

53.01 CONDITIONS FOR ACQUISITION OF SEWER SERVICE CAPACITY

Sewer service capacity may be acquired only for service to a specific address, parcel of land, or a land development project covered by an approved map. An approved map shall mean a recorded final map, a recorded parcel map or a tentative subdivision map that has been approved by the County or by a City, as applicable.

- A. District Acceptance of Sewer Facilities for Russell Square Area - Under an Agreement with Cal Dorado Development, Inc., dated June 28, 1981, the District accepted title to a sewer pump station, force main and appurtenances for a sewage system to provide sewer service to the residential dwelling units to be constructed within the parcels of land in San Diego County Tentative Parcel Map 17150. Under an Agreement with Cal Dorado Development, Inc., dated June 18, 1981, the District agreed to provide service to such parcels on the terms and conditions contained therein. On October 1, 1984, pursuant to Resolution No. 2139, the District Board of Directors accepted title to the facilities.

53.02 SERVICE AREAS

Sewer service shall be furnished by the District only to property located in Improvement District No. 18 (ID 18) and the Russell Square Sewer Service Area. Sewer service to property located outside such areas may be furnished only upon annexation to ID 18 and payment of all applicable annexation fees. (Appendix A, Section 9)

- A. Designation of Russell Square Sewer Area - The geographical area described on the District Map entitled "Russell Square Sewer Service Area," dated October 11, 1988, on file with the District Secretary, constitutes the Russell Square Sewer Service Area.

53.03 ACQUISITION OF SEWER CONNECTIONS FOR SERVICE

Effective October 1, 2014 two separate sewer capacity fees have been established to ensure sewer customers do not pay for facilities twice. The first capacity fee applies to parcels within an ID that paid prior tax debt. The second capacity fee applies parcels outside an ID that have not paid the tax debt. The sewer capacity fees shall constitute the "base rate." For fees or charges after October 1, 2014, the base rate shall be adjusted quarterly for fluctuations in construction costs, as measured by the *Engineering News Record Construction Cost Index for the Los*

Angeles Region. The ENR Construction Cost Index of 10,739.43 (as of June 1, 2014) shall be deemed the "base index." The adjustment shall be in an amount equal to the percentage change in the ENR Construction Cost Index from the base index for the period from June 1, 2014 to the date of payment.

1. Sewer Capacity Fee within an ID

All new sewer connections for parcels within a sewer ID shall pay a capacity fee for each Equivalent Dwelling Unit (EDU) of sewer service provided. The capacity fee is due at the time an application for sewer service is requested. The number of EDUs for the connection shall be as set forth in Section 53.08 of the Code. (See Appendix A, Section 53 for fees)

2. Sewer Capacity Fee outside an ID

All new sewer connections for parcels not within a sewer ID (requiring to be annexed into a sewer ID per code Section 9.04 C.) shall pay a capacity fee for each Equivalent Dwelling Unit (EDU) of sewer service provided. The capacity fee is due at the time an application for sewer service is requested. The number of EDUs for the connection shall be as set forth in Section 53.08 of the Code. (See Appendix A, Section 53 for fees)

B. Russell Square Pump Station

1. Sewer Connection Fee

A connection fee (see Appendix A, section 53 for fee) for each Equivalent Dwelling Unit (EDU) of sewer service provided through Russell Square Pump Station shall be collected. The connection fee is due at the time an application for sewer service is submitted. The number of EDUs for the connection shall be as set forth in Section 53.08 of the Code.

- (a) Exempt Parcels - The connection fee shall not apply to connections for sewer service to the parcels within the Tentative Parcel Map 17150. Such exempt parcels are currently identified as Assessor Parcel Nos. 497-011-41, 497-011-42, 497-011-44, 497-011-46 and 497-011-47.

2. Monthly Sewer Service Charge

A monthly sewer service charge (see Appendix A, Section 53 for charge) to cover normal operational costs of the Russell Square Pump Station and force

mains shall be collected. This charge shall be reviewed by the Board of Directors from time to time to assure that such charges cover the costs for operation of the sewer facilities.

