears, service will be terminated, and the actual users may become customers of the District without being required to

pay the amount due on the delinquent account. Such notice will be provided in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

No less than 10 days' notice that service may be terminated on account of non-payment shall be provided, and the 10-day period shall not commence until five days after the mailing of such notice.

#### **8.4.3 Discontinuance Notification**

District staff shall make a reasonable, good faith effort to notify an adult person residing at the service address.

District shall give, by mail or by posting in a conspicuous location at the premise, a notice of termination for service, at least 48 hours prior to termination. However, failure of the customer to receive such notification shall not affect the right of the District to discontinue service for non-payment of outstanding charges.

A Notification fee is charged to an account that becomes due for discontinuance and is subject to receive a 48-hour notification of discontinuance by a courier service, door hanger, mail service, or telephone. *Refer to the section regarding fees and charges for the notification fee amount.*

#### **8.4.4 Discontinuance of Service Due to Nonpayment**

If payment for billings is not received on a past-due account by the discontinuance date indicated on the discontinuance notification, water service shall be discontinued. The discontinuance date shall not be less than 35 days after the date the original bill was sent by the District. Service shall not be discontinued on a Friday, Saturday, Sunday, District holiday, or day prior to a District holiday.

At the District's discretion, sewer service may be physically disconnected due to nonpayment of outstanding charges. The account holder will be charged for the actual cost of service disconnection, including overhead expenses.

The District shall not terminate residential service for non-payment in any of the following situations:

- a) During a pending investigation by the District of a customer dispute.
- b) When a customer has been granted an extension for payment of a bill.
- c) On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the District, over a period not to exceed 12 months, to amortize the unpaid balance of any bill asserted to be beyond the means of the customer within the normal period for payment. It is the customer's responsibility to notify



the District and provide the required medical certification prior to the discontinuance of service for non-payment.

- d) If a tenant's service is discontinued for non-payment, the owner will be notified after the second discontinuance. If the tenant's service is discontinued three or more times for non-payment, the account will be placed and billed in the owner's name, and the account will be noted as Owner Only moving forward, unless otherwise required by law. Both the owner and tenant will be notified in writing of this change.

#### **8.4.5 Reinstatement of Discontinued Service**

Prior to the reinstatement of any service discontinued for non-payment, the customer must pay all outstanding charges. A security deposit may also be required. *Refer to the section regarding fees and charges for the reinstatement fee amount.*

In the event that an account is closed due to non-payment, the account becomes subject to the District's Owner Only Policy.

If sewer service has been physically disconnected the account holder will also be charged for the actual cost of reconnecting the service, including overhead expenses. *Refer to the section regarding fees and charges for the reinstatement fee amount.*

#### **8.4.6 Owner Only Policy**

In the event that normal collection procedures fail to secure payment for fees and charges resulting in an unpaid debt; a tenant's account exceeds two discontinuances for non-payment; or a tenant files any chapter of bankruptcy, the District may require that water and/or sewer service be furnished under the name of the property owner, except as otherwise required by law. In addition, the District may establish a lien(s) against the property served, pursuant to provisions of the California Water Code. *The District reserves the right to make any account Owner Only if the District deems appropriate. Refer to section regarding establishment of lien to secure payment.*

For sewer only accounts, Padre Dam will only bill the property owner. No tenant accounts will be established.

In all cases, the actual user shall be entitled to pay amounts due on the account in order to avoid discontinuance.

#### **8.4.7 Establishment of Lien to Secure Payment**

After 60 days, if normal collection procedures fail to secure payment for fees and charges outstanding on a customer account, the District may establish a lien(s) against the property served, pursuant to provisions of the California Water Code.

An unpaid or delinquent water and/or sewer bill is the responsibility of the person in whose name the services are held; provided, however, if the services are in the name of a tenant or lessee, the District may require that ultimate responsibility for the bill (water, sewer, and/or other service charges or fees) be with the legal owner of the property as shown on the San Diego Assessor and Controller's tax rolls.

The District will make every reasonable attempt to collect from the person in whose name the account is/was in.

Upon written notice to the property owner, a lien against the property may be established regarding unpaid bills. One or both of the following lien procedures may apply:

- a) **Judgment Lien** - The District may secure payment of unpaid charges or fees by filing a certificate specifying the amount of charges or fees and the name and address of the person liable therefor in the office of the San Diego County Recorder. The lien effected thereby shall attach to all property owned or thereafter acquired by that person within the County. Such lien shall have the force, priority and effect of a judgment lien and shall continue for 10 years from filing date, unless released or discharged sooner. Lien may be extended by filing a new certificate in the office of the San Diego County Recorder.

**Tax Lien** - Any unpaid charges or fees that are at least 60 days overdue on July 1, may become a part of the annual taxes levied upon the property upon which service is provided. In addition, if the charges remain unpaid by July 1, the outstanding charges will be added to the "secured tax roll" of the County of San Diego for collection.

Interest and penalty charges may be added to any of the above lien amounts. These lien procedures shall be in addition to any discontinuance of service procedures.

#### **8.4.8 Collection Agency Procedures**

In the event that normal collection procedures do not receive payment, the District may choose to turn over uncollected amounts to a private collection agency. The Collection Agency's fee will be added to the customer's final bill. *Refer to the section regarding fees and charges for collection agency fees.*

#### **8.4.9 Customers in Bankruptcy**

In accordance with Title 11 U.S.C. §366 of the Bankruptcy Code (Bankruptcy Code), the District will not alter, refuse, or discontinue service to a customer or trustee in bankruptcy as long as the appropriate security deposit is paid. The District will not discriminate against such customer or the trustee in bankruptcy of said customer, based on the filing of a petition under Title 11 U.S.C. (Petition Date) or on the basis of a debt owed for service rendered prior to the Petition Date which was not paid when due.

Within 20 days of the Petition Date, the customer or the trustee in bankruptcy of the customer shall furnish the District with a cash deposit to assure payment of future billings for services provided by the District after the Petition Date. The cash deposit shall be equal to two times the normal security deposit (*Refer to Security Deposits described in this section*). The deposit shall be refunded seven years after completion of all bankruptcy proceedings or termination of the service, whichever is sooner, provided that all amounts owed the District for service provided after the Petition Date have been paid. The deposit shall also be refunded if the customer voluntarily pays the District the debt originally discharged in bankruptcy.

The District will discontinue service, unless such security deposit is received within 20 days of the Petition Date. Service may be discontinued for non-payment for services rendered after the Petition Date.

As used herein, Petition Date has the same meaning as given in the Bankruptcy Code. The Petition Date shall, in a voluntary case, constitute the commencement of the case and/or an Order for Relief.

Upon dismissal of a bankruptcy filing, all account charges are due within 48-hours of written notification unless otherwise provided by court order.

## **8.5 PAYMENTS**

Billings are not considered paid until payment is received by the District. Customers may pay an account using cash, check, money order, bank check, or approved transactions through the District's online or telephone payment services. Payments are applied to the customer's account beginning with any outstanding deposit due, any delinquency fees, sewer charges, and then water charges.

### **8.5.1 Acceptance of Coins in Payment of Customer Bills**

The District will not accept coins for any payment due by a customer over \$1.00 unless they are properly wrapped (in bank approved rolls) by the customer in the appropriate denominations, with each roll bearing the customer's name, address, telephone number, and District account number.

Rolled coins shall be delivered to the District's bank as presented by the customer, without recounting by District personnel, and the customer shall be required to make up any deficiency determined by the bank immediately upon notification.

### **8.5.2 Returned Payments**

If the District accepts a payment which is returned by any financial institution, additional charges will be assessed. *Refer to the section regarding fees and charges for returned payment fees.* Payment on returned items and related fees must be paid by cash, money order, bank check or by credit card.

The District will attempt to notify the customer of a returned payment within 48-hours of receipt of the returned item. The notification will include information regarding the returned payment, additional charges, the total due, and the scheduled discontinuance date if total due is not paid.

An account is not considered paid until the amount of the returned payment and all related charges and fees have been paid in full. A payment that is not honored and returned after the late payment date will be considered to be in arrears and a late payment charge shall be applied to the account.

Customers who have had returned payments by the bank, may be required to pay future bills by cash, money order, or bank check. If payment was made to avoid discontinuance of service, and the payment is returned, it shall be deemed nonpayment and the customer's water service will be terminated the following business day from receipt of the returned payment without further notice, and appropriate fees will apply.

### **8.5.3      Advance Payment**

Upon request, the District may accept an advance payment as a credit against actual charges pending on a customer's account. The amount of the advanced payment shall be computed by the District on the basis of estimated charges for a specific time period.

### **8.5.4      Post-Dated Payments – Two-Party Checks**

The District will not accept post-dated payments or two-party checks. The account is considered unpaid and any applicable past-due charges will apply until a properly dated payment is received.

## **8.6            SEWER SERVICE DISCONTINUANCE AND REINSTATEMENT**

### **8.6.1      Discontinuance of Sewer Service**

Sewer service for customers receiving water service from the District shall be deemed discontinued during any period in which the water service is discontinued.

Sewer service for customers who do not receive water service from the District may be terminated upon the physical disconnection of the customer's lateral from the District's lateral.

If the customer requests service disconnection, a deposit must be paid based on the District's estimate before work will commence. Upon completion of the disconnection, the District will bill the customer for any actual costs over the amount estimated, and will refund any amount exceeding the estimated cost of disconnecting the service.

Service may also be discontinued by the District for failure of the customer to pay any outstanding charges and fees for sewer service charges or sewer installation fees. If service disconnection is due to non-payment of sewer service charges, the customer will be charged for the actual cost of disconnecting the service. *Refer to the section regarding fees and charges for current sewer disconnection charges.*

### **8.6.2 Reinstatement of Sewer Service**

Sewer service discontinued by means of disconnection from the District's sewer facilities may be reinstated upon payment of all outstanding fees and charges, as well as a re-connection charge. When the customer requests service re-connection, a deposit must be paid based on the District's estimate before work will commence.

If service was disconnected due to non-payment of sewer service charges billed, all outstanding charges and fees owed to the District must be paid. The customer shall also pay a security deposit to guarantee payment of future bills in accordance with procedures established for water customers.

After the re-connection is completed, the customer will be billed for any actual costs over the amount estimated. A refund will be paid for an amount deposited that exceeds the actual re-connection cost. Refer to the section regarding fees and charges for current re-connection charges and deposit amounts.

## **8.7 CUSTOMER'S RIGHT TO REVIEW AND APPEAL**

Any customer desiring to initiate a complaint or contest the validity or accuracy of any charges shall submit a properly executed appeal form to the District's Customer Service Manager within 30 days of the mailing date of the bill in question. The written request shall state the reasons for the complaint and/or the basis for contesting the validity of the charges in question.

The customer may appeal the decision of the Customer Service Manager to the CEO/General Manager of the District by submitting a written request to the Board Secretary within 14 days of the decision by the Customer Service Manager.

The customer may appeal the decision of the CEO/General Manager to the Board's Customer Appeals Committee (Appeals Committee) by submitting a written request to the Board Secretary within 14 days of the CEO/General Manager's decision. The written request shall state the grounds for the appeal and shall include any documents or other evidence that the customer wishes the Appeals Committee to consider. Upon receiving a timely appeal, a hearing date for the Appeals Committee will be established by the Board Secretary. A notice of the hearing date shall be mailed to the customer at least 10 calendar days before the date established for the hearing. If the customer is not able to appear at the appointed

day and time of the Appeals Committee Meeting, the Appeals Committee will make a decision based on all available information, and no other customer hearing will be scheduled. The decision of the Appeals Committee shall be final and no further appeals on the disputed charges may be made by the Customer to the District. Notice of the determination by the Appeals Committee shall be mailed to the customer within 10 calendar days of such determination and shall indicate whether the appeal has been denied or granted in whole or in part and set forth the terms and conditions for the decision, if any.

If the CEO/General Manager determines an adjustment to the customer's account is appropriate in light of the facts and evidence presented by the customer and any information provided by the Customer Service Manager, the CEO/General Manager may adjust the disputed charges by an amount not to exceed \$1,000 of the original billing amount (up to 35 consecutive days) less any adjustment previously given for the same billing under this policy. The Appeals Committee may adjust the disputed charges by an amount not to exceed \$2,000 of the original billing amount (up to 35 consecutive days) less any adjustment previously given for the same billing under this policy. Adjustments that total more than \$500 cannot reduce water charges due to the District to an amount that is lower than if the bill were calculated using the budgeted average rate. The budgeted average rate shall be determined annually by the Finance Department in accordance with the District's existing rates for water service charges and its annual budget. Such limitations are applied for fairness and protection to both the District and customers.

Service to the customer's property shall not be discontinued pending the outcome of such review by the Customer Service Manager, CEO/General Manager or the appeal to the Appeals Committee. If the appeal is denied or granted in part, any amounts due and owing shall be paid in full within 10 days after the notice of determination has been mailed to the customer, including any applicable penalties as provided herein.

At least annually, the Customer Service Manager shall provide a written report summarizing the results of appeals processed to the Appeals Committee to monitor the effectiveness and appropriateness of this policy.

#### **8.7.1 Water Leak Adjustment Policy**

The Customer Service Manager is authorized to make adjustments to water flow charges for one billing period (up to 35 consecutive days) in which an apparent water loss occurred due to a broken pipe and/or plumbing fixture that caused exceptionally high water consumption compared to consumption history for the property during the same billing period.

Adjustments will be determined using the following criteria:

- a) The customer must not have previously received more than one leak adjustment at the same property in the past 60 months.
- b) The District leak appeal form must be properly completed by the customer and submitted to the District with required documentation and verifications mentioned thereon, within 30 days of the

mailing date of the bill in question. A minimum payment equal to that of the previous billing period must accompany the appeal.

- c) Only one billing period (up to 35 consecutive days) will be considered for an adjustment, provided the accounts billing is current.
- d) To qualify as exceptional high water consumption, the minimum adjustment amount, based on the following criteria, must exceed \$50.
- e) A consumption base will be determined using the previous three year average from the same billing period unless the District determines other measurable factors are shown to have greater relevance for a consumption base. The base will be calculated at normal rates and added to any excess consumption calculated at wholesale water costs. The adjustment amount becomes that sum less the charges originally billed for water flow, or the maximum adjustment amount, whichever is less.
- f) The adjustment shall not exceed \$750 or 25 percent of original water flow charges, whichever is less.
- g) No adjustments will be given if the District determines excessive water flow was caused by the customer's negligence or non-responsiveness to warning signals such as higher water and/or sewer bills, leak notifications, visible water, or other factors that should have made the customer reasonably aware of the existence of a broken pipe and/or plumbing fixture.
- h) No adjustments will be given if a third party is responsible for water loss at the customer's property and can be pursued for reimbursement by the customer.
- i) No adjustments will be given due to the resetting of irrigation timers at the customer's property, whether intentional or not.
- j) Padre Dam is not responsible for any leak due to lack of notification and no adjustment will be given for this reason. It is the customer's responsibility to determine leaks and/or excessive water use. Padre Dam provides an online water use tool where customers, at their own discretion, can set alerts and/or notifications; however, this program does NOT replace the customer's responsibility for all water use.
- k) No adjustment will be given if the customer was notified by District staff of a leak or continuous flow if the leak was not repaired within one week of notification.
- l) An approved leak adjustment will not be granted until the customer has registered in the District's online water use tool and has set the appropriate threshold notifications.

**List of Ordinances amending Section 8:**

Ord. 2001-15, adopted 10/9/01, effective 11/9/01, Sections 8.2.1., 8.2.8, 8.2.8.1, 8.2.11, 8.2.12

Ord. 2007-12, adopted 11/13/07, effective 1/1/08, Section 8.2.8, IAWP

Ord. 2008-01, adopted 2/12/08, effective 3/1/08, Sections 8.3 and 8.4, prompted by Cycle Leveling

Ord. 2009-01, adopted 1/13/09, effective 2/1/09, Section 8.2.8. IAWP / SAWR

Ord. 2009-04, adopted 4/14/09, effective 7/1/09, Section 8.2, adoption of Drought Rates, amending Water Conservation, and authorizing Pass-Through Rates

Ord. 2010-02, adopted 07/13/10, effective 07/14/10, Section 8.7 and 8.7.1, amending District's leak adjustment policy.

Ord. 2011-05 adopted 6/17/11, effective for all services provided on or after 7/1/11, Section 8.2.1, amending District's daily water allocations.

Ord. 2012-04 adopted 7/18/12, effective 7/19/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

Ord. 2012-05 adopted 8/15/12, effective for fiscal yrs 2012/2013 - 2016/2017, adopting new water allocations.

