

Appendix D.

**Resolution No. 1643.21 - Amended Rules and Regulations
Governing the Provision of Sewer System Facilities and Service**

RESOLUTION NO. 1643.21

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE EASTERN MUNICIPAL WATER DISTRICT ADOPTING
AMENDED RULES AND REGULATIONS GOVERNING
THE PROVISION OF SEWER SYSTEM FACILITIES AND
SERVICE AND RESCINDING RESOLUTION NO. 1643.20**

BE IT RESOLVED by the Board of Directors of Eastern Municipal Water District, in Regular Session assembled this 17th day of May, 2006, that the Amended Rules and Regulations Governing the Provision of Sewer System Facilities and Service, dated June 1, 2006, which is attached to and hereby made a part of this Resolution No. 1643.21, be and is hereby adopted; and

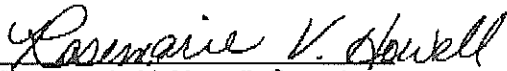
BE IT FURTHER RESOLVED that the Amended Rules and Regulation Governing the Provision of Sewer System Facilities and Service contained and set forth in Resolution No. 1643.20 and its attachment be and is hereby rescinded; and

BE IT FINALLY RESOLVED that the effective date of this Resolution No. 1643.21 is June 1, 2006.

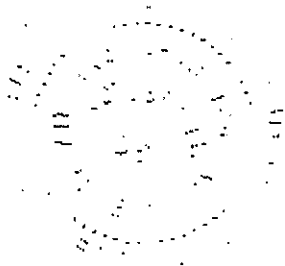
DATED: May 17, 2006


David J. Stawson, Vice President

ATTEST:


Rosemarie V. Howell, Secretary

(SEAL)



RESOLUTION NO. 1643.21
AMENDED RULES AND REGULATIONS
GOVERNING THE PROVISION OF SEWER
SYSTEM FACILITIES AND SERVICE

Effective June 1, 2006

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SECTION 1 - DEFINITIONS

*fully
justified
entire form*

1.01 APPLICANT

Party requesting a sewer lateral installation and/or sewer service from District.

1.02 BOARD

The Board of Directors of Eastern Municipal Water District.

1.03 CAPACITY:

Sponsor's Required Capacity

Facility capacity required to meet the needs of Sponsor's development.

Additional Capacity (Oversizing)

Facility capacity in excess of that necessary to meet the needs of Sponsor's development, as determined by District.

1.04 CUSTOMER

Recipient of direct sewer service from the District.

1.05 DISCHARGER

Party who discharges into a District sewer facility.

1.06 DISTRICT

Eastern Municipal Water District and/or its employees.

1.07 DOMESTIC WASTEWATER

Sewage wastewater resulting from, or equivalent to, a typical domestic residency.

1.08 FACILITY

An asset owned by the District, either through contributed capital or District equity.

1.09 FRONTAGE CHARGES

Standard Sewer Frontage Charges

Standard Sewer Frontage Charges pay for one-half the installation cost of pipelines. For an 8-inch diameter sewer pipe, the current rate is \$22.50 per lineal foot of property fronting along a sewer pipeline.

Nonreimbursable Sewer Frontage Charges

Paid by Applicant as a prerequisite to receiving sewer service for Applicant's applicable portion of property.

Potentially Reimbursable Sewer Frontage Charges

Credited to Sponsor on properties of others fronting along the involved sewer pipeline.

Non-beneficial Sewer Frontage Charges

Specific areas or properties fronting along a sewer pipeline that cannot be practicably served by or benefited by the pipeline facility.

Special Sewer Frontage Charges

Assessed in lieu of, and in the same manner as, other applicable sewer frontage charges when sewer pipeline extensions involve unusual construction costs, as determined by District. Charges are based on fifty (50) percent of the actual average per lineal foot construction cost.

1.10 GENERAL MANAGER

The General Manager of the Eastern Municipal Water District or his authorized designee.

