



RULES AND REGULATIONS FOR SEWER SERVICE

Revised July 2023

TABLE OF CONTENTS

SECTION 1 – AUTHORITY	2
SECTION 2 – DEFINITION OF KEY TERMS	2
SECTION 3 – POLICY ON PUBLIC SEWER SYSTEMS	4
SECTION 4 – PRIVATE SEWER SYSTEMS	5
SECTION 5 – BILLING.....	5
SECTION 6 – BUILDING SEWER AND SERVICE CONNECTIONS (SEWER LATERALS)	6
SECTION 7 – FEES AND CHARGES	8
SECTION 8 – SEWER MAIN EXTENSION APPLICATION POLICY	10
SECTION 9 – PUBLIC SEWER SYSTEM REIMBURSEMENT PROGRAM.....	10
SECTION 10 – SERVICE FOR PROPOSED DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING	13
SECTION 11 – PROHIBITED DISCHARGE OF CERTAIN MATERIALS INTO THE PUBLIC SEWER SYSTEM; SEWAGE SPILLS	13
SECTION 12 – PROTECTION FROM DAMAGE.....	14
SECTION 13 – POWERS AND AUTHORITY OF INSPECTORS.....	14
SECTION 14 – VIOLATIONS	15
SECTION 15 – VALIDITY.....	15

SECTION 1 – AUTHORITY

The Yorba Linda Water District is organized and existing under Division 12 of the County Water District Act, which is found at Water Code § 30000 et seq. ("Act"). The Act authorizes the District to own and operate sewer systems. Specifically, the District "may acquire, construct, and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the district and its inhabitants" [Water Code § 31100.]

In order to effectuate this authority, and pursuant to Section 31105, the District may adopt these Rules and Regulations for (1) the provision of sewer services and facilities and (2) the regulation of those services and facilities. In addition to these Rules and Regulations, the District also regulates its sewer service via its Fats, Oils, and Grease (FOG) Ordinance and Sewer System Management Plan. These three documents are collectively referred to as the District's Sewer Documents.

SECTION 2 – DEFINITION OF KEY TERMS

Unless otherwise specifically defined herein and the context requires a different meaning, all non-capitalized words, terms, and phrases in these Rules and Regulations shall be construed according to their ordinary meaning. All capitalized terms in these Rules and Regulations shall be defined as follows:

- 2.1 ACCESSORY DWELLING UNIT (ADU):** A dwelling unit (a) on the same lot on which a primary Single Family Residence is located or is proposed to be located, (b) that is either attached or detached from the primary Single Family Residence, and (c) which provides living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.
- 2.2 APPLICANT:** A Person applying for public sewer service from the Yorba Linda Water District.
- 2.3 BOARD OF DIRECTORS or BOARD:** The Board of Directors of the Yorba Linda Water District.
- 2.4 BUILDING SEWER:** The building wastewater system that may connect, if permitted, to the Service Connection or other place of disposal.
- 2.5 BUILDING SEWER PERMIT:** The permit issued by a governmental agency, other than the District, for construction of the Building Sewer.
- 2.6 COMMERCIAL:** Non-residential, business activities such as generating goods or services with the intention of generating profit or achieving specific organizational goals.
- 2.7 SERVICE CONNECTION (SEWER LATERAL):** A segment of pipe extending from the Building Sewer cleanout to (a) and including, a saddle connection (if saddle connection) or (b) but not including, a factory fabricated wye connection (if factory fabricated wye connection) at the District's Sewer Main.
- 2.8 CONNECTION FEES:** Fees imposed by the District on a Customer or Applicant's real property to obtain sewer service from the District.
- 2.9 CUSTOMER:** A person/business/institution or other receiving public sewer service from the Yorba Linda Water District.
- 2.10 DECLARATION OF RESTRICTIVE COVENANTS:** A document memorializing an agreement that conditionally authorizes and governs a property owner's

encroachment on District property or property rights, which is both recorded in the Office of the County Recorder and runs with the land.