Ord. 2013-01 adopted 2/6/13, effective 2/7/13, Sections 8.1.4 Continuous Flow Notification; 8.2.8 Ag; 8.3.8 Discontinuance of Accts; 8.7.1 Water Leak Policy

Ord. 2013-05 adopted 12/4/13, effective 1/1/14, Annual Review

Ord. 2014-04 adopted 11/19/14, effective 1/1/15, Annual Review

Ord. 2016-02, adopted 2/3/16, effective immediately, Annual Review

Ord 2017-01 adopted 2/1/17, effective immediately, Annual Policy Review

Ord. 2017-04 & 05, adopted 6/21/17, adopting new rates and rate structure for FY's 2018-2022.

Ord 2019-01\_adopted 01/16/19, amending Section 8.7.1, Water Leak Adjustment Policy, and other clarifying changes in various sections.

Ord 2019-03, adopted 5/1/2019, amending Section 8.7.1, Water Leak Adjustment Policy



**SECTION 9     SANTEE LAKES RECREATION PRESERVE**

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## **SECTION 9      SANTEE LAKES RECREATION PRESERVE**

### **9.1 INTRODUCTION**

Santee Lakes Recreation Preserve (Park) is a beautiful recreational facility owned and operated by Padre Dam Municipal Water District. It is located strategically within San Diego County. Its seven Lakes, which contain approximately 82 surface acres of water, were formed by sand and gravel mining in the dry stream bed of Sycamore Canyon as part of the District's original water reclamation program.

In the early 1960's, the District converted the Lakes to recreational use to demonstrate the concept of water reuse. Its purpose was also to gain public acceptance of reclaimed water for recreational, agricultural, irrigation, and industrial applications.

Today, the Park provides daytime recreation, overnight camping, picnicking, fishing, and special events.

### **9.2 AUTHORITY AND ENFORCEMENT OF PARK REGULATIONS**

#### **9.2.1 Authority**

The California Water Code authorizes the District to govern the public use of its facilities, and these rules and regulations are established pursuant to this code for the protection of District property and public safety.

The District's rules and regulations governing public use of Santee Lakes Recreation Preserve, including reasonable fees for such use, are established by ordinances of its Board of Directors.

#### **9.2.2 Enforcement**

The Park rules and regulations shall govern and apply to all visitors utilizing the Santee Lakes Recreation Preserve.

District Park staff are authorized and empowered to enforce Park rules and regulations, as well as State and local codes relating to safe use of the Park and any other facilities owned, operated, or leased by the District. Park staff may issue citations for violations and eject or exclude any violator as specified in the Park Rules and Regulations.

#### **9.2.3 Hours of Use (Park Day Use - Lakes #1-5)**

No person shall remain upon the grounds of Santee Lakes Recreation Preserve (day use - Lakes 1-5) or occupy the grounds of such areas, or any part thereof, or use any of the facilities and/or equipment therein, or permit any vehicle to remain therein, except between the hours of 8:00 am and the posted closing time Monday through Thursday and 6:00 am and the posted closing time Friday, Saturday, and Sunday (campground excluded). Park hours are subject to seasonal and special use changes.

#### **9.2.4 Children**

No person shall permit any child under the age of seven years to be left unattended on the Park or District property.

#### **9.2.5 Protection of Children in Santee Lakes**

##### **Prohibition:**

In accordance with Penal Code section 3053.8, any person who is released on parole after having served a term of imprisonment for any of the offenses specified in Section 3053.8(b) in which one or more of the victims was under 14 years of age, and for which registration is required pursuant to the Sex Offender Registration Act, is prohibited from entering Santee Lakes Recreation Preserve without the express permission of his or her parole agent.

##### **Enforcement:**

Any person who violates this Section will immediately be ejected from the Santee Lakes Recreation Preserve and may be subject to monetary penalties pursuant to Water Code Section 71600 and shall be guilty of a misdemeanor pursuant to Section 71660 of the Water Code.

Further, any person who violates this Section 9.2.5 may also be subject to criminal prosecution in accordance with state law.

### **9.3 PARK VEHICLE USE**

Operators of motor vehicles, motorized scooters and golf/utility carts as well as bicycles, skateboards, skates, non-motorized scooters and other self-propelled vehicles within the Park shall strictly obey all State and local vehicle operation statutes, codes, and regulations, as well as all Park rules and regulations. Loud or disruptive vehicles are prohibited within the Park boundaries.

#### **9.3.1 Vehicle Speed Limit**

Visitors shall not operate any vehicle within the Park at a speed in excess of the posted speed limit. No visitor shall drive a vehicle within the Park other than in a reasonable and prudent manner and with due regard for traffic and road conditions. In no event shall a vehicle be driven at a speed which endangers the safety of persons, property, or wildlife.

#### **9.3.2 Drivers' Licenses**

Visitors shall not operate any type of motorized vehicle on Park property that requires a valid license to drive it, without possession of a valid driver's license.

#### **9.3.3 Roadway Rules**

Vehicles shall be operated only on designated roadways and parking areas. Motor vehicles, bicyclists, skaters, scooters, walkers, runners and other recreational users shall share the roadways within the Park.

#### **9.3.4 Vehicle Washing and Repair**

Persons are prohibited from washing, repairing, or cleaning any vehicles within Park boundaries.

#### **9.3.5 Vehicle Parking**

Visitors shall not illegally park a vehicle within the boundaries of the Park or campground, or leave a vehicle parked overnight in either the day-use area or campground without authorization by the District. The District reserves the right to tow vehicles illegally parked within the Park or campground, at the vehicle owner's expense.

#### **9.3.6 Day-Use Vehicle Parking/Entrance Fees**

Fees for vehicle, RV and bus parking/entrance shall be paid by Park visitors as stated in section 9.12.1 (Vehicle Parking/Entrance Fees). Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales.

#### **9.3.7 RVs and Buses in the Day Use Area**

RVs and/or buses that do not adequately fit in a marked parking stall must park parallel along the west side of Lake1.

#### **9.3.8 Electric Vehicle and Golf/Utility Cart Use**

Electric vehicles and golf/utility carts within the Park boundaries shall strictly obey all State and local vehicle operation statutes, codes, and regulations; shall only operate on designated roadways; shall obey all of the rules listed above.

The operator of an electric cart golf/utility cart within the Park boundaries must possess a valid driver's license; all electric vehicles and golf/utility carts must be registered and paid for at the Park Office. Fees for electric vehicle and golf cart/utility cart parking shall be paid on a per "car" basis by Park visitors as stated in section 9.12.1 (Vehicle Parking/Entrance Fees).

#### **9.3.9 Motorized Scooters**

All motorized scooters within the Park boundaries shall strictly obey all Park rules and regulations and shall only operate on designated roadways.

Gas powered scooters are prohibited within the Park boundaries. Only electric powered scooters are permitted for use within the Park boundaries. The operator of a motorized scooter must be at least 12 years of age. All operators, regardless of age, must wear a helmet at all times.

#### **9.3.10 Walkways**

Sidewalks and walkways must be shared by pedestrians, skateboards, bicycles, scooters, roller blades and other users. No one shall use the sidewalks or walkways in a manner that endangers themselves or others. While using the walkways or sidewalks, speed must be limited to a rate that is controlled and is not dangerous. Dangerous or unsafe conditions will be determined at the sole discretion of Park Staff.

**9.4 BOAT USE**

**9.4.1 Boat Rentals**

Park visitors may rent row boats, pedal boats, kayaks or canoes for use on designated Lakes only. Boats may be rented year-round during Park Office Hours, subject to weather and other seasonal factors.

**9.4.2 Rental Rates**

Fees for renting boats shall be paid by Park visitors as stated in section 9.12.2 (Boat Rental Rates).

**9.4.3 Boat Operation**

Visitors shall not operate any boat within the Park other than District-owned rental craft, unless prior approval is obtained from the District.

**9.4.4 Boat Docks**

Only employees and paid boat rental customers, while loading or unloading, are permitted on the boat docks. Loitering or fishing on the boat dock and rental area is prohibited.

**9.4.5 Life Jackets**

Life jackets approved by the United States Coast Guard must be worn by all children under 11 years old and all non-swimmers occupying any boat at Santee Lakes. Children under the age of one year old or less than 20 lbs. are not allowed on the boats. All occupants of canoes, kayaks, and rowboats, regardless of age, must wear life jackets. Removal of life jackets while aboard a boat will result in loss of boating privileges and forfeiture of all fees paid. Such equipment is provided by the District.

**9.4.6 Boat Load Limits**

The maximum manufacturer boat load limits must be observed at all times:

Pedal Boats	Follow occupancy and load limits posted on each vessel.
Row Boats	Four adults and one child under 60 lbs. In order to rent a pedal or row boat, one occupant must be a minimum of 18 years of age.
Canoes/Kayaks	Two persons, one of whom must be 18 years of age or older. Children under 11 years of age will not be permitted on canoes or kayaks.

Individuals must be at least 18 years of age in order to rent a pedal boat, row boat, canoe, or kayak.

**9.4.7 Unsafe Activities**

Any malicious or unsafe boating activities, or any failure to observe all posted safety rules, will result in loss of boating privileges and forfeiture of all fees and deposits paid. Boat occupants must remain seated at all times. Body contact with the water is prohibited. Boats must remain a minimum of five feet away



from the shore and other vessels. Unloading and/or exchanging occupants on the islands or any location other than the boat dock is strictly prohibited.

#### **9.4.8 Responsibility for Loss or Damage**

Boat rental customers shall be responsible for any loss or damage to boats, life jackets, boat paddles or oars, and/or any other District property.

#### **9.4.9 Boating Hours**

Boats may be rented to the public only during posted hours. All boats must be returned to the dock no later than one-half hour prior to Park Office closing time unless otherwise specified by Park Staff.

### **9.5 FISHING AT SANTEE LAKES**

The District operates a fishing program at the Park, and various Lakes are periodically stocked with fish.

#### **9.5.1 Park Fishing Regulations**

Park visitors shall obey all Park fishing rules and regulations as promulgated by the District. Fishing is allowed only in designated Lakes.

#### **9.5.2 Park Fishing Permits**

No person 16 years or older shall fish without a valid adult fishing permit. No child between 7 and 15 years of age may fish without a valid junior fishing permit. One child under 7 years of age may fish without a permit when accompanied by an adult with a valid permit; the fishing limit shall be that of one person. The Teen Bass Pass, which is part of our annual permit program for catch and release bass fishing, may be purchased by youth 16 and 17 years of age. An additional permit may be required for taking trout during specified times of the year.

All permits are non-refundable and non-transferable. Permits may be obtained from various outlets throughout the Park.

A Park fishing permit entitles anglers to utilize only one closely attended fishing pole with a maximum of three hooks. A second fishing pole may be utilized only with the purchase of a second pole permit. Fees for fishing permits shall be paid by Park visitors as stated in section 9.12.3 (Fishing Permit Fees).

#### **9.5.3 Fishing License**

The District may require anglers over the age of 16 to obtain a valid California State Fishing License issued by the California Department of Fish and Game.

#### **9.5.4 Fishing Hours**

Day-use visitors may fish only during posted Park hours unless authorized by the Park and Recreation Director. Registered campers may fish from sunrise to sunset with a Day-Use Fishing Permit and from 5:00 pm to 11:00 pm with a Night Fishing Permit.

### **9.5.5 Night Fishing**

Anglers must be a registered camper, have a light at all times and be at least 16 years of age or accompanied by an adult. Anglers may only night fish on Lakes 6 and 7 between the hours of 5:00 pm and 11:00 pm. The 9:00 pm campground quiet hour must be observed. Anglers may not fish directly behind or within close proximity to a campsite not registered under their name.

### **9.5.6 Daily Creel Limits**

Authorized District staff reserves the right to inspect the creel catch of any angler fishing on District property. Anglers may only place their catch in one single location. Creels may not be shared among two or more anglers.

Creel limits for all fish with the exception of bass which is strictly catch and release, and carp which does not have a limit, shall not exceed a combined total of five fish per person, per day. When Carp are caught, they shall not be released back into any of the Lakes within the Recreation Preserve. Incentives for the catch and removal of carp from Santee Lakes may be provided at the discretion of the Director of Park and Recreation. Anglers in possession of fish in excess of the creel limits or in violation of any fishing Rule or Regulation are subject to a non-compliance fee. Fees for noncompliance with daily creel limits and fishing restrictions imposed by permit or otherwise at the Park shall be paid by Park visitors as stated in section 9.12.5 (Non-Compliance Fees).

Creel limits and fishing regulations may be changed as deemed necessary by the Park and Recreation Director.

### **9.5.7 Bait Restrictions**

The use of minnows, frogs, goldfish, or other game fish as bait is not permitted. The use of any type of attractant or chum is not permitted. Corn may not be used as bait.

### **9.5.8 "Catch and Release" of Fish**

The practice of "catch and release" of catfish is strongly encouraged. The "catch and release" of trout and carp is prohibited. Bass fishing is limited to catch and release only. All bass caught in any of the Lakes must be released back into the lake that it was caught in. Persons in violation of the catch and release policy are subject to a non-compliance fee, which shall be paid by Park visitors as stated in section 9.12.5 (Non-Compliance Fees).

### **9.5.9 Lakes Designated for Fishing**

Fishing in Lakes 6 and 7 is restricted to registered campers only. All other Lakes are open for public fishing unless otherwise designated and posted. Non-registered campers may purchase a stamp along with a daily fishing permit to fish Lakes 6 and 7. The District may limit the number of stamps sold in order to fish Lakes 6 and 7. All other fishing rules covered in section 9.5 will apply unless special privileges are requested in advance and approved by the District. Fees for use of Lakes 6 and 7 shall be paid by Park visitors as stated in section 9.12.3 (Fishing Permit Fees).

### **9.5.10 Non-Compliance Fee**

Visitors observed fishing without a Park Fishing Permit or in violation of any fishing Rule or Regulation will be required to pay an additional fee called a Non-Compliance Fee. This fee is in addition to the Park Fishing Permit and will be required to be paid prior to obtaining permission to continue to fish at Santee Lakes Recreation Preserve. Any angler fishing or in possession of fish without a valid permit is subject to prosecution of applicable State Penal Code violations and may be required to purchase all fish in possession at the established cost per pound. Fees for noncompliance with daily limits and fishing restrictions imposed by permit or otherwise at the Park pursuant to this section shall be paid by Park visitors as stated in section 9.12.3 (Fishing Permit Fees) and 9.12.5 (Non-Compliance Fees).

### **9.5.11 Sportsmanship**

The Santee Lakes fishing program is committed to promoting sportsmanship and fairness. The permitted technique for taking fish is limited to only that of pole fishing. Drop lines, trout line, magnets, spearing, netting and other techniques are not permitted. Anglers are urged to respect the rights of others, and allow fair distance between each other.

## **9.6 PICNIC AND RECREATION AREAS**

### **9.6.1 Reserved Day Use Areas**

Groups and organizations may reserve designated day-use areas in the Park for picnics, recreation, and other special events.

The Park Office must be contacted in advance regarding availability of group day-use locations, reservations, and the payment of related fees including event deposit. Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales. Groups must reserve appropriate areas for the number of people in attendance. Horseshoe pits are available by reservation only with a refundable deposit. All Park visitors including those with a reserved group area must pay the vehicle parking/entrance fee. Prepaid parking/entrance tickets may be purchased at the Park Office. Payment and cleaning deposits are due at time of reservation. Group Areas are non-refundable except for rain as determined by the Park and Recreation Coordinator in his or her sole discretion on the day of event.

Fees for reservation and use of the day-use areas shall be paid by Park visitors as stated in section 9.12.6 (Event Deposits) and 9.12.7 (Picnic Area Fees).

Groups given authorization to use the Park after normal operating hours will be required to pay additional fees for patrol, security, maintenance, and gatehouse staff. Park management, at their sole discretion shall determine how many additional staff will be required.

### **9.6.2 Equipment Rentals**

Park visitors may rent various picnic and recreation equipment from the Park Office. Equipment is available by reservation only with a refundable deposit. Fees related to equipment use shall be paid by

Park visitors as stated in section 9.12.4 (Miscellaneous Fees for Day Use Services) and 9.12.8 (Rental Equipment).

### **9.6.3 Use of Sound Amplifying Equipment**

Sound Amplifying Equipment can only be used in reserved specified day-use areas. Visitors shall not use sound amplifying equipment without the prior approval of the District and payment of applicable fees. Fees related to amplified music shall be paid by Park visitors as stated in section 9.12.8 (Rental Equipment).

The noise level of any sound amplifying equipment approved for use within the Park shall not cause unreasonable discomfort or annoyance to other Park visitors, or to any persons within hearing range outside the Park. In no event shall the ambient noise level exceed 50 decibels, 50 feet from noise source.

Live bands are not permitted within Santee Lakes except with special authorization and permission from the Park Management.

Visitors shall not use stereos, including vehicle stereos, in a manner that is disruptive to other Park visitors or surrounding residents.