1.11 POLLUTANT-FREE WASTEWATER

Wastewater which is essentially free of sewage such as rainfall, roof runoff, groundwater, subsurface drains etc.

1.12 PRIVATE SEWER SYSTEM

The privately owned portion of sewer system facilities extending from a District sewer lateral to the building to be provided with sewer service.

1.13 SEWER LATERAL

District owned piping and appurtenances extending from the sewer pipeline to the private sewer system at the boundary line of Customer's property or District's easement.

1.14 SEWER PIPELINE

Any closed conduit owned by the District or another collection agency for the purpose of transporting sewage from sewer laterals.

1.15 SEWER SYSTEM FACILITIES

District sewer system facilities including, but not limited to, pipelines, manholes, clean-outs and appurtenant related facilities.

1.16 SEWER SYSTEM AND RECYCLED WATER FACILITIES FINANCIAL PARTICIPATION CHARGES AND SEWER TREATMENT PLANT CAPACITY FINANCIAL PARTICIPATION CHARGES (CAPACITY CHARGES)

Nonreimbursable capacity charges to be paid by Applicant as a prerequisite to receiving sewer service, pursuant to Resolution Nos. 1641, 1642, 1599, and 1600, as amended.

1.17 SPONSOR

Party responsible for financing the allocated cost of sewer system facilities needed by a subdivision, tract or other development.

1.18 TRAP

A device used to catch grease, oil, sand and other harmful ingredients.

SECTION 2 - SEWER LATERAL INSTALLATIONS

2.0 RULES AND REGULATIONS APPLICABLE FOR ALL TYPES OF SEWER LATERALS

2.0.1 SEWER LATERAL INSTALLATIONS/MODIFICATIONS/RELOCATIONS

Sewer Laterals shall be furnished and installed by Sponsor in accord with District's standard design criteria and specifications unless District, at Sponsor's expense, opts to construct the Sewer Lateral on behalf of Sponsor.

Requests for modification or relocation of an existing Sewer Lateral shall be made to District in writing and paid for in advance before the District will begin the involved work.

2.0.2 OWNERSHIP, MAINTENANCE AND REPAIR OF SEWER LATERALS

A. Ownership

All completed and accepted Sewer Laterals shall become and remain the property of the District: "owner." (EMWD Administrative Code 6.202(a) Amendment Feb 21, 2018)

B. Maintenance and/or Repair

- (1) Maintenance and/or repair of Sewer Laterals performed by the District, shall be at the Customer's expense, unless the stoppage or repair was caused by faulty construction at the time the Sewer Lateral was installed, as determined by District.
- (2) Maintenance and/or repair of Private Sewer Systems shall be the responsibility of Customer. The Customer shall make every effort to keep foreign matter from obstructing sewage flow from the Private Sewer System to the Sewer Pipeline. The removal of tree roots, grease, and/or any other foreign matter is the responsibility of the Customer.

2.0.3 PRIVATELY OWNED SEWAGE PUMP STATIONS AND APPURTENANCES

Buildings which are too low in elevation to permit direct gravity sewage flow to the Sewer Lateral shall be lifted by means of a sewage pump station and appurtenances, to be financed, constructed, owned and maintained by Customer.

2.0.4 REGULATIONS FOR WASTE DISCHARGE AND SEWER USE

Customer shall not connect roof downspouts, foundation drains, areaway drains, or other sources of Pollutant-Free Wastewater to a Private Sewer System which is connected directly or indirectly to a District sewer facility. The provisions of Ordinance No. 59, as amended, shall be applicable on a Districtwide basis as if embodied herein.

2.0.6 CONFORMANCE TO CODES AND SPECIFICATIONS

Sewer Laterals and/or Private Sewer Systems must conform to applicable building and plumbing code requirements and District specifications.