The proceeds of the fees and charges received by the District under 53.03 B.1 and 53.03 B.2 shall be used by the District solely for maintenance, replacement or repair under 53.03 B.1 and for the operation of the facilities under 53.03 B.2.

In addition, the customer for such service shall pay the monthly service charge for sewer service set forth in Section 53.10 A and B.

#### 53.04 CHARGES FOR INSTALLATION OF SEWER LATERALS

Upon application for construction of one or more sewer laterals, the customer shall deposit with the District the estimated costs to be incurred by the District in connection with the installation of the facilities required, as determined by the District. Upon completion of the work, the District shall calculate the actual costs incurred by the District in performing the work. If actual costs are less than the amount deposited, the District shall refund the balance of the deposit to the customer. If actual costs exceed the amount deposited, the customer shall reimburse the District for the additional costs.

#### 53.05 PAYMENT OF FEES

All fees prescribed in the Code shall become owing, due and payable at the time application is made to connect a premise to the sewer system of the District. The fees shall be paid to the District prior to the issuance of any permit authorizing the connection of such premise to the District sewer system. If the proposed connection cannot be made, the fee may be refunded when approved by the General Manager.

#### 53.06 SEWER SERVICE USE CHANGES RESULTING IN INCREASED SYSTEM UTILIZATION

The use of a sewer connection shall be limited to the type and number of EDUs authorized by the original wastewater discharge permit. Before adding any additional equivalent dwelling units, buildings, modifying existing buildings, or change of occupancy type, the property owner shall make a supplementary wastewater permit application to the District for such change in use and pay additional sewer annexation fees per EDU, if necessary, as may be applicable. Periodic inspection of the premises may be made by the District and if actual use is greater than estimated use, an assessment for additional annexation fees shall be assessed in accordance with the fee schedule in the then current Code of Ordinances.

53.07 WASTEWATER DISCHARGE PERMIT ISSUANCE AND LIMITATION

- A. A wastewater discharge permit shall be required for any property for which a request is made to discharge into the District sewage system.
- B. Every wastewater discharge permit shall expire by limitations and shall become null and void, if the construction or work authorized by such permit is not commenced within 120 days from date of issuance of such wastewater discharge permit or if the construction or work authorized by such wastewater discharge permit is suspended or abandoned for a period of 120 days at any time after the work is commenced.
- C. Before such work can be recommenced, a new wastewater discharge permit application must be filed with the District. The District may reactivate the previous wastewater discharge permit provided that wastewater quantity and type is the same as the wastewater discharge allowed under the original permit, and provided further that such suspension and abandonment has not exceeded one year. Fees paid for the previous wastewater discharge permit may be credited toward the total permit fees required on the new permit application. Reactivation of the previous wastewater discharge permit shall be subject to District sewer capacity being available at the time of new application and subject to any additional costs or charges imposed during the period of such suspension or abandonment.

53.08 BASIS FOR DETERMINATION OF EQUIVALENT DWELLING UNITS (EDUs)

The number of EDUs for sewer service shall be determined on the following basis:

A. Residential Facilities

EDUs	Description
1	<ul style="list-style-type: none"> <li>▪ Single-family residence (Includes manufactured homes and mobile homes which are on private lots.)</li> <li>▪ A secondary structure with a kitchen is considered an additional EDU</li> <li>▪ Each individual living unit in apartments, multiple family housing and residential condominiums</li> <li>▪ Each individual space in mobile homes and trailer parks</li> </ul>

B. Commercial/Industrial Facilities

1. Food Service Establishments

EDUs	Description
3	<ul style="list-style-type: none"> <li>▪ Take-out restaurants with disposable utensils, no dishwasher and no public restrooms</li> <li>▪ Take-out restaurants with disposable utensils, no dishwasher and no public restrooms</li> <li>▪ Miscellaneous food establishments - ice cream shops, yogurt shops, bakeries (sales on premise only)</li> <li>▪ Take-out/eat-in restaurants with disposable utensils, but with seating and public restrooms</li> <li>▪ Restaurants with reusable utensils, seating and public restrooms (0-18 seats)               <ul style="list-style-type: none"> <li>o Add 1.0 EDU for each additional 6 seat unit, or portion thereof</li> </ul> </li> </ul>