### **9.6.4 Inflatables**

Inflatables are allowed in designated reserved areas only. A Hold Harmless Agreement must be on file prior to the event. The company or organization providing the inflatable(s) must provide proof of liability insurance in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury, personal injury, and property damage  *naming Padre Dam Municipal Water District as additional insured*. The individual or group reserving or using a Park picnic area must supervise and be responsible for the inflatable during the entire time it is within the Park boundaries. This includes supervision until the inflatable is removed by the rental company. Personally owned inflatables are not permitted. Inflatables may only be provided by professional rental companies that meet the "Approved Vendor" and insurance requirements established by the Park. "Quiet Generators" must be used. In no event shall the ambient noise level exceed 50 decibels, 50 feet from noise source. Fees related to specialty uses (including but not limited to use of inflatables and dunk tanks) shall be paid by Park visitors as stated in section 9.12.7 (Picnic Area Fees).

### **9.6.5 Carnival Rides and Specialty Equipment**

Carnival rides and specialty equipment must be approved in advance by the District. All insurance requirements and use fees stated in section 9.6.4 (Inflatables) shall apply. All load-ins and load-outs of equipment must take place within the designated timeframe specified by Santee Lakes. If there is an event prior, a coordinated timed delivery will be required. Santee Lakes is not responsible for checking in or handling any items brought into the venue by rental companies. All external items must be checked in and signed for by the individual or group using the Park space or individual or group's representative. All excess material (such as bubble wrap, boxes, hangers, plastic, etc.) created by deliveries must be removed and disposed of by rental company, individual or group using the Park space, or the individual or group's representative. Limited storage may be available upon request. Space rental fees will be applied to any items left overnight or beyond normal load-in/load-out times. Items left beyond the agreed upon load-out time are subject to removal at the individual or group using the Park space expense. This also applies

to items left post-event for shipment out via contracted company. Note: It is not the responsibility of Santee Lakes to ensure that pick-ups are scheduled and executed.

#### **9.6.6 Day Camps & Field Trips**

The Park Office must be contacted in advance regarding availability of group day-use locations, reservations, and the payment of related fees for all organized Day Camps and Field Trips. These groups include but are not limited to non-profits, schools, churches, municipalities and social service organizations. A per passenger fee will be charged for all visitors arriving by bus or van with 10 passengers or more as stated on section 9.12.1 (Vehicle Parking/Entrance Fees). Additional vehicles will be charged the normal parking/entrance fee as stated in section 9.12.1 (Vehicle Parking/Entrance Fees).

Prepaid parking/entrance tickets may be purchased at the Park Office. Payment of the fee and a cleaning deposit is due at time of reservation. Trash containers and portable restrooms will be reserved by the Park Office at an additional charge to the group as determined by Park Staff. Fees related to trash containers and portable restrooms shall be paid as stated in section 9.12.7 (Picnic Area Fees).

#### **9.6.7 Large Groups (300 or more)**

Large groups of 300 or more must reserve all of Lake 1 (areas A-D, Gazebo 1) or all of north Lake 5 (areas Q-V, Gazebo 3), submit a detailed parking plan no less than 20 days prior to the scheduled event for approval by Park Management, and comply with all regulations in this section.

Trash containers and portable restrooms will be reserved by Park Office at an additional charge to the group as determined by Park Staff. Event liability insurance will be required for events and/or picnics of 300 guests or more; or of any picnic/party as deemed necessary in the judgment of the Park Management. Vehicle Parking/Entrance Fees related to large groups shall be paid in the same manner as stated in section 9.6.6 (Day Camps & Field Trips). Additional fees, including staff time reimbursement, may apply, as determined at Park Management's discretion.

#### **9.6.8 Approved Vendors and Advertisements**

##### **A. Vendor Policy**

All Park users must utilize service vendors from the Park's Approved Vendor List. A copy of the Approved Vendor List is available from the Park Office. Once a vendor has met all requirements for the Approved Vendor list and remains a member in good standing, they may also opt for inclusion (for an additional fee) on the Preferred Vendor List.

All Vendors who wish to be included on the Approved Vendor List must comply with the following:

1. Applicant must submit a completed Approved Vendor Application/Permit.
2. Filling out the application does not guarantee approval. Applications will be reviewed by the District and the vendor will receive notification of approval or rejection within 10 business days of the District's receipt of the application.
3. If approved, the Permit is effective on the date of issuance and is valid for duration of the calendar year (through December 31st).
4. There is no automatic renewal at the end of the calendar year. Vendors must apply each year

- if they wish to remain on the Approved Vendor List.
5. Applicant must provide a list of at least three references.
  6. Applicant must provide a high level of customer service.
  7. Applicant must have a reputation for professional business practices.
  8. Applicant must provide a schedule of fees and will agree to maintain those fees without change for the duration of the permit period.
  9. Applicant must have a valid City of Santee Business License.
  10. Applicant must provide proof of liability insurance in the amount of \$1,000,000 per occurrence/\$2,000,000 aggregate for bodily injury, personal injury, and property damage naming Padre Dam Municipal Water District as additional insured (copy of insurance certificate must be on file for the duration of the permit period).
  11. Only Santee Lakes Preferred Vendors will receive the additional benefits of cross-promotion and online exposure through Santee Lakes' marketing channels.
  12. Applicant must pay the Approved Vendor or Preferred Approved Vendor Fee as stated in section 9.12.7 (Picnic Area Fees).

B. Approved Vendors Operating Unmanned Aircraft System (UAS)/Drones

All UAS operations within the Park shall be conducted by Vendors approved through the procedure laid out in Section 9.6.8.

All UAS operations shall be conducted in full compliance with the regulations promulgated by the Federal Aviation Administration as may be amended from time to time. These regulations include, but are not limited to:

1. All UAS must be operated below 400 feet and remain clear of surrounding obstacles;
2. All UAS must remain within visual line of sight of the operator at all times;
3. All UAS must remain clear of and not interfere with any manned aircraft operations, including but not limited to any aircraft being operated by emergency services personnel whether or not in the commission of their duties;
4. No UAS may operate within five miles of an airport unless the operator has contacted the airport and control tower before flying, and presents proof of that contact to Park Management;
5. No UAS may be operated within 100 feet of an individual or wildlife within the Park, regardless of the vertical altitude of the drone at the time;
6. No UAS shall be operated in a careless or reckless manner such that the operation may endanger people or other aircraft or harm Park property.

C. Advertising Policy

Consistent with California Water Code section 71000 *et seq.*, the District's primary functions are to provide water, recycled water, sewer and recreational services. The District operates the Santee Lakes Recreation Preserve (Park) as part of its commitment to providing recreational services and demonstrating the concept of water reuse. The District authorizes advertising in the Park brochure under District advertising contracts for the purpose of generating revenue to support District operations.

In keeping with its functions noted above, the District does not intend by accepting advertising to convert its property into an open public forum for public discourse, debate or expressive activity. Rather, the

District accepts advertising as a means of generating revenue to support its operations. In furtherance of this discreet and limited objective, the District retains control over the nature of advertisements accepted for posting in the Park brochure and maintains its advertising space as a non-public forum. This policy prohibits advertisements that could detract from the District's goal of generating revenue or interfere with the safe and convenient delivery of District services to the public. Through this policy, the District intends to establish the following uniform, viewpoint-neutral standards for advertisements in the Park brochure:

1. District advertising contractors shall not post any advertisement that concerns a declared political candidate or ballot measure scheduled for consideration by the voters in an upcoming election or an initiative petition submitted to the San Diego Registrar of Voters.
2. District advertising contractors shall not post any advertisement that infringes on any copyright, trade or service mark, title or slogan.
3. District advertising contractors shall not post any commercial advertisements that are false, misleading or deceptive.
4. District advertising contractors shall not post any advertisement that is obscene or pornographic.
5. District advertising contractors shall not post any advertisement that is clearly defamatory or advocates imminent lawlessness or violent action.
6. District advertising contractors shall not post any advertisement for tobacco or firearms.
7. District advertising contractors shall not post any advertisement for a business with a Better Business Bureau rating of less than A.
8. District advertising contractors and/or officials or officers thereof who have violated any of the District Rules and Regulations are prohibited from posting any advertisement.
9. District advertising contractors shall post the following language with every advertisement, in a size and location approved by the District: "The views expressed in this advertisement do not necessarily reflect the views of the Padre Dam Municipal Water District."

The District reserves the right, from time to time, to amend, suspend, modify or revoke the application of any or all of these standards as it deems necessary to comply with legal mandates, or to facilitate its primary functions, or to fulfill the goals and objectives referred to herein. All provisions of this advertising policy shall be deemed severable.

Contracts granting advertising rights in the Park brochure shall include this policy as an attachment and require the following:

1. The advertising contractor must comply with the advertising standards set forth in this advertising policy, as they may be amended from time to time.
2. The advertising contractor must display only those advertisements that are in compliance with this advertising policy.

#### **9.6.9 Beer Kegs**

Beer kegs are not permitted in the Park or campground without prior approval by Park Management.

### **9.6.10 Sprayground**

1. Sprayground use is for children ages 13 years and younger.
2. Adults may accompany children under the age of four onto the Sprayground.
3. Running, jumping, unsafe play and climbing is prohibited.
4. Swim diapers are required for toddlers.
5. No glass allowed in Sprayground area.
6. Each child must purchase and wear a Sprayground wristband.

Fees related to Sprayground use shall be paid as stated in section 9.12.13 (Sprayground Fees).

## **9.7 PROTECTION OF PARK PROPERTY, PUBLIC AND WILD LIFE**

### **9.7.1 Park Property**

Visitors shall not damage or deface any Park property owned or leased by the District.

### **9.7.2 Park Vegetation**

Visitors shall not dig up, remove, or damage any tree, plant, shrub, or other vegetation in the Park. Visitors shall not tie, wire, screw, nail, staple, tape, hang or drape any item(s) from trees.

### **9.7.3 Trash Disposal**

Visitors shall not place or leave any glass, ashes, wastepaper, bottles, cans, or other trash or rubbish in the Park except in receptacles provided for that purpose. Trash or rubbish shall not be brought into the Park for disposal.

### **9.7.4 Trespassing**

Visitors shall not trespass on Park property or use Park facilities during hours not posted for public use, and shall not remain on the premises after closing, except with the prior approval of the District.

### **9.7.5 Fire Hazards**

Visitors shall not create any fire hazard in the Park.

### **9.7.6 Birds and Animals**

Visitors shall not molest, injure, or kill any bird or mammal in the Park or interfere with its habitat.



## **9.8 PROHIBITED ACTIVITIES**

### **9.8.1 Use of Firearms, Explosives and Projectiles**

Visitors shall not possess or discharge any firearms, other weapons or fireworks, or any other article of an explosive nature within the Park.

Visitors shall not possess or use any archery equipment, darts, or other projectiles within the Park.

### **9.8.2 Selling or Soliciting**

Visitors shall not engage in soliciting, selling, or peddling any goods or services, or distribute any circulars in the Park, without the prior approval of the District.

### **9.8.3 Wading or Swimming**

Visitors shall not swim or wade in any lake, pond, or stream within the Park.

### **9.8.4 Intoxication or Influence of Alcohol or Drugs**

Visitors shall not be permitted on Park premises while intoxicated or under the influence of alcohol or drugs.

### **9.8.5 Service Animals, Pets and other Domestic Animals**

Visitors shall not bring any pet or other domestic animals into the day-use area of the Park, including horses and emotional or comfort support animals, unless such animal is confined within a vehicle, and with the prior approval of the District. Provided, however, that Visitors may bring dogs into the park at designated locations for the purpose of using the Pet Walk Area and Campground, including as specifically stated in section 9.9.14 (Pets in Campground).

In accordance with Title II of the Americans with Disabilities Act (“ADA”) and applicable state law, Santee Lakes welcomes visitors with service animals. Service animals are “dogs that are individually trained to do work or perform tasks for people with disabilities,” according to the Revised Americans with Disabilities Act Service Animal Requirements. Our Pet Policy applies to service animals with the following exemptions:

1. Service animals in a working capacity are allowed in all public areas of the park when accompanied by a visitor with a disability; and,
2. Service animals should be harnessed, leashed or tethered unless such devices interfere with the service animal’s work, or if the visitor’s disability prevents the use of these devices. In that case, the visitor must maintain control of the animal through voice, signal or other effective controls.

We understand that service animals may need recreational breaks; therefore, if a service animal is not working (e.g., running around, playing fetch, etc.), it is only permitted at designated pet locations. Emotional support animals, comfort animals, and therapy dogs are not service animals under applicable law. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals. The work or tasks performed by a service animal must be directly related to the individual’s

disability.

Examples of animals that fit the ADA's definition of "service animal" because they have been specifically trained to perform a task for the person with a disability include:

- Guide Dog or Seeing Eye Dog is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.
- Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.
- Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
- SsigDOG (sensory signal dogs or social signal dog) is a dog trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping)
- Seizure Response Dog is a dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

Under the ADA, service animals are limited to dogs. However, entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

#### **9.8.6 Unsafe Activities**

Visitors shall not engage in any activity on Park premises that is deemed unsafe or hazardous by the Park staff.

A person who commits any one of the following is in violation of the rules and regulations and must immediately leave the premises:

1. Engages in fighting or violent behavior;
2. Makes loud and raucous noise which causes unreasonable stress and nuisance to other Park visitors;
3. Disregards or disobeys direction given by Park Staff;
4. Directs abusive epithets or makes any threatening gesture which the person knows is likely to provoke a violent reaction by another, including, but not limited to, spitting on the person or property of another, calling a person slanderous or vile names, or intentionally antagonizing another by use of scurrilous or "fighting" words;
5. Disturbs any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

### **9.8.7 Consumption of Alcohol**

Except as follows, the possession of any receptacle which contains any alcoholic beverage and which has been opened, or the seal broken, or the contents of which have been partially removed is prohibited:

1. On weekends during posted Park hours; and
2. On any legal holidays designated by Park Staff; and
3. As authorized by a facility use permit issued by the Park Staff.

### **9.8.8 Smoking**

Smoking is prohibited in the Day Use Area of Santee Lakes Recreation Preserve. The "Day Use Area" means all Park property south of the southern shoreline of Lake 6. "Smoking" means using any object or device containing a tobacco product or any other weed, propylene glycol, vegetable glycerin, or plant, typically used for smoking, vaping or hookah. Individuals found in violation will be issued a citation and/or ejected from the Park.

### **9.8.9 Lighter Fluid**

The use of lighter fluid or any combustible in order to start a fire or a barbecue is prohibited within the Park and campground.

### **9.8.10 Lost and Found**

All lost and found items must be turned into the Park office. Items will be retained in the Park office for 14 days. Items considered to be worth in excess of \$150.00 will be retained for 21 days. Once the retention period has passed, all items not claimed will be either disposed of in the dumpster or taken to a non-profit drop-off center.

### **9.8.11 Use of Unmanned Aircraft System (UAS)/Drones**

Visitors shall not possess or pilot any Unmanned Aircraft System (UAS)/Drones within the Park. All UAS operations within the Park shall be conducted by Vendors approved through the procedure laid out in Section 9.6.8.

## **9.9 SANTEE LAKES CAMPGROUND**

Padre Dam Municipal Water District operates a campground area at Santee Lakes Recreation Preserve, offering full hookup camping by the day, week, or month, as well as tent camping on a limited basis. Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales.

### **Definitions**

**Bus Conversion:** Any bus (Greyhound type, transit bus, or school bus) that has been converted to a motorized RV.

**Camping Unit:** A Motorized RV, Towable RV, Truck Camper, or Tent.

**Campsite:** A space designed and promoted for the purpose of locating a Motorized RV, Towable RV, Truck Camper, and Tent to be used for camping.

**Car Dolly:** A small two-wheeled dolly used solely for the transportation of a vehicle.

**Conversion:** Vans, trucks and sport utility vehicles typically manufactured by an auto maker, modified in appearance for transportation and recreation by a company specializing in customized vehicles.

**Motorized RVs:** An RV built on or as an integral part of a self-propelled motor vehicle chassis, combining transportation and living quarters in one unit.

**Primitive Camping:** Camping without the modern convenience of full-hookup facilities of water, sewer, and electricity.

**Tent:** A portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.

**Tent Trailer:** A separate compartment tent, also known as a pop-up tent, which is towed behind your vehicle.

**Towable RVs:** An RV designed to be towed by a motorized vehicle (car, van, or pickup truck) and of such size and weight as not to require a special highway movement permit.

**Truck Camper:** A camping unit that is loaded onto, or affixed to the bed or chassis of a pickup truck. Truck Campers must stay affixed to the vehicle at all times while in the campground. The exception is when the Truck Camper is equipped with a device designed and manufactured to be used and occupied while not affixed to the bed or chassis of a pickup truck (i.e. Stable Lift).

**Utility Trailer:** A trailer used solely for the transportation of the user's personal property and does not exceed a gross weight of 10,000 lbs. (DMV def.).