- 2.11 **DEVELOPMENT DEPOSIT ACCOUNT:** A restricted District account in which funds are deposited with the District by the developer or project applicant, which funds shall be (a) applied to the District's costs of processing the project and (b) for the payment of fees set forth in the Fee Schedule.
- 2.12 **DISTRICT:** The Yorba Linda Water District, a public agency, created and operating under authority of Division 12 of the California Water Code.
- 2.13 **EASEMENT:** A property right for the District to use, and/or enter onto, the real property of another to, among other things, access, install, construct, reconstruct, remove, inspect, operate, Maintain, repair, replace, improve, or relocate a pipeline or pipelines, or other District facilities and/or improvements.
- 2.14 **EMPLOYEE:** Any person employed by the District to perform work and labor for the District, excluding Contractors, consultants, and their employees.
- 2.15 **ENGINEERING MANAGER:** The manager of the District's Engineering Department or their authorized agents, limited by the particular duties entrusted to them.
- 2.16 **EQUIVALENT DWELLING UNIT (EDU):** Relative capacity demand of each Service Connection based on customer class used to allocate capacity costs.
- 2.17 **FEE SCHEDULE:** The most recently Board-adopted Resolutions establishing Sewer Development and Customer Service Fees and Sewer Rates and Charges.
- 2.18 **FRONTAGE:** The length of the District's Sewer Main along the side of the property to which the Service Connection is made.
- 2.19 **FRONTAGE CHARGE:** Charge where an adequately-sized Sewer Main fronts a property and the property is not subject to the Sewer System Reimbursement Program.
- 2.20 **GARBAGE:** The solid waste from domestic and Commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of food.
- 2.21 **GENERAL MANAGER:** The person (or their designee / authorized representative) hired or appointed by the Board of Directors of the District as the executive officer of the District.
- 2.22 **INDUSTRIAL WASTE:** The liquid waste from industrial manufacturing processes, trade, or business as distinct from public sewerage.
- 2.23 **MAINTAINED OR MAINTENANCE:** Flowing and free of debris such as roots or grease.
- 2.24 **PERSON:** Any individual, firm, company, association, society, corporation, group, agent or agency.
- 2.25 **PLANS:** Design sheets with plan and profile for construction of proposed sewer facilities, which are shown in sufficient detail so that the facilities can be constructed.
- 2.26 **PREMISES:** Any and all areas on a property owner's property which is served, or has the potential to be served, by the Public Sewer System.
- 2.27 **PRIVATE SEWER SYSTEM:** Includes septic tank system, cesspool, seepage pit, leach/drain field, or other sewer disposal system appurtenance(s).
- 2.28 **PUBLIC SEWER SYSTEM:** Wastewater collection and conveyance system owned, operated and Maintained by the District to include Sewer Mains, public lift station(s), and appurtenances as designated by the District.
- 2.29 **SEWAGE:** Treated or untreated waste and water discharged into the District's Public Sewer System.

- 2.30 SEWER CAPACITY FEE:** A fee imposed by the District for: (a) public sewer facilities in existence at the time the fee is imposed; or (b) new public sewer facilities to be acquired or constructed in the future that are of proportional benefit to the Person or property being charged. This includes capacity contracts for right or entitlements, real property interests, and entitlements and other rights of the District involving capital expense relating to its use of existing public facilities as set forth in California Government Code Section 66013. This is commonly referred to as the Customer's "buy-in" to the Public Sewer System. Fee is pursuant to the Fee Schedule.
- 2.31 SEWER CHIMNEY:** A vertical connection to a deep Sewer Main to allow for shallower installation of Service Connection(s).
- 2.32 SEWER CONNECTION PERMIT:** A processed and approved application with the District for sewer service.
- 2.33 SEWER CLEANING – HOT SPOTS FEE:** Sewer line hot spot means any part of the Public Sewer System that the District has determined must be cleaned at a greater frequency than usual to remove obstructions from the accumulation of fats, oil, and grease deposits or debris or Suspended Solids. Fee is pursuant to the Fee Schedule
- 2.34 SEWER DEPOSIT:** A monetary deposit to the District to pay for District's project costs, including but not limited to plan review, project management, inspection, GIS data conversion, administrative, legal services, and records/billing services.
- 2.35 SEWER MAIN EXTENSION:** Extension of the Public Sewer System required to provide sewer service to a property not currently connected to the Public Sewer System.
- 2.36 SEWER MAINS:** Public sewer pipelines which are part of the Public Sewer System.
- 2.37 SEWER LATERAL STUB-OUT:** A short privately Maintained sewer line that connects to the District's Sewer Main and extends to the edge of the public right-of-way or a sewer Easement for future connection.
- 2.38 SEWER SYSTEM REIMBURSEMENT PROGRAM:** A program to equitably reimburse developers who construct extensions to the Public Sewer System.
- 2.39 SEWER TAMPERING PENALTIES:** Penalties imposed on a Person who causes damage or makes unauthorized alterations to the District's Public Sewer System.
- 2.40 SHALL/MAY:** "Shall" is mandatory, "May" is permissive.
- 2.41 SINGLE FAMILY RESIDENCE:** A detached building designed primarily for the use of one family.
- 2.42 SINGLE SERVICE FEE:** A fee imposed on a Service Connection to a single lot where an adequately-sized Sewer Main already exists.
- 2.43 SPECIFICATIONS:** The Standard Plans and Specifications for the Construction of Sewer facilities in the District.
- 2.44 SUSPENDED SOLIDS:** Solids that either float on the surface of, or in suspension in water, Sewage, or other liquids, and which are removable by laboratory filtering.
- 2.45 TERMS AND CONDITIONS:** A document produced by the District setting forth the terms and conditions for the provision of sewer service (a) to new developments or (b) for modifications to existing developments.