2.0.6 TAMPERING WITH DISTRICT PROPERTY

No person shall at any time tamper with District property. Such tampering constitutes a misdemeanor or felony criminal violation punishable by law. Only authorized District personnel may operate District facilities.

2.1 ARRANGEMENTS REQUIRED FOR THE INSTALLATION OF ALL TYPES OF SEWER LATERALS

2.1.1 APPLICATIONS FOR SEWER LATERALS

Arrangements for the installation of a Sewer Lateral must be made by the Applicant completing and signing the appropriate application form. Applicant will be responsible for any errors, omissions or misrepresentations provided by Applicant on the application form. In the event such furnished information results in additional installation costs, Applicant will be required to pay such additional costs prior to receiving sewer service through the Sewer Lateral.

2.1.2 PERMITS

Completion and execution of the application form shall constitute the Sewer Connection Permit required by District's Ordinance No. 59, "Regulations for Waste Discharge and Sewer Use" as amended, the provisions of which are, by this reference, made a part of these Rules and Regulations.

2.1.3 REQUIREMENTS AND LIMITATIONS

The following specific requirements and limitations are applicable:

- A. Each Sewer Lateral shall serve only one parcel, as determined by the District.
- B. Two or more buildings occupying the same lot may be served through a single Sewer Lateral or through individual Sewer Laterals.
- C. In the event a lot being served by a Sewer Lateral is subdivided into separate ownerships, the existing Sewer Lateral shall serve the lot which it most directly fronts. Additional Sewer Laterals must be provided for all other lots created by such subdivision, as determined by District.
- D. District has the right to determine the location and limit the size and capacity of the Sewer Lateral.
- E. Construction of additional sewer system facilities necessary to provide for a Sewer Lateral installation, as determined by District.

2.1.4 PREREQUISITE FINANCIAL ARRANGEMENTS

- A. Applicant shall make payment to District of the following applicable charges as a prerequisite to receiving a Sewer Lateral:

1. Sewer Lateral Installation Charges

Applicable District fee-for-service charges in accordance with the rate fees set by Resolution No. 2883. A deposit may be required in the amount of the estimated cost, subject to additional billing or refund after completion of the Sewer Lateral Installation and determination of the actual cost.

2. Frontage Charges

The amount of Nonreimbursable and, if applicable, Special Sewer Frontage Charges shall be based on one of the following, as determined by District:

- (a) Where a District water pipeline exists for which the District has no reimbursement obligation, Applicant will not be required to pay frontage fees; or
- (b) Where a District sewer pipeline exists for which the District has a reimbursement obligation, including a District financed sewer pipeline that the method for recovering part of the construction cost is through frontage fees, Applicant shall pay frontage charges on the entire property frontage; or
- (c) Where the property to be served by the requested Sewer Lateral fronts along a future planned, but not yet installed, District sewer pipeline, Applicant shall be required to pay frontage charges on the entire property fronting the future sewer pipeline extension; or
- (d) Where a temporary Sewer Lateral is installed on another existing District sewer pipeline in lieu of requiring the immediate extension of a sewer pipeline fronting the property to be served, Applicant shall pay frontage fees on the entire property fronting the future sewer pipeline extension. If a future pipeline is not planned or feasible, Applicant will not be required to pay frontage fees. Applicant shall also pay for all facilities required to provide sewer service from the temporary Sewer Lateral to the Applicant's property and future relocation costs when the District sewer pipeline has been installed.

3. Sewer System and Recycled Water Facilities Financial Participation Charges

Applicable Sewer System and Recycled Water Facilities Financial Participation Charges pursuant to the provisions of Resolution Nos. 1641 and 1642, as amended.

4. Sewer Treatment Plant Capacity Financial Participation Charges

Applicable Sewer Treatment Plant Capacity Financial Participation Charges pursuant to the provisions of Resolution Nos. 1599 and 1600, as amended.

5. Annexation Charges

Applicable Annexation Charges in the event the property is located outside the District's service area or the boundaries of an existing District Improvement district.