### **9.9.1 Camping Facilities**

Full hookup and tent camping facilities are available to the public. The Camping Unit must be set up on an assigned site. The Camping Unit must be positioned on the designated campsite appropriately so that the utility hook ups are located on the correct side. A Camping Unit not properly positioned on the campsite will be required to move and reposition appropriately. Campsites with towable RVs must have a tow vehicle onsite, each day and night during the entire reservation period. RV storage, laundry facilities, propane gas service, and a dump station for RV holding tanks are also available. A Clubhouse is available (see section regarding Campground, Clubhouse, and Laundry).

### **9.9.2 Tent Camping**

Tent camping is allowed in designated loops only unless otherwise authorized in advance by the District. One tent per campsite is permitted. Organized group tent camping for special events is allowed in any location of the Park, by permit only. Tent camping is available on a limited basis. All campsites must have

a vehicle on site. Tents may not be used for storage. Makeshift tents and clotheslines are not allowed. Tents must not infringe upon other campsites or community areas. There is a two-week maximum stay in a 12-month period if a tent or tent trailer is the primary Camping Unit.

### **9.9.3 Camping Unit Appearance Restrictions**

All Camping Units must have current registration and licensing. The Recreation Vehicle Industry Association (RVIA) or Department of Housing certifications are required. Camping at Santee Lakes is a privilege and not an absolute right; therefore, Santee Lakes has adopted rules and regulations regarding the appearance of Camping Units and will deny privileges based on unsightly appearance. Park staff will perform an inspection of all Camping Units entering the Park. If any of the following items are identified, privileges will be denied:

1. Damage to the exterior of the unit, including but not limited to, broken windows, dents, rust, holes, exposed wiring or missing panels.
2. Leaks.
3. Missing components.
4. Offensive or unsightly graphics or paint design.
5. Makeshift repairs using tape, tarps and/or other materials not suited.

### **9.9.4 Campsite Rates**

Advance campsite reservations require payment of a deposit. Advance campsite reservations of seven nights or less require payment in full at time of reservation. Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales. Campsites may be cancelled with a minimum 48-hours advance notice. Fees related to camping and miscellaneous services and deposit amounts shall be paid as stated in sections 9.12.9 (Campsite Fees) and 9.12.10 (Miscellaneous Fees for Campground Services). Camping rates are subject to a City of Santee Occupancy tax. Camping fees must be paid in full no later than the close of business on the first day of each reservation or the reservation is considered delinquent. Campers who are delinquent in campground fees are subject to Vacating/Eviction procedures, which may include, but are not limited to, removing the camper's vehicle at camper's expense.

Special rates may be available, as approved by the District, for Good Sam Members and RV clubs.

The following applies to extended stay campers (those who plan to be, or have been camping for 30 nights or longer): Extended stay campers may be required to establish creditworthiness or pay a security deposit. At the time of application for a long-term reservation, the applicant may be required to provide identification and a social security number to establish creditworthiness. Photo identification may be required.

Any applicant unable to establish creditworthiness and/or provide adequate identification shall be required to provide a security deposit.

The security deposit shall be calculated at the current extended stay rate of the reservation site plus 2 weeks and will be refunded at the check-out after all charges and fees have been processed and paid in full.

Campsite fees must be paid by the individual who will be camping and occupying the campsite. No person shall be allowed to pay for another's camping reservation fee unless authorized by Park Management.

#### **9.9.5 Campsite Occupancy**

The camping rate includes two people per extended stay site and six people per nightly site. Additional fees are required for additional people for the extended stay sites. Maximum campsite occupancy is six people per site. Each campsite is limited to one camping unit, as defined in this section, and one passenger vehicle. Additional passenger vehicles must be parked in the guest area upon payment of an extra vehicle parking fee. Parking pass must be displayed. No passenger vehicles shall be slept in or inhabited while at the Park. Fees related to additional people and vehicles shall be paid as stated in section 9.12.9 (Campsite Fees).

#### **9.9.6 Minors in Campground**

Minors under 18 years of age shall not be allowed to register for a campsite. Minors under 18 years of age must be accompanied by their legal guardian while camping overnight. Minors under the age of 18 are required to be in their campsite by 9:00 pm.

#### **9.9.7 Campground Check In/Out Time**

Campground check-in is from 1:00 pm to 10:00 pm; check-out is by 12:00 pm. Campsites must be vacated by 12:00 pm in order to avoid payment of additional fees as stated in 9.12.9 (fee for Late Off Site), unless camper paid in advance for a Late Check Out as stated in 9.12.9. Campground stays may be extended subject to site availability. Campers desiring to extend their stay must register prior to 11:00 am on their scheduled day of departure.

#### **9.9.8 Maximum Stay in Campground**

The maximum stay in the Park campground shall not exceed six consecutive months. Stays in excess of two consecutive weeks in a 12-month period require the use of a fully self-contained camping unit.

#### **9.9.9 Campground "Quiet time"**

A period of "quiet time" shall be observed in the campground area between the hours of 9:00 pm and 8:00 am. During this time, noise and other disturbing activities will not be allowed. The use of generators is not permitted at any time.

#### **9.9.10 Outdoor Sleeping Prohibited in Campground**

Sleeping outdoors in the campground is not permitted. All campers must sleep inside camping units.

#### **9.9.11 Entry and Exit Gates for Campers**

Park entry and exit gates are locked at sunset. An electronic side gate in the campground is available on a limited basis for use by registered campers only.

### **9.9.12 Vehicles in Campground**

All vehicles operated in the Park and Campground must be street legal and registered with the department of Motor Vehicles. Campground visitors shall observe all Park vehicle use restrictions contained in this section. In addition, no person shall operate a vehicle so as to create excessive noise in the campground area. Visitors in the campground shall not perform vehicle repairs or maintenance without District approval.

### **9.9.13 Campground Guests**

All guests of registered campers must park their vehicles in designated guest areas, and must leave the Park by 10:00 pm. Camper guests must pay regular day-use parking/entrance fees as stated in section 9.12.1 (Vehicle Parking/Entrance Fees); registered campers may choose to pay for their visitors as guests of their campsite so they may enjoy all the campground facilities. Registered campers are held responsible for the actions and behavior of their guests and/or visitors while in the Park. In addition, any individual or organization who secures a reservation for another guest's campsite, or a group of guests on multiple campsites, is responsible for any and all damage that may occur on the site or sites or to park/campground facilities. The individual or organization that makes the reservation will be liable to pay for the repairs in order to restore the campsite or park/campground property to its original condition. The campsite reservation may be transferred to the guest or guests who will be occupying the site or sites. At that time all responsibility and liability will shift to the guest or guests who will be occupying the site or sites. The maximum number of people, camping and/or visiting shall not exceed six per campsite at any time.

### **9.9.14 Pets in Campground**

Pets are welcome in the campground but must be registered at the Park Office. Pets are not allowed to enter the day-use area of the Park. Pets must be kept on 6-foot maximum leashes at all times and dogs must wear valid licenses. Vicious and/or noisy pets are not allowed. When leaving a campsite, pets must accompany the registered camper(s) or be confined inside their camping unit. Pets must not be left outside at night. Pet cages and dog runs are prohibited. Health laws prohibit pets from entering the pool area or going inside all buildings. Registered campers must clean up after their pets immediately. A maximum of three pets per campsite is permitted. Only dogs registered in the office may enter the off-leash camper dog area. Posted rules must be obeyed. Fees related to campsite pets shall be paid as stated in section 9.12.9 (Campsite Fees).

### **9.9.15 Open Fires in Campground**

Ground fires are not permitted. Campfires are permitted in containers approved or provided by the District in designated areas only. Only use local firewood to prevent inadvertently introducing tree-killing insects and diseases. Do not add fuel to fires after 9:00 pm. Campfires are not permitted after 10:00 pm.

#### **9.9.16 Campground Swimming Pool**

Use of the campground swimming pools and spa is limited to campers only unless authorized in advance by the District. All posted rules must be obeyed.

#### **9.9.17 RV Holding Tank Dump Station**

A dump station for Camping Units holding tanks is located within the Park facilities. Fees related to dump station use shall be paid as stated in section 9.12.10 (Miscellaneous Fees for Campground Services).

#### **9.9.18 Propane Gas Service**

Propane gas service is available upon request during posted hours five days a week, except holidays.

#### **9.9.19 Storage of Recreational Vehicles**

A storage area for Recreational Vehicles is available in the Park. Monthly fees are based upon the size of the site. Fees related to RV storage shall be paid as stated in section 9.12.11 (Recreational Vehicle Storage Fees).

#### **9.9.20 Notice to Vacate**

Campers who fail to comply with the District's Rules and Regulations and/or are delinquent in campground fees, or have delinquent customer accounts with the District, are subject to Vacating/Eviction procedures, which may include, but are not limited to, removing the camper's vehicle at campers expense.

#### **9.9.21 Campsite Cleanliness and Appearance**

Campsite cleanliness is required for aesthetic, sanitary and safety purposes. Campers must place trash in one of the trash receptacles located throughout the campground. All personal items are to be kept inside of one's Camping Unit. No clotheslines strung between campsites, trees, etc. Items that are prohibited outside the Camping Unit include but are not limited to: furniture, toys, storage containers, off-road vehicles, home gym equipment, plants, refrigerators/freezers, debris, windchimes, televisions, tarps/canopies, trash, tools, excessive fire wood, hammocks, etc. Items that are permitted include: barbeque, bikes, lawn chairs, and camping related equipment. It is at the discretion of the Park staff to determine whether or not a campsite is in compliance.

#### **9.9.22 Trailers**

Any utility trailer not being used as a camping unit, including contained tow behinds and car dollies, but excluding U-hauls, may accompany a camping unit on site. The trailer must not take up otherwise usable extra vehicle parking and therefore the tenant must rent a site that is capable of handling the primary camping unit as well as the utility trailer. No persons will be permitted to sleep (camp) in a utility trailer. Fees related to any necessary additional spaces shall be paid as stated in section 9.12.9 (Campsite Fees).



### **9.9.23 Late Registration**

After hours registration will be administered by Park Staff on duty. Campers with reservations may check in until 10 pm. If campsites are available, non-registered campers may also check-in until 10 pm and must fill out a late registration form. The camper must have a valid credit card (Visa, MasterCard, & Discover) in order to register after hours.

### **9.9.24 Camping Clubs**

To qualify as a camping club, a group must have a proven history and documentation as a club. Examples of proven history include, but not limited to, a checking account in the club's name, club bylaws, club meeting minutes, etc. A minimum of 10 units is needed to qualify for group rates. Group rates are available weekdays only. A minimum two-night stay is required. A nonrefundable \$100.00 deposit is required at the time of the reservation. Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales. The deposit is applied toward the balance. The balance is due one month prior to the camp out. No refunds are given for canceled sites. All reservation adjustments, such as additional sites, additional days or individual site assignments are made by the Wagonmaster (camping club lead or organizer) through the Park Office. Groups are entitled to use the Clubhouse one morning and one evening shift at no additional fee for up to three hours subject to Clubhouse availability. (The Clubhouse fee is \$50.00 an hour for any additional time with a 3-hour minimum.) There is a \$75.00 Security Deposit required at the time of check-in. This will be returned to the Wagonmaster after a walk-thru is completed and approved.

## **9.10 CAMPGROUND CLUBHOUSE AND LAUNDRY**

The Santee Lakes' Clubhouse is located in the campground area of the Park. It is a 2,300 square foot building consisting of a large meeting room, kitchen, restrooms, and laundry, with an adjacent outdoor patio.

### **9.10.1 Use of Clubhouse**

Organized camping clubs representing 10 or more paid campsites, may reserve the center for meetings, group functions, and social activities. Other uses of the Clubhouse require an application for use.

The laundry is available for use by all registered campers. All posted hours and rules must be observed.

### **9.10.2 Reservations for Use of Clubhouse**

Reservations for use of the Clubhouse shall be requested in advance by submitting an application at the Park Office (application available at Park Office). Reservations will be accepted in the order of receipt of applications, subject to availability of the facility and payment of a deposit. The District will allocate specific time periods for use of the Clubhouse. Use of the Clubhouse is at the discretion of the District.

### **9.10.3 Fees and Deposits**

Organized camping groups may use the Clubhouse on a limited basis, without an additional fee, subject

to availability. Fees related to Clubhouse use shall be paid as stated in section 9.12.12 (Clubhouse Fees and Deposits). Other uses of the Clubhouse are subject to fee and deposit requirements. Such deposits will be refunded upon the satisfactory clean-up of the premises, as determined by the District. Groups will be held responsible for any breakage, loss, or damage resulting from their use of the Clubhouse, and shall pay the full cost of repairs or replacements.

#### **9.10.4 Maximum Occupancy**

Occupancy of the Clubhouse during group events shall not exceed the recommended maximum capacity established by the Fire Marshal.

#### **9.10.5 Smoking Prohibited**

Smoking inside the Clubhouse, Rest Rooms, Park Store, Office or Laundry Room is strictly prohibited.

#### **9.10.6 Decorations**

Plans for any decorations in the Clubhouse must be approved in advance by the District. Decorations must be installed in a temporary manner only, and removed without leaving marks, holes, or other remaining evidence. The use of candles, lanterns, or other open flames is prohibited, and glitter or metallic confetti is not allowed.

#### **9.10.7 District Supervision of Event**

The District reserves the right to supervise any function or event held at the Clubhouse. The District has complete authority to modify or terminate activities deemed to be inappropriate, unsafe, potentially hazardous, or disturbing to others.

#### **9.10.8 Fund-Raisers or Sales**

No function may be held in the Clubhouse involving fund-raising activities or the sale of foods, beverages, or other goods, or for which admission is charged, without prior approval of the District.

### **9.11 CABINS POLICY**

All other pertinent Santee Lakes Rules and Regulations apply. It is necessary that all guests have read, understand and agree to the Santee Lakes Rules and Regulations.

#### **9.11.1 Reservations**

1. A deposit of 50 percent of the total Cabin rental fee is required to secure your reservation. Balance is due at check-in.
2. Two night minimum reservation is required.
3. One night stays allowed depending on availability and require a single night rental fee in addition to a single night cleaning fee as denoted in Section 9.12.14, "Cabin Rental Fees."

4. Qualified low income patrons may reserve Cabins for one or more nights at a reduced rate. Reduced rates are limited to Tuesdays OR Wednesdays on the first week of each month (subject to Cabin availability). For qualifications and to obtain a Financial Assistance Application please contact Park staff or visit the Santee Lakes website at [www.santeelakes.com](http://www.santeelakes.com).
5. Three night minimum reservations required on holidays.
6. Maximum reservation is 14 nights.
7. Individuals making the reservation must be 21 years of age or older. A minimum of one individual in the visiting party must be 21 years of age or older.
8. It is the guest's responsibility to understand what equipment/supplies are not included with the Cabin rental. If clarity is needed, guests must contact the reservation office prior to making reservations.
9. A City of Santee Occupancy Tax will be charged on all Cabin reservations.
10. Peak Demand fees may be collected during periods of higher consumer demand; a time at which a product is at its strongest sales.

#### **9.11.2 Cancellations**

The Park Staff will hold a Cabin reservation upon payment of a deposit.

Park Staff refund 100 percent any deposit if the reservation is cancelled at least 30 days prior to your scheduled date of arrival, minus a cancellation processing fee as stated in section 9.12.14. There are no refunds for reservations cancelled less than 30 days prior to your scheduled date of arrival.

No refunds will be issued for early departures, late arrivals, inclement weather, power outages or acts of nature. We do not accept cancellations by e-mail.

#### **9.11.3 Cabins Check In/Out Time**

Cabin check-in is from 3:30 pm to 10:00 pm. (Park office closes at 5:00 pm; however, you may arrive up to 10:00 pm. Arrivals are not accommodated after 10:00 pm. Check-out is before 10:30 am. Cabins must be vacated by 10:30 am in order to avoid payment of additional fees as stated in 9.12.14 (fee for Late Out of Cabin) ), unless camper paid in advance for a Late Check Out as stated in section 9.14.

Confirmed reservations will be held for late arrival on the first night of your stay. If you fail to arrive or contact the Park reservations office by 10:00 am of the next day, your entire park reservation will be canceled and applicable cancellation fees will be applied.

Early check-in may be available at 12:00 pm for an additional fee and subject to availability.

#### **9.11.4 Pets**

Pets are not permitted.

#### **9.11.5 Damage/Cleanliness Responsibility**

The individual making the reservation will assume responsibility for any damage to the Cabin and its amenities during the stay. A complete inventory is taken after each stay. Cabin site cleanliness is required for safety, sanitary and aesthetic purposes. Smoking is prohibited in all Cabins.

A credit card must be provided for the purpose of a security deposit. Any damage to the Cabin, damage to Park property, missing items, unclean Cabins, or violation of the no pet policy or no smoking policies will be charged to the renter's credit card.

#### **9.11.6 Occupancy**

The maximum occupancy in Cabins is four to six people. Violation of these Rules and Regulations shall result in the eviction of the entire party from the Cabin and Park without refund. One vehicle is permitted at each Cabin and is included in the reservation fee. Additional vehicles will be charged a daily fee and must be registered at the Park Office.