2. Hotels and Motels

EDUs	Description
.38	Per living unit without kitchen
.60	Per living unit with kitchen

3. Commercial, Professional, Industrial Buildings and Establishments not specifically listed herein

EDUs	Description
1.2 +0.7	<p>For first 1,000 square feet <u>AND</u>            For each additional 1,000 square feet or portion thereof</p> <p>Applies to any office, store or industrial condominium or establishments</p>
1.2 +0.7	<p>For first 1,000 square feet <u>AND</u>            For each additional 1,000 square feet of gross building floor area. Portions less than 1,000 sq. ft. will be prorated.</p> <p>Applies to situations where the occupancy type or usage is unknown at the time of application for service. This shall include, but not be limited to, shopping centers, industrial parks and professional office buildings.</p>
1.0	Self-service laundry per washer

4. Convalescent Homes

EDUs	Description
0.7/bed	Skilled nursing care facilities, psychological hospitals, convalescent hospitals; licensed by the applicable Governmental Agency.
0.5/bed	Community Care Facilities with 16 or more beds licensed by the applicable Governmental Agency.
1.0	Community Care Homes with six or fewer total residents, including resident staff and housekeepers (to be the same EDU as a single family residence).

C. Other commercial, industrial and other types of business establishments not included in 53.08 B.1 through 53.08 B.4

If the establishment is not included in 53.08 B.1 through 53.08 B.4 or if the EDUs specified in 53.08 B.1 through 53.08 B.4 are not representative of actual flow due to the number of employees or type of operation, the number of EDUs shall be determined in each case by the list of commercial strengths as defined by the State Water Resources Control Board (SWRCB) or by the General Manager and shall be based upon the estimated volume and type of wastewater discharge into the sewer.

Examples of commercial, industrial and other business establishments include, but are not limited to, bottling works, supermarkets, markets, deli/markets, convenience stores, hospitals, laundries (other than self-service laundries), automobile service stations, mortuaries, day-care centers, bars and pool halls.

53.09 TRANSFER, ASSIGNMENT, OR RESALE OF SEWER CONNECTION RIGHTS

EDU sewer connection rights obtained by a customer may not be sold, transferred, or assigned separately from ownership of the real property for which they were obtained, unless otherwise stated in an agreement with the District.

53.10 DEFINITIONS OF RESIDENTIAL AND MULTI-RESIDENTIAL SEWER SERVICE RATES, CHARGES AND FEES

All District sewer rates, charges, and fees are subject to Board approval of rate increases to residential and multi-residential sewer services billed on or after January 1, 2014 and may apply to sewer services as early as the beginning of December 2013 and periodically thereafter through December 31, 2018. The increases shall be the amount sufficient to cover cost increases

related to operation and maintenance, but not to exceed 10% per year.

Five-year Periodic Pass-through Rate Increases or Decreases from District Wholesalers - All District sewer rates, charges, and fees are subject to periodic rate changes from the District's public agency wholesalers for a five-year period beginning January 1, 2014 through December 31, 2018.

Set-up Fees for Accounts - A set-up fee (see Appendix A, Section 53 for fee) shall be charged for each account transferred to another customer.

Winter Average Determination - Sewer service usage fee shall be based on the "Winter Average" water consumption, measured in units of hundred cubic feet (HCF). The winter average period is January through April. The winter average is calculated by adding the four months of water consumption for the preceding winter and dividing the resulting amount by four. This average is then reduced by a 15% usage discount, recognizing that not all water used flows into the sewer system, to determine the "Winter Average" for billing purposes see Appendix A, Section 53.