SECTION 3 – POLICY ON PUBLIC SEWER SYSTEMS

- 3.1 Compliance with District Rules and Regulations.** All Applicants, property owners, and Customers shall comply with these Rules and Regulations. If a property is located in

the District's water service boundary, the Applicant shall also comply with the District's Rules and Regulations for Water Service.

- 3.2 Requirement for a Sewer Connection Permit.** No unauthorized Person shall uncover, make any connections to, or opening into, use, alter, or disturb the Public Sewer System or connect Building Sewers to a Sewer Lateral Stub-Out, Sewer Lateral, Sewer Main or manhole without first obtaining a Sewer Connection Permit from the District. A request for Sewer Connection Permit must be made on "Sewer Connection Application and Permit" form provided by the District.

- 3.3 Documents Governing Construction of Sewer Facilities.** Customers shall construct sewer facilities in accordance with the latest version of following District documents and in accordance with laws, ordinances, Rules and Regulations, and District guidelines pertaining to the construction:

1. Standard Specifications and Drawings for Construction of Domestic Water and Sewer Facilities
2. Sewer Connection Application and Permit between Yorba Linda Water District and Applicant
3. Yorba Linda Water District Terms and Conditions for Water and Sewer Service

SECTION 4 – PRIVATE SEWER SYSTEMS

- 4.1** Private Sewer Systems are subject to other jurisdiction requirements and are not owned, operated nor Maintained by the District. Please contact the appropriate jurisdiction regarding Private Sewer Systems, which may include cities, county agencies and/or the Santa Ana Regional Water Quality Control Board.
- 4.2** The Customer shall be responsible for the operation and Maintenance of the Private Sewer System and for any damages resulting from a failure of the Private Sewer System.
- 4.3** The property owner may deliver Sewage to the Public Sewer System by use of a Private Sewer System.
- 4.4** The Private Sewer System shall include an alarm to notify Customer of pump failure and a sewer backflow prevention device to prevent Sewage backup. Unless otherwise waived by the Engineering Manager, an energy dissipater shall be constructed to allow gravity flow to the Public Sewer System from the Private Sewer System.

SECTION 5 – BILLING

- 5.1 Locke Ranch Area Customers.** For those Customers living in the Locke Ranch area, sewer service is billed annually on their property tax bill.
- 5.2 All Other District Customers.** For those customers not living in the Locke Ranch area, sewer service is billed monthly on the water bill in accordance with the Fee Schedule.
- 5.3 Payment Due Date.** All monthly bills are due and payable when a District bill or notice are mailed or electronically delivered to the Customer. A bill shall become delinquent if not paid within 27 days from the billing date.

- 5.4 Billing and Payment Methods, Delinquent Payment, Late Payment Fees, and Required Deposits.** See the District's Rules and Regulations for Water Service for billing and payment methods, delinquent payment, late payment fees, and required deposits.

SECTION 6 – BUILDING SEWER AND SERVICE CONNECTIONS (SEWER LATERALS)

BUILDING SEWER

- 6.1 Building Sewer Ownership and Conformance.** The Building Sewer is owned by the property owner and shall be Maintained, repaired, and/or replaced by the owner.
- 6.2** The Building Sewer shall conform to the requirements of the Building and Plumbing Code of the appropriate agency having jurisdiction.
- 6.3 Building Sewer Permits.** Building Sewer Permits shall be obtained from the appropriate public agency having jurisdiction prior to construction.
- 6.4** The Building Sewer Permit does not include permission to connect to the Public Sewer System.
- 6.5** An applicant for the Building Sewer Permit shall be responsible for costs and expenses incident to the construction and connection of the Building Sewer to the Sewer Main.
- 6.6** The applicant for the Building Sewer Permit shall notify the District when the Building Sewer is ready for inspection and connection to the Public Sewer System. Connection shall be made under the supervision of the Engineering Manager or their representative.
- 6.7** Applicant shall indemnify the District, and shall be fully responsible for all private plumbing, including the Service Connection, up to and including the non-factory fabricated wye connection to the District's Sewer Main.