Any person using or occupying each Cabin shall not disturb or offend neighbors or nearby residents. Santee Lakes has the right to terminate any rental agreement and to ask disruptive guests to leave the Park.

#### **9.11.7 Expectations of Guests upon Check-Out**

During a reservation, daily housekeeping will not be provided. It is the guest's responsibility to keep the Cabin clean and undamaged. Upon check-out guests are required to do the following:

1. Clean any dishes and utensils you have used and return them, dried to their appropriate drawers or cabinets.
2. Pick up your trash in and around the Cabin and place it in the provided trash cans.
3. Make sure all Cabin equipment/furnishings are returned to their proper location.
4. Sweep the floors.
5. Remove all food.

#### **9.11.8 Expectations of Guests during their Stay**

Guests must obey all of the Santee Lakes Rules and Regulations. The Cabins are not designed for large gatherings and therefore the maximum capacity at a Cabin site (interior and exterior) must not be exceeded, currently set at six individuals. Park Management may authorize additional visitors during daytime Park hours upon request at its sole discretion.

Guests are expected to use the Cabin and equipment with care and caution. Guests will be responsible for any damage to the Cabin and equipment that occurs during their stay. Guests must inform Park Staff when accidents do occur.

### **9.12 SANTEE LAKES RECREATION PRESERVE FEES**

The following qualifications and definitions shall apply to the Vehicle Parking/Entrance Fees shown in Section 9.12.1.

Disabled Persons:

A pass may be issued to individuals that have been medically determined to have a **permanent disability** that severely limits one or more major life activities. A **permanent disability** is a permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. Limit one vehicle per day per person. Applicants must prove a permanent disability, 70 percent or greater, through one of the following acceptable documentation methods:

- Statement by a licensed physician stating the physical restriction the condition places on the applicant and percentage of disability.
- Benefit Summary-Percentage Letter issued by the Veteran's Administration, Social Security Disability Income, or Supplemental Security Income.

Active Duty Military & Reserves:

Individuals whose status is "active" in the U.S. Air Force, Army, Navy, Marines, National Guard and Coast Guard. Applicants must provide a valid military identification with secondary photo identification. Limit one vehicle per day per person.

Military Veterans:

Individuals who possess a valid Veterans Identification Card (VIC) issued by the Department of Veterans Affairs or a DD-214 with secondary photo identification. Limit one vehicle per day per person.

Disabled Veterans:

Disabled individuals who possess a valid Veterans Identification Card (VIC) issued by the Department of Veterans Affairs or a DD-214 with secondary photo identification. Limit one vehicle per day per person.

**9.12.1 Parking/Entrance Fees**

Parking and entrance fees related to admission to the Park will be imposed and collected at the time of admission, as follows:

Description	Fees
Weekends & Holidays	Up to \$10.00/car
Weekdays	Up to \$7.00/car
Day Use RV Parking	Up to \$16.00/RV per day
Special Event and Peak Demand - per car	Up to \$15.00/car
Special Event- Day Use – RV Parking	Up to \$40.00/RV per day
Special Event - per person	Up to \$10.00/person
Parking Pass Book (10 Permits) Special Events Only	\$100.00
Annual Parking/Entrance Passes (Disabled persons, Seniors [60 years or older], Active Duty Military & Reserves, and Military Veterans, receive \$5 off) <i>- See qualifications and definition above.</i> <i>- Annual parking/entrance passes exclude RV's and Buses.</i>	\$50.00 - \$150.00 Limited to one vehicle per day per person
Disabled Veterans <i>- See qualifications and definition above.</i>	Fee Waived Limited to one vehicle per day per person
Vehicle Parking/Entrance Fee Waiver for Active Duty Military; Reserves; and Military Veterans on the following holidays: Veterans Day, Memorial Day, and Independence Day <i>- See qualifications and definition above.</i>	Fee Waived Limited to one vehicle per day per person
Organized Youth Programs in which fees are charged in order to participate (Day Camps, Youth Groups, YMCA, Boys & Girls Club, City Recreation Programs, etc.)	\$2.50 - \$20.00 per person/day
Buses/Vans (10 passenger or larger)	\$1.00 - \$5.00 per passenger, per day

**9.12.2 Boat Rental Rates (Sec. 9.4.2)**

The following fees apply to the rental and use of boats pursuant to Section 9.4:

Description	Fees
5-Seat Pedal Boat: ½ hour	Up to \$20.00
5-Seat Pedal Boat: 1 hour	Up to \$25.00
Canoe: half hour	Up to \$15.00
Canoe: 1 hour	Up to \$18.00
Kayak: half hour	Up to \$16.00
Kayak: 1 hour	Up to \$19.00
Row Boat: half hour	Up to \$16.00
Row Boat: 1 hour	Up to \$19.00
Sailboat	Up to \$40.00
Aqua Cycle ½ hour	Up to \$15.00
Aqua Cycle 1 hour	Up to \$25.00
Daily Boat Rental for Registered Campers: Kayaks, row boats, canoes for use in Lakes 6 and 7 only.	Up to \$50.00/day

**9.12.3 Fishing Permit Fees** (Sec. 9.5.2)

The following fees apply related to obtaining fishing permits and complying with fishing limits pursuant to Section 9.5:

Description	Fees
Adult Fishing Permit, Ages 16 and Over (eligible for ½ price fishing days as published by the Park)	\$4.50 - \$15.00/day
Junior Fishing Permit, Age 15 and under Senior Fishing Permit, Age 60 and over (eligible for ½ price fishing days as published by the Park)	\$3.00 - \$10.00/day
Extra Pole Stamp (limit 2 poles)	\$3.00 - \$8.00/day
Purchase Fish per Pound	Over limit \$5.00/lbs. Limitless Fishing Pond \$4.00 - \$10.00/lbs.
Child under age 7 with a paid adult & under Adult's Creel Limit	N/C
Adult Twilight/Night Fishing Permit (5:00 pm to 11:00 pm) Registered campers only Lakes 6 & 7	\$6.00 - \$10.00/night
Junior Twilight/Night Fishing Permit (5:00 pm to 11:00 pm) Registered campers only Lakes 6 & 7	\$3.00 - \$7.00/night
Junior Bass Pass, Age 15 and under (catch and release only)	\$60.00 - \$100.00/ 12 months
Junior Bass Pass Replacement Charge	\$5.00 - \$20.00
Teen Bass Pass, Age 16-17 (catch and release only)	\$100.00 - \$250.00/ 12 months
Teen Bass Pass Replacement Charge	\$5.00 - \$20.00



**9.12.4 Miscellaneous Fees for Day Use Services**

The following fees apply related to equipment use pursuant to Section 9.6:

Description	Fees
2 hour Internet Service	\$2.00 - \$4.00
1 hour Internet Service	\$3.00 - \$5.00
2 hour Internet Service	\$4.00 - \$6.00
Use of computer	\$1.00 - \$3.00 per hour (additional to internet service fee)
Copying Charge	.25 per copy Fax: \$1.50 up to 5 pages
Bike Rental (Hourly)	\$10.00 - \$20.00/hour
Bike Rental (Half-Day; 4 hours)	\$12.00 - \$30.00/half-day
Bike Rental (Daily; 8 hours)	\$23.00 - \$50.00/day

**9.12.5 Non-Compliance Fees** (Sec 9.5.10)

The following fees apply related to exceeding daily creel limits, non-compliance with catch and release restrictions, and non-compliance with limits or other rules and regulations pursuant to Section 9.5:

Over Creel Limit or Fishing without Permit	\$150.00 fine plus per pound fee (9.11.3)
General Fishing Violations	\$150.00

**9.12.6 Event Deposits** (Sec. 9.6.1)

Event deposits may be required for large or new groups pursuant to Section 9.6.1, above, up to the same amount as the reservation fees stated in the Picnic Area Fees section 9.12.7.

**9.12.7 Event Area Fees** (Sec. 9.6.1)

The following fees apply to using reserved day use areas pursuant to Section 9.6, and the below-noted area location descriptions correspond to a reference map available at the Park office and online at [santeelakes.com](http://santeelakes.com), which may be amended from time to time:

<b>Event Area</b>	<b>Description</b>	<b>Fees</b>
<b>Single Area</b>	<b>One Event Area</b>	<b>Up to \$500.00</b>
<b>Gazebo</b>	<b>One Gazebo</b>	<b>Up to \$1,000.00</b>
<b>Multiple Areas</b>	<b>One or more Rentable Areas for One Price, located in a cluster. "All of Lake..."</b>	<b>Up to \$2,500.00</b>
<b>Areas in Excess of 100 People</b>	<b>Event Deposit</b>	<b>Up to \$1,250.00</b>
	Amphitheater (with all of North Lake 5)	Up to \$125.00
	Service Building (with all of North Lake 5 or Gazebo) *	Up to \$125.00
	Dunk Booth Filing Fee	Up to \$125.00
	Inflatable Permit Fee	Up to \$100.00
	Trash Dumpster Fee	Market Rate
	Portable Restroom Fee	Market Rate
	Approved Vendor Fee: Fee paid by vendors who are eligible to be included on the Park's Approved Vendor List	\$50.00 - \$150.00 / vendor
	Preferred Vendor Fee: Fee paid by vendors who are eligible to be included on the Park's Preferred Vendor List	\$150.00 - \$500.00 /vendor
	Staff fee	\$20.00 - \$125.00 /per staff person, per hour

**\*Rental Subject to Park Management Approval**

**9.12.8 Rental Equipment** (Sec. 9.6.2)

The following fees apply related to equipment rental pursuant to sections 9.6.2 (Equipment Rentals) and use of amplified music pursuant to section 9.6.3 (Use of Sound Amplifying Equipment):

Description of Equipment	Fees
Horseshoes and Entire Pit	\$125.00/day
Horseshoes Lane with Shoes	\$25.00/day
Horseshoes Lane without Shoes	\$15.00/day
Horseshoes Deposit	\$25.00/set
Volleyball and Net	\$25.00/day
Volleyball and Net Deposit	\$25.00/set
Amplified Music Fee, includes electricity (Sec. 9.6.3)	\$75.00/day

**9.12.9 Campsite Fees** (Sec. 9.9.4)

A City of Santee Occupancy Tax may be charged on camping reservations. The following fees apply to campground use pursuant to section 9.9 (Santee Lakes Campground):

Description	Fees
Full Hookup Site, Overnight	Up to \$175.00/night
Full Hookup Site, Extended Stay Metered Sites	Up to \$1,850.00/30 nights plus KWHR use fee*
Full Hookup Site, RV Camping Clubs, 10 RV's with 2 night minimum	Up to \$100.00/night
Early Check-In	Up to \$25
Late Check-Out, 2 Day Rate, 6:30 pm check out	50 percent of Overnight Fee
Late off campsite	50 percent of Overnight Fee
Youth Groups	Up to \$20.00 /person/night

Good Sam Members	10 percent off/night
Additional Person, over 2 years of age (apply extended stay rate only)	Up to \$5.00/night
Extra Vehicle, per campsite car, truck, trailer, golf/utility cart, motorcycle (currently registered, street legal only)	Up to \$10/night or Up to \$50.00/month
Pets	Up to \$5/night or Up to \$50.00/month
Advance Reservation Deposit Requirement: 8 nights or more	\$200.00 per reservation
Cancellation Fees: Requires a minimum 48-hour advance notice	\$25.00 plus 10 percent of prepaid deposit
Additional Fees	Damage to the site associated with sewer spills, ashes/hot coals, damage to park property, trash/debris will be repaired/replaced and the cost will be billed to the registered camper.

\* Plus extended stay electric charges, as regulated by utility provider.

#### **9.12.10 Miscellaneous Fees for Campground Services**

The following fees additionally apply to campground use pursuant to section 9.9 (Santee Lakes Campground):

<b>Description</b>	<b>Fees</b>
RV Holding Tank Dump Station	Up to \$25.00/unit
Fax Service - Outgoing only	\$1.50 (up to 5 pages)
Wireless Internet Service	Up to \$50.00 / week
Copy Service	\$0.15 per page
Utility Fee	*kw/hrs. charged based on electric consumption (Extended Stay Sites Only)
Electric Meter Deposit	\$175.00

**9.12.11 Recreational Vehicle Storage Fees** (Sec. 9.9.19)

The following fees apply to recreational vehicle storage pursuant to section 9.9.19 (Storage of Recreational Vehicles):

Description	Fees
RV Storage - Regular Site (20 feet or less)	\$55.00 - \$195.00
Large Site (21 feet to 29 feet)	\$65.00 - \$205.00
Extra Large Site (30 feet and up)	\$80.00 - \$220.00
Short Term RV Storage <i>subject to availability</i>	\$25.00/day
RV Storage Deposit	One Month Storage Charge
RV Storage Administrative Fee (one-time fee; non-refundable)	\$30.00-\$50.00

**9.12.12 Clubhouse Fees and Deposits** (Sec. 9.10.3)

The following fees apply to Clubhouse usage pursuant to section 9.10.3 (Fees and Deposits):

Description	Fees
Clean Up Deposit	\$75.00
Special Use Fee	Up to \$150.00/hour (3 hour minimum charge)

**9.12.13 Sprayground Fees**

The following fees shall be paid by Park visitors for use of the Sprayground pursuant to section 9.6.10:

Description	Fees
Wristband	\$2.00 - \$5.00
Sprayground Rental	Up to \$500.00 per hour

**9.12.14 Cabin Rental Fees**

A City of Santee Occupancy Tax will be charged on all Cabin reservations. The following fees apply to Cabin rentals pursuant to section 9.11 (Cabins Policy):

Description	Fees
Standard & ADA Cabins	Up to \$250.00/night
Floating Cabins	Up to \$265.00/night
Cabin Discount for Low Income Guest	25 percent off of regular Cabin Rate
Early Check In	Up to \$50.00
Late Check Out	50 percent of overnight fee
Late out of Cabin	50 percent of overnight fee
Single Night Cleaning Fee	\$50.00 - \$75.00
Cancellations	At least 30 days prior to stay = 100 percent refund, minus Cancellation Fee Less than 30 days prior to stay = No Refund
Cancellation Fee	\$25.00 - \$75.00/reservation
Extra Vehicle per Cabin	\$2.00 - \$5.00/night
Damage Fee	Damage to the Cabin, damage to Park property or missing items will be repaired/replaced and the cost will be charged to the renter's credit card.
Additional Fees	Damage or loss associated with cleaning, smoking, pets, and/or lost keys will be charged to the renter's credit card.

**List of Ordinances amending Section 9:**

Ord. 2000-03 adopted 6/27/00, section 9.5

Ord. 2003-03 adopted 7/8/03, rewrite to update most sections

Ord. 2003-04 adopted 9/23/03, amending sections 9.6.8 and 9.9.1

Ord. 2004-05 adopted 9/28/04, effective 10/1/04, Sections 9.3.8 and 9.3.9

Ord. 2006-01 adopted 2/14/06, effective 3/1/06, Sections 9 & 10.10

Ord. 2006-05 adopted 7/25/06, effective 7/26/06; Section 9

Ord. 2007-03 adopted 5/22/07, effective 5/23/07; Sections 9 & 10.10.1

Ord. 2007-13 adopted 11/13/07, effective 11/14/07, Sections 9.3.8, 9.3.10, 9.4.5, 9.4.6, 9.6.9, 9.8.8, 9.8.9, and adding Section 9.11 to include fees from Section 10 related to Santee Lakes.

Ord. 2008-04 adopted 3/11/08, effective 3/12/08; Section 9.2.5, 9.4.5, 9.4.6, 9.5.4-9.5.6, 9.5.9, 9.9.1, Sections 9.11.2, 9.11.3 related to fees.

Ord. 2008-11 adopted 10/14/08, effective 10/15/08; Sections 9.6.1, 9.6.3, 9.6.7, 9.8.10, Sections 9.11.1, 9.11.7, 9.11.11 related to fees.

Ord. 2009-06 adopted 06/23/09, effective 06/24/09, adopting fee ranges, Sections 9.11.1-9.11.3, 9.11.7 and 9.11.9-9.11.12

Ord. 2010-03 adopted 8/24/10, effective 10/1/10: Sections 9.5.6, 9.5.8, 9.9.4, 9.9.13, 9.11 and 9.11.1

Ord. 2010-05 adopted 11/23/10, effective 12/23/10: Sections 9.11.1-9.11.8 and 9.12.14

Ord. 2012-04 adopted 7/18/12, effective 7/18/12, rewrite of Rules & Regs Sections 1, 2, and 4-9.