6. Sewer Rate Charges

Sewer service charges as provided by Resolution No. 3352, as amended (Sewer Rate Schedules).

- B. Any of the above charges may be affected if the property is located within an area where special programs have been established and unique financial arrangements apply.

2.2 SPECIAL FACILITIES REQUIRED FOR CERTAIN SEWER LATERAL INSTALLATIONS

2.2.1 TRAPS

When required by District, traps shall be installed by the Applicant for the proper handling of wastewater containing floatable grease, flammable wastes, sand, or other harmful ingredients. Traps shall not be required for private residential dwelling units. All traps shall be of the type and capacity approved by the District and installed in a location that is easily accessible for cleaning and inspection purposes. Applicant shall be responsible for the lawful disposal of trapped material and shall maintain proper records that shall be available for review by the District. Any removal or hauling of trapped materials must be performed by a currently licensed waste disposal firm. All expenses associated with such traps shall be borne solely by the Applicant.

2.2.2 INSPECTION STRUCTURES

When required by the District, Applicant shall, at Applicant's sole expense, install a suitable structure to facilitate the observation, sampling, measurement, and testing of the wastewater being discharged, either directly or indirectly into a District Sewer Lateral or District sewer pipeline. Such structures shall be constructed in accordance with District approved plans and specifications and shall be accessible to District personnel at all times.

2.2.3 ANTIFLOODING DEVICES

Whenever there exists the possibility of wastewater from a District sewer pipeline flooding private property, as determined by District, an antiflooding device shall be included in the Applicant's Private Sewer System as a prerequisite for District approval for the involved Sewer Lateral.

SECTION 3 - SEWER SYSTEM FACILITIES

3.0 RULES AND REGULATIONS APPLICABLE FOR ALL TYPES OF DISTRICT SEWER SYSTEM FACILITIES

3.0.1 SEWER SYSTEM FACILITIES INSTALLATION/MODIFICATION/RELOCATION

Sewer system facilities arranged for under an agreement, shall be planned, furnished and installed by the Sponsor in accordance with the District's standard plans and specifications, unless District, at Sponsor's expense, opts to construct the sewer system facilities on behalf of Sponsor.

Requests for modification or relocation of an existing District sewer system facility shall be made to District in writing and paid for in advance before the District will begin the involved work.

3.0.2 OWNERSHIP, MAINTENANCE AND OPERATION OF DISTRICT SEWER SYSTEM FACILITIES

All sewer system facilities shall, upon their completion and acceptance by the District, become and thereafter remain the District's property. Except for Private Sewer Systems, as provided herein, District shall be responsible to maintain and repair all District owned sewer system facilities, at its expense, unless such maintenance or repair is a result of willful or accidental damage inflicted on such facilities by another party, in which event the responsible party will be billed for the total cost of all repairs. In the event the responsible party fails to promptly pay for such District expenses, the District may use all available legal means to recover such costs.

3.0.3 TAMPERING WITH DISTRICT PROPERTY

No person shall at any time tamper with District property. Such tampering constitutes a misdemeanor or felony criminal violation punishable by law. Only authorized District personnel may operate District facilities.

3.1 ARRANGEMENTS REQUIRED FOR DISTRICT SEWER SYSTEM FACILITIES (OTHER THAN SEWER LATERALS)

3.1.1 SEWER SYSTEM FACILITIES EXTENSIONS

A. Construction by Sponsor

1. Sponsor shall construct the sewer system facilities extension in accordance with the terms and conditions set forth in a standard form written agreement between District and Sponsor.
2. Upon completion and acceptance of the sewer system facilities, District will credit Sponsor for the following applicable charges in the same manner as if the Sponsor had paid such charges directly to the District:
 - (a) Potentially Reimbursable Sewer Frontage Charges, which shall be subject to the terms and conditions of reimbursement under District's Frontage Charge program; and

(b) Special Sewer Frontage Charges,

all as determined by District.