Usage Fee - The usage fee rate (see Appendix A, Section 53) is multiplied by the "Winter Average" calculation for each customer (after the above noted 15% discount) and the resulting amount is added to the System Fee applicable to the size of meter. The resulting fixed fee shall be charged on a monthly basis for an entire calendar year, until a new "Winter Average" is determined for the following year.

Residential Sewer System Fee - The monthly system fee is set forth in Appendix A, Section 53.

A. Residential Rate Charges

1. Defined as: Sewer service for individually metered residential households.
2. The monthly sewer bill is calculated by adding the system fee plus the usage fee as described in 53.10 above.
3. The maximum "Winter Average" for individually metered residential customers is 30 units (after the 15% discount).
4. Monthly Residential Sewer Rate without Consumption History: The average residential sewer rate shall be determined by calculating the total usage fee for all

residential customers and dividing by the number of residential customers. Then the monthly average usage fee is added to the system fee and this shall be used to determine the total monthly fee to be used for residential customers with no prior winter consumption, customers using well water or other unmetered water. See Appendix A, Section 53.

B. Multi-Residential Rate Charges

1. Defined as: Sewer service for master metered water service for multiple-residential households including for example; duplex, townhomes, apartments, and mobile homes.
2. The monthly sewer bill for the complex is calculated by adding a system fee based on meter size (as set forth in Appendix A, Section 53) plus the usage fee (as set forth in Appendix A, Section 53) multiplied by the winter average, for the entire complex. Note: There is no cap on consumption for the multi-residential customers.
3. Monthly Multi-Residential Sewer Rate without Consumption History: The multi-residential sewer rate shall be determined by calculating the total usage fee for all multi-residential customers and dividing by the number of multi-residential dwelling units. The usage fee per dwelling unit is multiplied by the new customer's number of dwelling units and this shall be added to the monthly system fee, based on meter size, to determine the monthly rate. This is applicable to new complexes that do not have a prior winter consumption history. See Appendix A, Section 53.

53.11 DEFINITIONS OF COMMERCIAL AND INDUSTRIAL SEWER SERVICE RATES, CHARGES AND FEES

All District sewer rates, charges, and fees are subject to Board approval of rate increases to commercial and industrial sewer services billed on or after January 1, 2014 and may apply to sewer services as early as the beginning of December 2013 and periodically thereafter through December 31, 2018. The increases shall be the amount sufficient to cover cost increases related to operation and maintenance, but not to exceed 10% per year.

Five-year Periodic Pass-through Rate Increases or Decreases from District Wholesalers - All District sewer rates, charges, and fees are subject to periodic rate changes from the District's public agency wholesalers for a five-year period beginning January 1, 2014 through December 31, 2018.

Set-up Fees for Accounts - A set-up fee (see Appendix A, Section 53 for fee) shall be charged for each account transferred to another customer.

Average Annual Consumption - The Average Annual Consumption, measured in units of hundred cubic feet (HCF). The annual consumption period is January through December of the preceding year divided by the number of months of consumption. This average is reduced by a 15% usage discount which recognizes that not all water used flows into the sewer system.

Usage Fee - The usage fee rate (see Appendix A, Section 53 for rate) is determined by the commercial customer's sewer strength category in which they are assigned (low strength, medium strength or high strength).

System Fee - The monthly system fee is determined by the commercial customer's water meter size (as set forth in Appendix A, Section 53).

Strength Factor - The State Water Resources Control Board (SWRCB) has grouped commercial customers into various categories and has identified Strength Factors for each of these business categories. The standard of measure for Strength Factors is the typical sewer strength of a single-family residence (SFR). A SFR has strength factor of 1. (As set forth in Appendix A, Section 53)

A. Commercial Rate Charges

1. The monthly sewer bill for commercial sewer customers is calculated by multiplying the average annual consumption, reduced by 15%, by the usage fee based on strength (as set forth in Appendix A, Section 53) plus the monthly system fee based on the customer's water meter size.
2. For new commercial sewer customers without consumption history, staff shall make a determination of the average annual consumption to be used until a year's consumption data can be collected. The determination shall be based on the prior owner or tenant of the sewer connection, or based on the most similar type of current business operation. If the customer does not agree with staff's recommendation, the customer may request an adjustment, in writing, and direct it to the General Manager.