**2015**

Ord. 2015-02 adopted 3/18/15, effective 3/19/15, annual review

Ord. 2015-07 adopted 11/18/15, effective 1/1/16, Sections 9.2.3, 9.5.12, 9.9.21, 9.12 (fees)

Ord. 2015-09 adopted 12/08/15, effective 1/1/16, Section 9.12.3 Fishing Permits and Fees

**2016**

Ord. 2016-01 adopted 1/6/16, effective 1/6/16, Sections 9.12.1 and 9.12.3 Fishing Permits and Fees

Ord. 2016-02 adopted 2/3/16, effective 2/3/16, amending 9.9.4, 9.9.20, adding 9.9.11 and 9.6.8 B and C (Use of Drones and Advertising in Park)

Ord. 2016-07 adopted 6/1/16, effective 6/16/16, amending 9.12.14 (Rental Cabin Fees)

Ord. 2016-08 adopted 11/16/16, effective 1/1/17, amending rates in Sections 9.12.1, 9.12.3, 9.12.7, 9.12.8, 9.12.10, 9.12.11.

**2017**

Ord. 2017-01, adopted 2/1/17, effective immediately, amending various sections as part of annual review

Ord. 2017-06, adopted 12/6/17, effective January 1, 2018, amending Preserve Rule and Regulations, Fee Structure and Ranges

**2018**

Ord. 2018-03, adopted 11/21/18, effective 1/1/19; section 9, amending various sections as part of annual review

**2019**

Ord. 2019-06 adopted 11/20/19, effective 1/1/20; Section 9, amending various sections as part of annual review

**List of Ordinances amending Section 10 related to Santee Lakes:**

Ord. 98-08, adopted 06/23/98, effective 01/99, Park Fees

Ord. 99-03, adopted 06/22/99, effective 08/01/99, Santee Lakes Park & Campground Fees

Ord. 2000-03, adopted 06/27/00, effective 08/01/00, Santee Lakes Park & Campground Fees

Ord. 2001-05, adopted 04/24/01, effective 4/25/01, Section 10.10.1; Section 10.10.3

Ord. 2001-10, adopted 09/11/01, effective 10/01 - Section 10.10, Santee Lakes Fees

Ord. 2003-03 adopted 7/8/03, effective 08/01/03; Section 10.10, Santee Lakes Recreation Preserve

Ord. 2003-04 adopted 9/23/03, effective 10/1/03; Sections 10.10.1, 10.10.3, & 10.10.7

Ord. 2004-05 adopted 9/28/04, effective 10/1/04; Sections 10.10.1 and 10.10.13

Ord. 2004-07 adopted 12/14/04, effective 1/1/05; Sections 10.10.9 and 10.10.11

Ord. 2006-01 adopted 2/14/06, effective 3/1/06, Sections 9 & 10.10

Ord. 2007-03 adopted 5/22/07, effective 5/23/07; Sections 9 & 10.10.1

Ord. 2007-13 adopted 11/13/07, effective 11/14/07, removing fees from Section 10 related to Santee Lakes and moving to Section 9.



**SECTION 10 FEES AND CHARGES**

This section contains all current fees and charges for services provided by the District, as referenced in other sections of the District's Rules and Regulations. Also included are the current amounts of various refundable and non-refundable deposits.

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## SECTION 10 FEES AND CHARGES

This section contains all current fees and charges for services provided by the District, as referenced in other sections of the District's Rules and Regulations. Also included are the current amounts of various refundable and non-refundable deposits.

### **10.1 PASS THROUGHS** Ord. 2017-04 and 2017-05 adopted 6/21/17, effective for services provided from 7/1/2017-6/30/2022

#### **10.1.1 Pass Through Charges (Water)** (Section 10.1.5; 10.3.2; 10.3.3 and 10.4.1)

The General Manager is authorized and directed to pass through all future San Diego County Water Authority fees and charges for wholesale water and water related services to District water customers for fiscal years 2017-2018 through 2021-2022. Said fees and charges shall not, in any fiscal year, exceed a 20 percent annual increase. Prior to implementing any such increase, the District shall provide written notice of the increase to property owners not less than 30 days prior to the effective date of the increase. Such notice may be provided in the District's regular billing statement.

#### **10.1.2 Pass Through Charges (Sewer)** (Section 10.6; 10.6.1; and 10.6.2)

The General Manager is authorized and directed to pass through all future fees and charges imposed by the City of San Diego for sewer transportation and treatment services to District sewer customers for fiscal years 2017-2018 through 2021-2022. Said fees and charges shall not, in any fiscal year, exceed a 30 percent annual increase. Prior to implementing any such increase, the District shall provide written notice of the increase to property owners not less than 30 days prior to the effective date of the increase. Such notice may be provided in the District's regular billing statement.

#### **10.1.3 Pass Through Charges (Energy)** (Section 10.3.5)

The General Manager is authorized and directed to pass through all future fees and charges imposed by the San Diego Gas & Electric Company for electricity pumping service to District customers for fiscal years 2017-2018 through 2021-2022. Said fees and charges shall not, in any fiscal year, exceed a 20 percent annual increase. Prior to implementing any such increase, the District shall provide written notice of the increase to property owners not less than 30 days prior to the effective date of the increase. Such notice may be provided in the District's regular billing statement.

#### **10.1.4 Pass Through Charges (Ad Valorem Taxes)** (Section 10.3.2)

The General Manager is authorized and directed to pass through the amount of any reduction in or elimination of the allocation of ad valorem taxes to Padre Dam, which is the result of actions by the State of California, for the Fiscal Years 2017-2018 through 2021-2022. Said fees and charges shall not, in any fiscal year, exceed an 8 percent annual increase. Prior to implementing any such increase, the District shall provide written notice of the increase to property owners not less than 30 days prior to the effective date of the increase. Such notice may be provided in the District's regular billing statement.

**10.1.5 Agriculture Discount** (Sec. 8.2.8) Ord. 2017-04 adopted 6/21/17.

Listed below are the Eastern Service Area Agriculture rates and discount for the SAWR program, effective for bills mailed on or after:

	2/1/18	12/1/19	2/1/20
Agriculture Rate	\$8.46	\$8.69	\$8.78
Agriculture Credit *	\$(1.05)	\$(1.05)	\$(1.12)
Net Agriculture Rate	\$7.41	\$7.64	\$7.66
ESA Credit	\$0.59	\$0.59	\$0.60

\*The Agricultural Credit is from SDCWA.

**10.2 WHOLESALE WATER RATES**

The District does not currently have wholesale water customers.

**10.3 RETAIL WATER RATES AND FEES**

**10.3.1 Deposits For Meter Tests** (Sec 8.1.2) Ord 2016-09, adopted 11/16/16, effective 1/1/17

Meter Sizes	Deposit Amount
5/8", 3/4" and 1"	\$150.00
1-1/2"and 2"	\$250.00

**10.3.2 Water Rates** (Sec. 8.2.1 & 8.2.2) Ord. 2017-04 adopted 6/21/17, effective for services provided from 7/1/17-6/30/22, applies to internal and pass through increases.

**Hundred Cubic Foot (HCF) Meters** – Rates per HCF unit (748 gallons of water use)

Eastern Service Area customers receive a credit for each unit of water used due to additional property tax subvention. Any reduction in or elimination of the allocation of these taxes to the District due to actions by the State of California would result in a corresponding adjustment in the credits (Sec 10.1.4).

<b>Residential Water Rates</b>			
Eastern and Western Service Area Effective for bills mailed on or after:			
Tier	2/1/18	12/1/19	2/1/20
1	\$6.54	\$6.67	\$6.76
2	\$7.64	\$7.82	\$7.91
3	\$8.58	\$8.81	\$8.90
ESA Credit	\$0.59	\$0.60	\$0.60

<b>Non-Residential Water Rates</b>			
Effective for bills mailed on or after:			
	2/1/18	12/1/19	2/1/20
Commercial	\$6.58	\$6.72	\$6.81
Potable Irrigation	\$8.46	\$8.69	\$8.78
Agriculture (before credit)	\$8.46	\$8.69	\$8.78
Construction Potable	\$15.90	\$16.44	\$16.53
Flushing	\$8.46	\$8.69	\$8.78
ESA Credit	\$0.59	\$0.60	\$0.60

**10.3.3 Water System Charges and Infrastructure Access Charge (IAC)** (Sec. 8.2.4 ) Ord. 2017-04 adopted 06/21/17 effective for all services provided from 7/1/2017-6/30/2022, applies to internal and pass through increases (IAC).

The minimum meter size for all new and replacement meters shall be 3/4 inch (Ord. 2005-05).

Meter Size	Padre Dam Monthly Fixed Systems Charge		County Water Authority Monthly IAC	
	Effective for bills mailed on or after:		Effective for bills mailed on or after:	
	12/1/17	12/1/19	2/1/18	2/1/20
5/8"	\$35.19	\$37.07	\$3.01	\$3.66
3/4"	\$35.19	\$37.07	\$3.01	\$3.66
1"	\$47.81	\$50.36	\$4.82	\$5.86
1 1/2"	\$77.25	\$81.37	\$9.03	\$10.98
2"	\$123.52	\$130.10	\$15.65	\$19.03
3"	\$216.05	\$227.56	\$28.90	\$35.14
4"	\$359.06	\$378.18	\$49.36	\$60.02
6"	\$645.06	\$679.42	\$90.30	\$109.80
8"	\$1,107.72	\$1,166.72	\$156.52	\$190.32
10"	\$1,654.50	\$1,742.62	\$234.78	\$285.48

**10.3.4 Meter Upgrade / Relocation Charges** (Sec. 4.7.6 b, c) Ord. 2019-05 adopted 11/20/19, effective 1/1/20

Meter Handling Charge/Relocation Fee	Charge for Abandonment of Existing Lateral
\$110.00	Time and Material Basis

**10.3.5 Water Pumping Energy Charges** (Sec. 8.2.6) Pass through of SDG&E fees for pumping, per Ord. 2017-04 adopted 6/21/17, effective for all services provided on or after 7/1/17.

**Western Service Area**

Pump Station	Rate per 100 cubic feet
Fletcher Hills (Grossmont)	\$0.30
Shadow Hills (Northcote)	\$0.30
Magnolia	\$0.30
Sky Ranch	\$0.30

**Eastern Service Area**

Pump Zone	Areas	Rate Per 100 Cubic Feet
I	BV	\$0.30
II	MT, CS, DV, HC	\$0.60
III	LCH, OC, WV, VV	\$0.90
IV	L, AP, EV	\$1.20
V	VM	\$1.50

The General Manager is authorized and directed to pass through all future fees and charges imposed by the San Diego Gas & Electric Company (or other energy provider) for electricity pumping service to District customers pursuant to Section 10.1.3.

**10.3.6 Demand Management Rates and Charges** (Sec. 8.2.7) Ord. 2017-04 adopted 06/21/17, may only be implemented by the Board of Directors during locally declared water shortages, state mandated reductions in the level of potable water use, or other natural disaster or event that requires reduction in water usage between 7/1/2017-6/30/2022.

Meter	Monthly Fixed Systems Charge				
	Additional Increase During Water Supply Shortage				
	2018	2019	2020	2021	2022
5/8"	\$2.47	\$2.55	\$2.62	\$2.70	\$2.78
3/4"	\$2.47	\$2.55	\$2.62	\$2.70	\$2.78
1"	\$3.95	\$4.07	\$4.19	\$4.32	\$4.45
1.5"	\$7.41	\$7.64	\$7.86	\$8.10	\$8.34
2"	\$12.85	\$13.23	\$13.63	\$14.04	\$14.46
3"	\$23.72	\$24.43	\$25.17	\$25.92	\$26.70
4"	\$40.52	\$41.74	\$42.99	\$44.28	\$45.61
6"	\$74.13	\$76.35	\$78.64	\$81.00	\$83.43
8"	\$128.49	\$132.34	\$136.31	\$140.40	\$144.62
10"	\$192.73	\$198.52	\$204.47	\$210.60	\$216.92

Water Rate Increase During Water Supply Shortage Per One Hundred Cubic Feet of Water					
Shortage Stage	2018	2019	2020	2021	2022
Stage 1	\$0.25	\$0.26	\$0.27	\$0.28	\$0.29
Stage 2	\$.076	\$0.79	\$0.82	\$0.85	\$0.88
Stage 3	\$1.48	\$1.53	\$1.58	\$1.63	\$1.68

**10.3.7 Agriculture Special Service Charge** (Sec. 8.2.8) Ord. 2011-01 adopted 2/22/11, effective 3/01/11

The District will impose a special service charge for each account qualifying for an interruptible water service credit.

Rate per Month
\$30.00

**10.3.8 Out of District Water and Sewer Service Commodity Rates** (Sec. 8.2.11; 8.2.12) & (4.10.1)

Ord. 2009-04 adopted 4/14/09, effective with bills mailed on or after 7/1/09

Double the Tier 2 rates and double the sewer rate if capacity fees are not paid. Tier 2 water rates and standard sewer rate if capacity fees are paid.

**10.3.9 Fire Sprinkler Service Charges** (Sec 8.2.13) & (Sec. 5.2.4) Ord. 2017-04 adopted 6/21/17.

Service Line	Rate per Month	
	Effective for bills mailed on or after	
	12/1/17	12/1/19
1"	\$33.65	\$35.44
Larger than 1"	\$63.09	\$66.45

**10.3.10 Charges For Customer Services** (Sec.8.3) Ord. 2019-05 adopted 11/20/19, effective 1/1/20

Miscellaneous Customer Services	Charges
Establish Customer Account, new or existing (Sec.8.3.2)	\$25.00 - \$28.00
Deposit in lieu of Owner Acknowledgment Form (Sec. 8.3.8)	\$250.00
Late payment fee (Sec.8.3.3)	10 percent of bill, \$3 min/ \$1,000 max
Notification Fee for discontinuance (Sec.8.3.4)	\$25.00
Notification Fee for discontinuance–Alpine, 91901 (Sec.8.3.4)	\$29.00
Discontinuance Fee (Sec.8.3.5)	\$60.00
Meter Pull (Due to Meter Tampering) 1” or smaller	\$110.00
Security Deposit (Sec.8.3.9)	\$100.00 min.
Overtime Fee (after hours service) (Sec. 8.3.6)	\$130.00
Returned Check fee (Sec.8.3.7 & 8.5)	\$25.00 for the first returned item, \$35.00 for any additional returned items
Continuity of Service Charge (Sec. 8.3.11)	\$50.00 / 5 years
Delinquent Sewer Payment Penalty (Sec. 8.3.12)	1.5 percent of bill
Collection Agency Fee (Sec 8.4.8)	25 percent of bill
Lien Recording Fee per account (Sec. 8.3.13)	\$35.00
Lien Release Fee (Sec. 8.3.14)	\$30.00
Certified Letter Fee per item mailed (Sec. 8.3.15)	\$10.00
Copy Service (Xerox) (Sec. 8.3.16)	\$ .25 each copy
Fax Service (Sec. 8.3.16)	\$1.50 (up to 5 pages)
Broken Lock or Clip Fee	\$150.00
Special Services	Time and Materials
Tampering Fee/Water Theft (Sec 1.4.2.1)	\$1,000 first occurrence \$2,500 per occurrence thereafter
Same Day Service Fee (Sec 8.3.17)	\$25.00

**10.4 RECYCLED WATER RATES**

**10.4.1 Recycled Water - Commodity Use Charge** (Sec. 8.2.3), Ord. 2017-04 adopted 6/21/17 effective for all services provided from 7/1/17-6/30/22, applies to internal and pass through increases.

Effective for bills mailed on or after:			
	2/1/18	12/1/19	2/1/20
Recycled Irrigation Rate	\$6.36	\$6.61	\$6.70
Construction Recycled Water Rate	\$10.12	\$10.48	\$10.57
ESA Credit	\$0.59	\$0.60	\$0.60



**10.4.2 Recycled Water - Fines And Penalties** (Sec. 7.6.2 )

Fine and Penalty per day	\$ 500.00 / day
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**10.5 This section intentionally left blank.**

**10.6 SEWER TREATMENT RATES & FEES**

**10.6.1 Sewer Service Charges** (Sec. 8.2.5 & 4.6.4). Ord. 2017-05 adopted 6/21/17, effective for services provided from 7/1/17- 6/30/22, applies to internal and pass through increases.

**Single Family Residential Sewer Rate**

<b>Single Family Residential</b>		
Monthly per class of service effective with bills mailed on or after:		
	12/1/18	12/1/19
Base Monthly Sewer Fee per EDU per month	\$36.27	\$37.84
Sewer Rate (\$/HCF) per 100 CF of water returned to sewer	\$3.73	\$3.73
New Customer Fee (Monthly) per EDU per month	\$62.39	\$63.95
Maximum Fee (Monthly) per EDU per month	\$81.04	\$82.60

**Multi – Family Sewer Rate**

<b>Multi – Family</b>		
Monthly per class of service effective with bills mailed on or after:		
	12/1/18	12/1/19
Base Monthly Sewer Fee/EDU Townhouse / Condo	\$30.11	\$31.41
Base Monthly Sewer Fee/EDU Apartments & MHP	\$24.67	\$25.74
Sewer Rate (\$/HCF)	\$3.73	\$3.73
Maximum Fee (Monthly) – Townhouse/Condo per EDU per month	\$81.04	\$82.60
Maximum Fee – Apartments & MHP	No Max	No Max

**10.6.2 Commercial And Industrial Users with Suspended Solids Charges** (Sec. 8.2.5 & 4.6.5) Ord. 2017-05 adopted 6/21/17, effective for services provided from 7/1/17-6/30/22.