B. Alternative Program

District may opt to construct the sewer system facilities on behalf of Sponsor under the following terms, limitations and conditions:

1. Applicant's Financial Participation

Applicant for the requested sewer system facilities extension shall be required to finance the entire cost of the sewer system facilities extension, less the amount of District's financial participation, if any, as determined by the District.

2. Credit for Applicant's Financial Participation

District shall credit Applicant for payment of the following applicable charges:

(a) Potentially Reimbursable Sewer Frontage Charges, which shall be subject to the terms and conditions of reimbursement under District's Frontage Charge program; and

(b) Special Sewer Frontage Charges,

all as determined by District.

3. District's Financial Participation

Any District financial participation in construction projects may be subject to approval by the District's Board of Directors.

4. Other Terms, Conditions, and Limitations

(a) Sponsor shall be required to furnish, at Sponsor's expense, site condition and planning information requested by District prior to the planning and installation of a District sewer system facility;

(b) Under no condition will District install sewer pipeline in new developments unless streets or other rights of ways are well defined by lot stakes, curb stakes or visible centerline stakes properly set at the Sponsor's expense;

(c) Streets or other rights of ways which are to be paved in new developments, must be graded to subgrade before the sewer pipelines and appurtenant facilities will be installed. If sewer pipelines and appurtenant facilities have to be relocated after installation because of incorrect information furnished by the Sponsor as to grade of curbs, street grades, property lines, etc., all expenses incurred by the District in making such relocations will be paid by Sponsor. If such relocations necessitate the cutting of paved or surfaced streets, resurfacing expenses will also be paid by Sponsor;

- (d) Sponsor for a sewer pipeline extension within a right of way outside of an improved public street or highway shall, at Sponsor's expense, grade the involved right of way to a condition that is satisfactory to the District and provide property survey monumentation and other information District determines necessary;
- (e) Where necessary, Sponsor shall furnish District, without charge, duly executed right of way documents, approved by the District as to form and content, across Sponsor's property for the requested sewer system facilities extension and any planned future extension thereof; and
- (f) Each sewer system facilities extension shall include only the piping, fittings, manholes, cleanouts and appurtenances necessary for its proper functioning. Additional financial arrangements will be required for any additional facilities.

3.1.2 SERVICE IN LIEU OF A SEWER SYSTEM FACILITIES EXTENSION

Where requests involve the extension of a sewer pipeline which District determines is not feasible, the District shall have the option of making sewer service available to the Sponsor from the closest available District sewer pipeline rather than extending a District sewer pipeline. In such case, Sponsor shall be required to: 1) make payment of Nonreimbursable Sewer Frontage Charges on the property for which service is requested, if applicable; 2) complete arrangements for the Sewer Lateral Installation; and 3) extend and maintain Private Sewer System facilities from the Sewer Lateral to the property, at Sponsor's sole expense.

3.1.3 OTHER SEWER SYSTEM FACILITIES

Arrangements for all sewer system facilities other than those specifically provided for above, including temporary facilities, shall be made under special written agreements covering the applicable terms and conditions.

3.2 ARRANGEMENTS FOR SEWER CONNECTIONS BY OTHER PUBLIC AGENCIES

Arrangements by another public agency for the connection of one of its sewer system facilities into the District's sewer system shall be specifically dealt with in a special agreement, by and between the involved agency and the District.

SECTION 4 - SEWER SERVICE

4.0 RULES AND REGULATIONS APPLICABLE FOR SEWER SERVICE

4.0.1 REQUEST FOR SEWER SERVICE

Requests for sewer service must be made by Applicant at least two working days prior to the date service is to start. District may, at its discretion, request proof of identity, property ownership, or rental agreement. District has the right to refuse service to a rental tenant when an outstanding balance remains unpaid on the account of the property owner.