B. Industrial and Other Users

1. Charges determined by the Board of Directors on a case-by-case basis.

Monthly sewer service charges shall commence upon installation of the water meter to serve the premises receiving the sewer service, upon connection to the District sewer system, upon start of occupancy of the premises to be served, or one year after the date the application for sewer service is filed. If a sewer service connection has been obtained and if sewer service will not be used until sometime after installation of the water meter, commencement of the sewer service charge may be deferred until the later date only upon prior approval of the General Manager.

C. Commercial User Classifications

Commercial sewer service customers are subject to periodic inspection of the premises by the District for verification of proper sewer strength classification. In addition to such periodic inspections, strength classifications will be reviewed periodically, at the discretion of the District. If warranted following a periodic inspection, periodic classification review, or a change in the nature of a customer's business and/or use of the property, customers may be reclassified to reflect their current business operations and proper sewer strength, at the discretion of the District and consistent with the standards set forth herein and in the State Water Resources Control Board (SWRCB) listing for sewer strength.

1. Low-Strength Commercial = 1.0 Strength Factor

Car wash  
General office and buildings  
Barber and beauty shops  
Department, retail stores and general commercial  
Hospitals and convalescent homes  
Public Laundromats and dry cleaners  
Professional office or office building  
Warehouse  
Bars without dining facilities  
Churches  
Schools (Elementary, junior & High Schools, Colleges)  
Other uses having a similar strength as determined by the District

2. Medium-Strength Commercial = 2.0 Strength Factor

Hotels without dining facilities or cooking facilities  
Auto repair/sales shop and service station  
Shopping centers  
Other uses having a similar strength as determined by the District

3. High-Strength Commercial = 4.0 Strength Factor

Bakery or bakery with deli  
Hotel with dining facilities  
Restaurants and bars with food  
Grocery stores with onsite butcher and/or bakery  
Other uses having a similar strength as determined by  
the District

53.12 ISSUANCE AND PAYMENT OF SEWER BILLS

- A. Issuance of Statements: Statements for sewer service or other charges will be mailed monthly or as soon as practical, after the applicable charges have been determined.
- B. Due Date: Each statement issued by the District for such charges shall be due and payable on the date of mailing or other presentation to the customer.
- C. Final Payment Date: All charges in each statement must be paid on or before the final payment date shown on the statement, which shall be at least 20 calendar days following the date of mailing or presentation of the statement.
- D. Place of Payment: Payments shall not be credited to a customer's account until cash, check, credit card, draft, electronic funds transfer, money order or any other acceptable form of payment that will be honored by the bank has been received by the District at the District business office during regular office hours. Deposit of payment in the mail or at a location other than the District business office shall not be credited to a customer's account until received at the business office.
- E. Returned Check Charges: A returned payment charge (see Appendix A, Section 34 for charge) shall be added to a customer's account in each instance where payment has been made to the District with a check, draft, credit card or any other acceptable form of payment that has not been honored upon presentment to the bank upon which it is drawn.

53.13 DELINQUENT ACCOUNTS

- A. Requirement of Deposit Due to Repeated Delinquencies: If payments on a customer account have become delinquent five or more times, the General Manager, Chief Financial Officer, or any person delegated by the General Manager, shall be authorized to require the customer to make a deposit with the District, in cash or any other form satisfactory to the General Manager. The deposit amount shall be established at

the discretion of the General Manager and the Chief Financial Officer, but shall not exceed two times the highest bill during the twelve (12) months preceding the date of demand for a deposit.

- B. Handling of Deposit: A deposit shall not earn interest and shall only be applied to reduce or satisfy amounts due the District in the event of termination of service. A deposit does not constitute payment for service bills and the customer shall be required to comply with bill payment requirements to continue receiving service.
- C. Refund of Deposit: A deposit required under this Section shall be refunded to the customer as provided in Section 25.04 B.