**Commercial Sewer Rate: Rest Home, Hotel/Motel/RV Park, Commercial/Government and Industrial Users with Suspended Solid Charges**

Commercial			
	Monthly Base Rate/EDU Effective 12/1/18	Monthly Base Rate/EDU Effective 12/1/19	Strength Rate
Rest Home	\$10.16	\$10.60	1
Hotel / Motel / RV Park	\$10.16	\$10.60	2
Commercial / Government	\$36.27	\$37.84	1-6

**Concentration Levels**

Commercial Concentration Strength Rate Effective for bills mailed on or after 8/1/18		
Volume / Strength Rate (\$/HCF)	Suspended Solids (mg/l)	Rate
Concentration 1	0 – 400	\$3.40
Concentration 2	401 – 500	\$3.73
Concentration 3	501 – 799	\$4.70
Concentration 4	800 – 1, 000	\$5.35
Concentration 5	1,001 – 1, 600	\$7.31
Concentration 6	>1, 600	\$8.61

For Description of Concentration Classifications see Section 4.6.5

**10.6.3 Sewer Disconnection Fees** (Sec. 8.6.1)

All deposits will be based on an estimate prepared by the Operations Department. Final charges will be based on actual cost.

**10.6.4 Sewer Re-Connection Fees** (Sec. 8.6.2)

All deposits will be based on an estimate prepared by the Operations Department. Final charges will be on actual cost.

**10.7 WATER FEES AND CHARGES**

Ordinance 2017-03 authorizes the General Manager to automatically adjust capacity fees for fiscal years 2018 thru 2022 by using the Engineering New Record, Los Angeles Construction Cost Index (CCI), based on the following criteria:

- 1) CCI shall be reviewed quarterly for fiscal year 2018 thru 2022. Quarterly Review and Adjustment Schedule:
  - 1<sup>st</sup> Quarter (January – March) reviewed in April and applied July 1
  - 2<sup>nd</sup> Quarter (April – June) reviewed in July and applied October 1
  - 3<sup>rd</sup> Quarter (July – September) reviewed in October and applied January 1
  - 4<sup>th</sup> Quarter (October – December) reviewed in January and applied April 1

- 2) If CCI is greater than two percent (positive or negative), capacity fees shall be adjusted to include the total CCI since the last applied adjustment and will be automatically applied at the beginning of the following quarter.
- 3) If capacity fees are not adjusted for three consecutive quarters than an automatic adjustment will be made on the fourth quarter and will encompass the prior year's CCI.
- 4) If any review shows that CCI is greater than five percent (positive or negative), the adjustment must be agendized and presented to the Board of Directors for consideration; no automatic adjustment of five percent or greater shall be made.

**10.7.1**      **Water Project Facility Form Processing Fees** (Sec. 4.2.1, 4.2.2, & 4.4.1) Ord. 2012-07 adopted 11/07/12, effective 1/01/13

Description (Water/Sewer Availability Forms)	Fee
Boundary/Adjustment/Rezone/ Major Use Permit/Certificate of Compliance	\$120.00
Apartment/Condominium Project/Tentative Parcel Map/ Tract Map Project	\$120.00/unit (\$240.00 minimum - \$2,400 maximum)
Commercial - New Development (Calculated by rounding to the nearest full acre)	\$240.00/acre (\$240.00 minimum - \$2,400 maximum)
Update of Original Letter for Boundary Adjustments / Rezone / Major Use Permit / Certificate of Compliance.	\$50.00
Update of Original Letter for Apartment / Condominium / TPM / TM / Commercial Development.	\$100.00

**10.7.2 Water Capacity Fees** (Sec. 3.1.4, 4.4.2 & 4.6.2) Ord. 2017-03 adopted 5/3/17, effective 1/1/20.

Type of Usage	Gravity Zone Capacity Fee effective 1/1/20	Pumped Zone Additional Fee effective 1/1/20
Single-Family Dwelling up to .50 Acre Ft.	\$8,971	\$857
SFD .51 to 2.0 Acre Ft.	\$13,457	\$1,286
SFD 2.01 Acre Ft. and up	\$17,942	\$1,714
Townhouses, Condominiums (per unit)	\$8,296	\$794
Apartment & Mobile Home Parks (per unit)	\$7,400	\$708
Motels, Hotels, & R.V. Parks (per unit)	\$3,364	\$322
Institutional (Schools and Churches)	\$10,763	\$1,029
Commercial and Industrial (calculated by use)	\$10,763	\$1,029
Irrigation (per 5,000 S.F.)	\$10,763	\$1,029

Capacity Fees are rounded to the nearest whole dollar

**10.7.3 Recycled Water Capacity Fees** (Sec. 4.4.2 & 4.6.2) Ord. 2009-05 adopted 4/28/09, effective 7/1/09

Type of Usage	Capacity Fee
Irrigation (per 5,000 S.F.)	\$ 0

**10.7.4 Water Lateral Fees** (Sec. 4.4.5 & 3.1.4) Ord. 2011-09 adopted 12/13/11, effective 1/01/12

All laterals will be by estimate and will be charged based on actual time and materials.

Installation Fees	
Water Lateral Size	Cost
1"	By Estimate
2"	By Estimate
4" and larger	By Estimate

**10.7.5 Water Meter Fees** (Sec. 4.4.5 & 3.1.4) Ord. 2018-02 adopted 11/21/18, effective 1/1/19

The minimum meter size for all new meters shall be 3/4 inch (Ord. 2005-05).

Water Meter Fees		
Meter Size	Meter Assembly	Pressure Regulator
5/8"	\$175*	N/A
3/4"	\$468	By Estimate
1"	\$515	By Estimate
1 ½"	\$1,562	By Estimate
2"	\$1,850	By Estimate
4" and larger	By Estimate	By Estimate

\* For credit purposes only.

**10.7.6 County Water Authority Water Capacity Fees** (Sec. 4.4.4)

Padre Dam is required to collect capacity fees in accordance with the County Water Authority Act. These fees are periodically adjusted by the County Water Authority. Padre Dam will collect the current County Water Authority capacity fee at the time a water service is purchased.

**10.7.7 Water Annexation Fees** (Sec. 4.10)

Effective 1/1/2019	
District Boundary	Annexation Fee
Water	\$3,763 / acre

Annexation fees are rounded to the nearest whole dollar.

Ordinance 2017-07 authorizes the General Manager to automatically adjust annexation fees for fiscal years 2018 thru 2022 by using the Engineering New Record, Los Angeles Construction Cost Index (CCI), based on the following criteria:

- 1) CCI shall be reviewed quarterly for fiscal year 2018 thru 2022. Quarterly Review and Adjustment Schedule:
  - 1<sup>st</sup> Quarter (January – March) reviewed in April and applied July 1
  - 2<sup>nd</sup> Quarter (April – June) reviewed in July and applied October 1
  - 3<sup>rd</sup> Quarter (July – September) reviewed in October and applied January 1
  - 4<sup>th</sup> Quarter (October – December) reviewed in January and applied April 1
- 2) If CCI is greater than two percent (positive or negative), annexation fees shall be adjusted to include the total CCI since the last applied adjustment and will be automatically applied at the beginning of the following quarter.
- 3) If annexation fees are not adjusted for three consecutive quarters than an automatic adjustment will be made on the fourth quarter and will encompass the prior year’s CCI.
- 4) If any review shows that CCI is greater than five percent (positive or negative), the adjustment must be agendized and presented to the Board of Directors for consideration; no automatic adjustment of five percent or greater shall be made.

**10.8 SEWER FEES AND CHARGES**

Ordinance 2017-03 authorizes the General Manager to automatically adjust capacity fees for fiscal years 2018 thru 2022 by using the Engineering New Record, Los Angeles Construction Cost Index (CCI), based on the following criteria:

- 1) CCI shall be reviewed quarterly for fiscal year 2018 thru 2022. Quarterly Review and Adjustment Schedule:
  - 1<sup>st</sup> Quarter (January – March) reviewed in April and applied July 1
  - 2<sup>nd</sup> Quarter (April – June) reviewed in July and applied October 1
  - 3<sup>rd</sup> Quarter (July – September) reviewed in October and applied January 1
  - 4<sup>th</sup> Quarter (October – December) reviewed in January and applied April 1
- 2) If CCI is greater than two percent (positive or negative), capacity fees shall be adjusted to include the total CCI since the last applied adjustment and will be automatically applied at the beginning of the following quarter.
- 3) If capacity fees are not adjusted for three consecutive quarters than an automatic adjustment will be made on the fourth quarter and will encompass the prior year’s CCI.
- 4) If any review shows that CCI is greater than five percent (positive or negative), the adjustment must be agendized and presented to the Board of Directors for consideration; no automatic adjustment of five percent or greater shall be made.

**10.8.1 Sewer Capacity Fees** (Sec. 3.1.4, 4.4.2 & 4.6.4) Ord. 2017-03 adopted 5/3/17, effective 1/1/20.

Type of Usage	Sewer Capacity Fees per EDU Effective 1/1/20	
	Padre Dam	Metro
Single-Family Dwellings	\$3,791	\$3,062
Townhouses, Condominiums (per unit)	\$3,101	\$2,505
Apartments & Mobile Home Parks (per unit)	\$2,527	\$2,041
Motels & R.V. Parks (per unit)	\$1,034	\$835
Institutional (Schools and Churches)	\$5,054	\$4,084
Commercial & Industrial	\$10,109	\$8,167

Capacity Fees are rounded to the nearest whole dollar.

**10.8.2 Industrial Wastewater Discharge Fees** (Sec. 6.4.3.7)

Average Daily Industrial Waste Flow in Gallons per Day (GPD)	1	Permit Category 2	3
Less than 100	\$25	\$25	\$25
101 to 10,000	\$505	\$278	\$202
10,001 to 25,000	\$656	\$505	\$303
25,001 to 50,000	\$1,261	\$605	\$505
50,001 to 100,000	\$1,514	\$1,009	\$605
More than 100,001	\$2,018	\$1,211	\$1,009

**10.8.3 Sewer Lateral Fees** (Sec. 4.4.5 & 3.1.4) Ord. 2012-07 adopted 11/07/12, effective 1/01/13

All laterals will be by estimate and will be charged based on actual time and materials.

Sewer Lateral Size	Fees
4"	By Estimate
6"	By Estimate
8"	By Estimate

**10.8.4 Water Softener Sewer Fee**

Additional Treatment Fee	No fee at this time
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**10.8.5 Sewer Annexation Fees** (Sec. 4.14)

Effective 1/1/20	
District Boundary	Annexation Fee
Sewer	\$1,435 / acre

Annexation fees are rounded to the nearest whole dollar.

Ordinance 2017-07 authorizes the General Manager to automatically adjust annexation fees for fiscal years 2018 thru 2022 by using the Engineering New Record, Los Angeles Construction Cost Index (CCI), based on the following criteria:

- 1) CCI shall be reviewed quarterly for fiscal year 2018 thru 2022. Quarterly Review and Adjustment Schedule:
  - 1<sup>st</sup> Quarter (January – March) reviewed in April and applied July 1
  - 2<sup>nd</sup> Quarter (April – June) reviewed in July and applied October 1
  - 3<sup>rd</sup> Quarter (July – September) reviewed in October and applied January 1
  - 4<sup>th</sup> Quarter (October – December) reviewed in January and applied April 1
  
- 2) If CCI is greater than two percent (positive or negative), annexation fees shall be adjusted to include the total CCI since the last applied adjustment and will be automatically applied at the beginning of the following quarter.

- 3) If annexation fees are not adjusted for three consecutive quarters than an automatic adjustment will be made on the fourth quarter and will encompass the prior year's CCI.
- 4) If any review shows that CCI is greater than five percent (positive or negative), the adjustment must be agendized and presented to the Board of Directors for consideration; no automatic adjustment of five percent or greater shall be made.

**10.9 CONSTRUCTION OF WATER & SEWER DEVELOPMENT FEE DEPOSITS**

Ordinance 2000-08 adopted 11/26/02, effective with bills mailed on or after 1/1/03.

**10.9.1 Development Fee Deposits** (Sec. 3.7.1 & 3.7.2)

Estimated Project Cost (Water, Sewer, Recycled Water)	60% @ Plan Submittal	40% Prior to Construction	Total Deposit % of Estimate
\$0 - \$19,999	13.2%	8.8%	22.0%
\$20,000 - \$39,999	9.6%	6.4%	16.0%
\$40,000 - \$59,999	7.8%	5.2%	13.0%
\$60,000 - \$149,999	6.6%	4.4%	11.0%
\$150,000 - up	4.8%	3.2%	8.0%

**10.9.2 Charges For Miscellaneous Services** (Sec. 3.8) Ord. 2019-05 adopted 11/20/19, effective 1/1/20

Description of Service	Fee / Deposit Amount
Fire Flow Tests (Sec. 3.8.1)	\$50 [Fee]
Misc. Improvement Plan Check (Sec. 3.8.2)	\$500 per sheet [Deposit]*
Construction Encroachment Agreement	\$250 [Fee]
Other Services (Sec. 3.8.3)	By Fixed Fee or Estimate
Recycled Water Irrigation System (Sec. 3.8.2)	\$3,500 @ Plan Check (Deposit)* + Inspection (Deposit based on site specific estimate) *

\* A job number will be set up and the developer will be required to pay for actual time for project review.



**10.9.3 Construction Meter Charges** (Sec. 8.2.10) & (Sec. 4.8.3.2) Ord. 2019-05 adopted 11/20/19, effective 1/1/20

Description of Service	Fee Amount
Deposit Amount	\$2,000
Meter Service Charges for Standard 3" and Non-Standard 2" or smaller Includes both installation & and removal	\$150
Meter Service Charges for Non-Standard 4" and 6" (Installation & Removal)	\$135 plus time and materials
Meter Relocation Fee <u>or</u> Early Set Fee Standard 3" and Non-Standard 2" or smaller	\$110 each time
Meter Relocation Fee for Non-Standard 4" and 6"	\$110 plus time and materials each time
Construction Meter New Account Charge (Establishment of Account)	\$40
Costs for damages, or replacements	Time and Materials

**10.10 OVERHEAD BILLING RATE METHODOLOGY**

Resolution 2014-35, adopted 11/19/14, effective upon adoption

Each customer who connects to the District’s water and sewer systems and requests a service or product to be provided by the District is charged a fee for that service or product. The fees for services or products to be provided by the District are calculated by using the District’s overhead billing rate to provide an adequate fee structure reasonably related to the costs associated with the services provided, and the actual costs for particular products.

Overhead billing rates are calculated using an overhead factor determined by the District’s allocation model which is based on a 10 year rolling average of many cost elements. The Finance Department is authorized to modify the overhead billing rates from time to time pursuant to the District’s allocation model and based on modifications to employee compensation and benefits in accordance with the District’s Standard Practices and Policies, or as otherwise approved by the Board.

**List of Ordinances amending Rules & Regulations:**

**1998**

- Ord. 98-03 adopted 4/28/98, Re-write of Rules & Regs.
- Ord. 98-04 adopted 06/23/98, effective 01/99, Pass through fees and charges - SDCWA and MWD.
- Ord. 98-05 adopted 06/23/98, effective 01/99, Retail Fees and Charges.
- Ord. 98-06 adopted 06/23/98, effective 01/99, Sewer Charges.
- Ord. 98-07 adopted 06/23/98, effective 01/99, Capacity Fees.
- Ord. 98-08 adopted 06/23/98, effective 01/99, Park Fees and Charges.
- Ord. 98-09 adopted 06/23/98, effective 01/99, Charges for Services.
- Ord. 98-10 adopted 10/13/00, effective 01/99, 15 percent Reduction in Energy Pumping Charges.

**1999**

- Ord. 99-03 adopted 06/22/99, effective 08/01/99, Santee Lakes Park & Campground Fees.
- Ord. 99-04 adopted 09/14/99, effective 01/2000, CWA/MWD/Metro Sewer pass through.
- Ord. 99-05 adopted 09/14/99, effective 01/2000, Wholesale water rates.
- Ord. 99-06 adopted 09/14/99, effective 01/2000, Retail water rates.
- Ord. 99-07 adopted 09/14/99, effective 01/2000, Reduction in Energy Pumping Charges.
- Ord. 99-08 adopted 09/14/99, effective 01/2000, Sewer treatment rates.