Applicant must be able to establish and maintain a satisfactory credit rating with the District. A credit deposit will be required if Applicant cannot provide the necessary information to ascertain satisfactory credit rating or if Applicant cannot maintain a satisfactory credit rating. No interest will be paid by District on the credit deposit, which will be refunded, less any outstanding account balance, when the account is closed unless the Customer requests service at another property within the District in which case the deposit will be transferred to that new account. The deposit may be refunded prior to the closing of the account based on special circumstances deemed acceptable by the District.

In the event that a rental property has two or more prior unpaid accounts, the District may require that service to subsequent tenants be established on the account of the property owner.

4.0.2 GENERAL TERMS AND CONDITIONS FOR PROVIDING SEWER SERVICE

- A. In order to maintain a satisfactory credit rating, Customer must continue to pay monthly District bills without:
- * Two or more delinquencies involving payment made from 16 to 45 days from the date the bill is issued; or
 - * One single delinquency involving payment made more than 45 days from the date the bill is issued,

in any twelve (12) month period.

Failing to maintain a satisfactory credit rating will result in the Customer being required to pay District the sum of: 1) the entire outstanding account balance; and 2) a credit deposit equal to three average monthly billings based on the preceding 12 month period.

- B. Customer assumes total responsibility for all charges incurred from the effective date of service until Customer notifies the District to discontinue service;
- C. Sewer bills, based on a daily service charge, are due upon presentation of the statement and become delinquent if not paid within 15 days after the date of the bill, unless arrangements have been made to enroll in the District's Level Payment Program provided for in Resolution No. 3190.
- D. Payments received on a combined water and sewer service account shall be applied against applicable fees in the following order: 1) delinquency processing charges; 2) mandatory

conservation penalty charges; 3) credit deposit fees; 4) sewer service charges (either District or another entity which District is contractually obligated to collect); 5) refuse service charges of other agencies which District is contractually obligated to collect; 6) water service charges; and 7) utility tax charges the District is contractually obligated to collect for another entity. In the event the amount of payment received is not sufficient to fully pay the due charges, the water service account will thereupon become or remain delinquent and subject to discontinuance of service;

- E. Where the District is providing sewer service but not water service, billing for sewer service will either be provided by District or by the water purveyor on behalf of District. The District will exercise all available legal means of collecting delinquent sewer service charges;
- F. Penalty charges of 1-1/2 percent per month may be charged on all delinquent accounts with an outstanding balance of \$200.00 or more, beginning 30 days after the account became delinquent and continuing until the balance has been paid in full;
- G. In the event it becomes necessary for the District to physically discontinue sewer collection service due to delinquency of the account, in order to restore sewer service, Customer shall pay the sum of: 1) the entire outstanding account balance; 2) delinquency processing charges and penalty charges; and 3) District's actual cost of disconnection or plugging and reconnection or unplugging as determined by District staff; and
- H. A service charge, as set by Resolution No. 2963, will be assessed on all non-payable checks returned by the bank. For non-payable checks involving less than \$500, Customer will receive a 10-day notice for payment of returned check plus service charge, to be paid by cash, cashiers check or money order only. If payment is not made within the 10-day period, water and/or sewer service will be discontinued. For non-payable checks involving \$500 or more, District will contact the Customer personally and payment of the returned check plus service charge shall be made, by cash, cashiers check or money order, within five (5) days. In the event that payment is not made within the 5-day period, water and/or sewer service will be discontinued.

4.0.3 TERMS AND CONDITIONS APPLICABLE FOR SEWER SERVICE TO DEVELOPMENTS SERVED THROUGH SEWER COLLECTION SYSTEMS OF ANOTHER SEWER PURVEYING AGENCY

Where sewer collection service is provided by another sewer purveying agency through District owned and operated sewer (other than local collection) systems, the District shall look to each involved sewer purveying agency to enforce collection of District sewer service charges and all applicable District rules and regulations governing the provision of sewer system facilities and service.