**2000**

- Ord. 2000-01 adopted 01/25/00, effective 02/01/00, Pumping and Energy Charges Reduction.
- Ord. 2000-02 adopted 06/13/00, effective 07/01/00, Sewer Treatment Pass Through Rates.
- Ord. 2000-03 adopted 06/27/00, effective 08/01/00, Santee Lakes Park & Campground Fees.
- Ord. 2000-05 adopted 08/22/00, effective 01/2001, Wholesale Water Rates.
- Ord. 2000-06 adopted 08/22/00, effective 01/2001, Sewer Service Rates.
- Ord. 2000-07 adopted 08/22/00, effective 01/2001, Capacity Fees and Charges.
- Ord. 2000-08 adopted 08/22/00, effective 01/2001, All Other Fees and Charges.
- Ord. 2000-09 adopted 08/22/00, effective 01/2001, Section 6, Sewer Collection System.
- Ord. 2000-10 adopted 09/12/00, effective 01/2001, Retail Water Rates.
- Ord. 2000-12 adopted 12/12/00, effective 01/2001, CWA capacity fee pass through.

**2001**

- Ord. 2001-02 adopted 01/16/01, effective 01/17/01, Section 10.3.6, Water Pumping & Energy Charges.
- Ord. 2001-05 adopted 04/24/01, effective 4/25/01, Section 10.10.1, Vehicle Parking/Entrance Fees; Section 10.10.3, Fishing Permit Fees.
- Ord. 2001-07 adopted 06/12/01, effective with bills mailed on or after 7/1/01, Section 10.6.1 & 10.6.2, Sewer Treatment Rates & Fees (Charges imposed by MWD).
- Ord. 2001-10 adopted 09/11/01, effective 10/01 - Santee Lakes.
- Ord. 2001-11 adopted 10/09/01, effective 01/01/02, Wholesale Water Service.
- Ord. 2001-12 adopted 10/09/01, effective 01/01/02, Retail Water Service - CWA pass-through; no PDMWD increase.
- Ord. 2001-13 adopted 10/09/01, effective 01/01/02, Capacity Fees.
- Ord. 2001-14 adopted 10/09/01, effective 01/01/02, All Other Fees & Charges.
- Ord. 2001-15 adopted 10/09/01, effective 01/01/02, Section 4, Water & Sewer Services & Section 8, Customer Accounts.
- Ord. 2001-16 adopted 11/27/01, effective 01/01/02, Section 3.6.7 & 10.9.2, Encroachment Fees.
- Ord. 2001-17 adopted 11/27/01, effective 01/01/02, Capacity Fees Recommended by Integrated Facilities Plan.
- Note and File item on 12/11/01, effective 01/01/02, decrease pumping charges, Section 10.3.6 Water Pumping Energy Charges.

**2002**

- No Ordinance Required. Note and File item to Board per Ord. 2002-03, on 06/11/02, to be effective with bills mailed on or after 07/01/02. Amends Sections 10.6.1 and 10.6.2, Sewer Fees Pass Through.
- No Ordinance Required. Note and File item on 11/12/02B Pass through rates, effective with bills mailed on or after 01/01/03.
- Ord. 2002-07 adopted 11/26/02, effective 01/01/03; Capacity Fees.
- Ord. 2002-08 adopted 11/26/02, effective 01/01/03; Other Charges and Fees.

**2003**

- No Ordinance Required. Note and File item to Board per Ord. 2002-03 on 06/10/03, to be effective with bills mailed on or after 07/01/03. Amends Sections 10.6.1 and 10.6.2, Sewer Fees Pass Through.
- Ord. 2003-03 adopted 7/8/03, effective 08/01/03; Section 10.10, Santee Lakes Recreation Preserve.
- Ord. 2003-04 adopted 9/23/03, effective 10/1/03; Santee Lakes Sections 10.10.1, 10.10.3, & 10.10.7.
- No Ordinance Required. Note and File item to Board per Ord. 2002-03 on 10/28/03, effective with bills mailed on or after 01/01/04.

Amends Sections 10.2.2; 10.3.4; 10.3.6; Pass through of IAC and Pumping Fees.

#### 2004

Ord. 2004-02 adopted 2/10/04, effective 03/12/04; Sections 10.2.3; 10.7.2; 10.7.4; 10.8.1; Increasing capacity fees by the April 2003 ENR index of .0184.

Ord 2004-05 adopted 9/28/04, effective 10/1/04; Sections 10.10.1 and 10.10.13.

Ord. 2004-07 adopted 12/14/04, effective 1/1/05; Santee Lakes Sections 10.10.9 and 10.10.11.

No Ordinance needed: Pass through increase from MWD, CWA, and SDG&E (reduction), adopted 12/14/04, effective 02/28/05. Sections 10.1.3; 10.2.1 10.2.2; 10.3.2; 10.3.3; 10.3.6 and 10.7.6.

#### 2005

Ord. 2005-01 adopted 01/11/05, effective 02/28/05 (ERAF Retail Changes) - Sections 10.1.3; 10.3.2.

Ord. 2005-02 adopted 01/11/05, effective 02/28/05 (Per ENR of .0290) Sections 10.2.3; 10.7.2; 10.7.3; 10.7.4; 10.7.5; 10.8.1.

Ord. 2005-03 adopted 01/11/05, effective 02/28/05 (Miscellaneous) Sections 10.3.1; 10.3.11; 10.9.3.

Ord. 2005-05 adopted 4/26/05, effective 5/31/05, Section 10.3.4, Water System Charges.

No Ordinance Required. Note and File item to Board on 07/12/05 (per Ord. 2002-03), amends Section 10.7.6 County Water Authority Water Capacity Fees, effective 8/1/05.

No Ordinance Required. Note and File item to Board on 12/13/05 (per Ord. 2002-03), amends Sections 10.1, 10.2 10.3. 10.7.6 related to

#### 2006

CWA/MWD pass through fees, effective January 1, 2006 (No change to SDG&E fees).

Ord. 2006-01 adopted 2/14/06, effective March 1, 2006, Sections 10.10, Santee Lakes Recreation Preserve.

Ord. 2006-02 adopted 5/23/06, effective with bills mailed on or after 1/1/07, Internal rates for water, sewer, and recycled water, and capacity and other fees & charges.

No Ordinance Required. Note & file on 6/13/06 - MWD Sewer Pass Through, effective 7/1/06.

Ord. 2006-06 adopted 8/8/06, effective 8/9/06, revising capacity fees.

Ord. 2006-09 adopted 11/14/06, effective 1/1/07, adopting capacity fees and other fees and charges.

Ord. 2006-10 adopted 11/14/06, effective 1/1/07, CWA pass thru fees.

Ord. 2006-11 adopted 12/12/06, effective 12/12/06, Pass thru of CWA capacity fees.

#### 2007

Ord 2007-03 adopted 5/22/07, Section 10.10.1 Santee Lakes Recreation Preserve.

Ord 2007-05 adopted 6/12/07, effective 7/1/07, Pass thru of City of San Diego Metro Sewer Fees.

Ord 2007-07 adopted 8/28/07, adopting water rates for FY 2007/08 through FY 2011/12.

Ord 2007-08 adopted 8/28/07, adopting sewer rates for FY 2007/08 through FY 2011/12.

Ord 2007-10 adopted 8/28/07, effective 9/28/07, authorizing pass thru of CWA/Metro/SDG&E charges for FY 2007/08 thru FY 2011/12, not to exceed 10 percent per provider.

Ord 2007-13 adopted 11/13/07, effective 11/14/07, removed Section 10.10 related to Santee Lakes and added it to Section 9.

Ord 2007-15 adopted 12/11/07, Capacity Fees & Misc. Charges for District Services.

#### 2008

No Ordinance Required. Note & File on 6/10/08, effective 7/1/08, pass thru of City of San Diego Metro Sewer Fees, per Ord. 2007-10.

Ord 2008-06 adopted 6/24/08, adopting a Water Conservation and Drought Response Program

No Ordinance Required. Note & File on 12/9/08, effective 1/1/09, internal water and sewer rate changes (Per Ord. 2007-07 and 2007-08; Year 2 of the 5-Year Business Plan & Budget)

No Ordinance Required. Note & File on 12/9/08, effective 1/1/09, pass thru of CWA & SDG&E fees (Per Ord. 2007-10; Year 2 of the 5-Year Business Plan & Budget)

#### 2009

Ord 2009-01 adopted 1/13/09, effective 01/14/09, Section 10.1.3, Agricultural Discounts

Ord 2009-02 adopted 1/13/09, effective 1/14/09, Section 10.3 Miscellaneous Fees & Charges for Specific District Services.

Ord 2009-04 adopted 4/14/09, effective with bills mailed on or after 7/1/09, adopted approving water rates for fiscal years 2009/10 through 2011/12, Sections 5.1 & 8.2, amending the Water Conservation and Drought Response Program, and authorizing the General Manager to pass-through increases in certain rates and charges, Sections 10.1 through 10.5.

Ord 2009-05 adopted 4/28/09, effective 7/1/09, approving new capacity fee structure recommended by Capacity Fee Study dated February 2009 completed by Engineering Consultant PBS&J, sections 10.7.2, 10.7.3, 10.8.1.

No Ordinance Required. Note & File on 5/12/09 Section 10.6, effective with bills mailed on or after July 1, 2009, pass through of City of San Diego Metro Sewer Fees (per Ord. 2007-08).

No Ordinance Required. Note & File on 11/10/09 Section 10.1, 10.2 and 10.3, effective with bills mailed on or after 11/01/09, pass through rates of SDCWA and MWD.

## 2010

No Ordinance Required. Note & File on 2/9/10 Section 10.1, 10.2, 10.3 and 10.6, effective with bills mailed on or after 1/1/10, pass through rates of SDCWA, MWD and City of San Diego Metro Sewer Fees.

No Ordinance Required. Note & File on 04/13/10 Section 10.6.1, 10.6.2, effective with bills mailed on or after September 1, 2010, pass through City of San Diego Metro Sewer Fees.

## 2011

No Ordinance Required. Note & File on 1/11/11, Internal Water and Sewer Rates and SDG&E Pumping Charges effective 1/1/11 and Bi-Monthly Infrastructure Access Charges effective 3/1/11.

Ord 2011-01 adopted 2/22/11, effective 03/01/11, Sections 10.3.7, 10.3.10, 10.9.3, 10.7.1, 10.7.4, 10.8.3, 10.7.5, 10.8.4, 10.9.2. Miscellaneous Fees & Charges for Specific District Services.

Ord 2011-03 adopted 3/22/11, effective 04/01/11, Capacity Fees, Sections 10.7.2 and 10.8.1, and authorizing automatic annual adjustments based on ENR by the General Manager, not to exceed 5 percent annually.

No Ordinance required; Note & File on 4/12/11, CWA Pass through for water and IAC charge effective 3/1/11.

Ord 2011-05 adopted 6/17/11, approving water rates for FY 11/12-12/13 and authorizing pass through authorization to the General Manager through FY 16/17, effective 7/1/12.

Ord 2011-09 adopted 12/13/11, effective 1/1/12, Sections 10.3.10, 10.7.1, 10.7.4, 10.8.3. Miscellaneous Fees & Charges for Specific District Services.

## 2012

Ord. 2012-05 adopted 8/15/12, effective 1/1/13, Sections 10.1.5, 10.3.2, 10.3.3, 10.3.9, 10.4.1

Ord. 2012-06 adopted 8/15/12, effective 1/1/13, Sections 10.6.1, 10.6.2

Ord. 2012-07 adopted 11/07/12, effective 1/01/13, Sections 10.3.10, 10.9.3, 10.7.1, 10.7.4, 10.8.3, 10.7.5, 10.8.4, 10.9.2. Miscellaneous Fees & Charges for Specific District Services.

No Ordinance Required; Note & File on 12/05/12 – Pass through of CWA rates effective for water use after 11/1/12 (per Ord 2011-05) and Padre Dam Capacity Fee Adjustments (per Ord 2011-03) effective 1/1/13.

Ord. 2012-09 amending Section 10.7.7 and 10.8.5 regarding annexation fees, effective 1/1/13.

## 2013

Ord. 2013-03 adopted 9/4/13, effective 10/07/13 (Notification Fees for Discontinuance)

No Ordinance Required; Note & File on 11/20/13 – Internal rates for services after Nov 1, 2013 and billed effective 1/1/14 (per Ord 2012-05 & 2012-06); pass through of CWA rates effective for water use after 1/1/14 and billed effective 3/1/14 (per Ord 2011-05); and Padre Dam Capacity Fee Adjustments effective 1/1/14 (per Ord. 2011-03).

Ord. 2013-06, adopted 12/4/13, effective 1/1/14, Sections 10.3.10, 10.7.4, 10.7.5, 10.8.3, 10.8.4, and 10.9.3, Miscellaneous Fees & Charges for Specific District Services.

## 2014

No Ordinance required; Note & File on 10/1/14 – Internal rates for services after 11/1/14 and billed effective 12/1/14 (per Ord 2012-05 & 2012-06); pass through of CWA rates effective for water use after 1/1/15 and billed effective 2/1/15 (per Ord 2011-05).

No Ordinance required; Note & File on 12/3/14 – Padre Dam Capacity Fee Adjustments effective 1/1/15 (per Ord. 2011-03).

Ord. 2014-05, adopted 12/3/14, Misc. Fees & Charges. Redline also memorializes Resolution 2014-35 adopted on 11/19/14, establishing Section 10.10, Overhead Billing Rate Methodology.

## 2015

Ord. 2014-05, adopted 12/3/14, effective 1/1/15, amending Miscellaneous Fees & Charges for Specific District Services - Sections 10.3.10, Charges for Customer Service, 10.7.4, Water Lateral Fees, 10.7.5, Water Meter Fees, 10.8.3, Sewer Lateral Fees, 10.8.4, Meter Upgrade/Relocation Charges, and 10.9.3, Construction Meter Charges.

No ordinance required; Note & File on 5/20/15, effective on or after 6/30/15 – Pass through SDG&E rate increase.

Ord. 2015-06, adopted 8/5/15, effective immediately, amending and moving Section 10.5, Water Supply System Violations to Section 5.1.12.

No ordinance required; Note & File on 9/16/15 – Internal rates effective 12/1/15 (per Ord 2012-05 & 2012-06); pass through of CWA rates effective 2/1/16 (per Ord 2011-05).

No Ordinance required; Note & File on 11/18/15 – Padre Dam Capacity Fee Adjustments effective 1/1/16 (per Ord. 2011-03).

Ord. 2015-08, adopted 12/8/15, amending Miscellaneous Fees & Charges, Section 10.3.10, 10.8.4, 10.9.2 and 10.9.3

## 2016

No ordinance required; Note & File on 2/3/16, Pass through of CWA rates recalculated for reduced water sales resulting in increased fixed costs by CWA, effective 4/7/16.

No ordinance required; Note & File on 8/17/16, Internal rates effective with bills 12/1/16 (per Ord. 2012-05 & 2012-06); pass through of CWA rates (IAC only) effective 2/1/17 (per Ord 2011-05).

Ord. 2016-09 adopted 11/16/16, amending Miscellaneous Fees & Charges, Section 10.3.1, 10.3.10, and 10.9.3

#### 2017

Ord. 2017-01 adopted 1/18/17, amending Section 10.7.6, Clarifying pass through language for CWA Capacity Fees

Ord. 2017-03 adopted 5/3/17, amending Sections 10.7.2 and 10.8.1, Water and Sewer Capacity Fees, based on Capacity Fee Study, effective 5/15/17.

No Ordinance required; Note & File on 10/16/17 showing redline of changes approved via Ord. 2017-04 & 2017-05 adopted 06/21/17 adopting internal water and sewer rates, external pass through rates, and demand management rates for fiscal years 2018-2022.

No ordinance required; Note & File on 11/1/17, Pass through of CWA rates effective with water use on January 1, 2018 and bills mailed on or after February 1, 2018, and internal capacity fee increases, adjusted by the Engineering Consumer Price Index, effective January 1, 2018.

Ord. 2017-07, adopted 12/6/17, effective January 1, 2018, amending annexation fees and auto adjustment authorization.

#### 2018

No ordinance required; Note & File on 5/16/18 – Pass through rates from City of San Diego for Wastewater Services effective with services on 7/1/18 (per Ord 2017-05).

No Ordinance Required; Note & File on 7/3/18 – New and Maximum Sewer Customer Fees

No Ordinance Required; Note & File on 9/19/18 – Internal Sewer Rate Increase effective with bills mailed Dec 1, 2018; NOTE: NO Internal water rate increase or CWA pass through for FY 2019.

Ord. 2018-02, adopted 11/21/18, effective January 1, 2019, amending miscellaneous fees & charges for District services.

#### 2019

No Ordinance Required; Note & File on 9/4/19 – Internal Water & Sewer Rate Increase effective with bills mailed Dec 1, 2019 and pass through of CWA rates effective with bills mailed on or after Feb 1, 2019.

No Ordinance Required; Note & File on 11/20/2019 –Capacity and Annexation Fee adjustments, effective Jan 1, 2020.

Ord. 2019-05, adopted 11/20/2019, effective Jan 1, 2020, charges for miscellaneous services, customer service charges and meter upgrade/relocation fees.