SERVICE CONNECTIONS (SEWER LATERALS)

- 6.8 Service Connection Ownership and Modifications.** The Service Connection is owned by the property owner and shall be Maintained, repaired, and/or replaced by the owner. Any modification, rehabilitation, repair, or replacement of the Service Connection requires a District Sewer Connection Permit.
- 6.9 Connecting the Building Sewer to the Public Sewer System.** The Service Connection of the Building Sewer to the Public Sewer System shall conform to the requirements of the Building and Plumbing Code and the District Specifications. All such Service Connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineering Manager before installation.
- 6.10 Customer Responsibility for the Service Connection.** The Customer is responsible for Maintaining and repairing, at their own expense, the entire Service Connection from the Building Sewer or proposed Building Sewer to the District's Sewer Main.
- 6.11 Backflow Prevention Valve.** A sewer backflow prevention valve shall be installed on all Service Connections where the upstream sewer manhole rim elevation is higher than the pad elevation of the structure desiring sewer service and shall conform to the requirements of the Building and Plumbing Code of the appropriate agency having jurisdiction.
- 6.12 Transfer of Ownership from the District to Property Owner.** If the District transfers ownership of a service connection to the property owner and the property owner

intends to discharge its Sewage to the District's Public Sewer System, the property owner must obtain a Sewer Connection Permit for Maintenance, repair, and/or replacement. The transfer will include the saddle connection and 1/8 bend.

- 6.13 Sewer Connection Permit.** The Applicant shall obtain a Sewer Connection Permit from the District when requesting a Service Connection.
- 6.14** Developments within one (1) lot shall apply for a Sewer Connection Permit, with a Service Connection to that lot and a separate Service Connection to each additional (more than one (1)) habitable dwelling unit thereon including ADUs to the extent permitted by California law.
- 6.15** The Applicant shall specify the size of Service Connection with approved calculations, the location of the building to be served, and the type of service.
- 6.16** The District shall verify the information supplied by the Applicant. If any error in such application shall cause the installation of a Service Connection that is improper whether in size or location, the costs of all changes required shall be borne by the Applicant.
- 6.17** The Applicant for the Sewer Connection Permit shall notify the District when the Service Connection is ready for inspection and connection to the Public Sewer System. Connection shall be made under the supervision of the Engineering Manager or their representative.
- 6.18 Change in Service Conditions.** When service conditions change, the size of the Service Connection shall be re-evaluated by a licensed engineer or a licensed plumber. This includes any additions that may increase sewer flows, including additions to the main Single Family Residence and construction of an ADU or other property improvements. The Plans and sizing calculations shall be submitted to the District for review and approval. Failure to report such changes to the District is a violation, and subject to the provisions of Section 13, of these Rules and Regulations.
- 6.19 Installation of Service Connections.** District approval and an Easement are required prior to the installation or extension of a Service Connection across or through any private property.
- 6.20** All costs and expenses incident to the installation of the Service Connection shall be borne by the Applicant.
- 6.21** Applicant shall indemnify and hold the District, its Directors, officers and employees harmless from any loss or damage that may be directly or indirectly occasioned by the installation of the Service Connection.
- 6.22** All Service Connections shall be installed by a contractor licensed by the State of California to construct sewer mains. Contractor shall possess a Class "A" or "C-34" license for pipeline construction. A Class "C-36" will be acceptable if the pavement restoration is performed by a Class "C-12" sub-contractor.
- 6.23** The applicant or their licensed contractor shall notify Underground Service Alert (USA) at least 48 hours in advance of any digging or excavating. "USA" is an information center that notifies its members of impending excavation at or near their underground installations. California law makes it mandatory for all those who plan to do any digging or excavating to inform a regional notification center such as USA at least two days in advance. USA can be contacted at 1-800-422-4133.
- 6.24** All excavations for Service Connections on public and private property shall conform to Occupational Safety and Health Administration requirements to protect the public

from hazards. Streets, parkways, sidewalks, and other property disturbed in the course of the work shall be restored in a manner satisfactory to the agency having jurisdiction.

- 6.25 The fees and charges for public sewer service shall begin when the (a) proper application for public sewer service has been approved, (c) a Sewer Connection Permit has been issued, and (c) the Service Connection has been installed.
- 6.26 **Limitations and Requirements of a Service Connection.** A Service Connection shall not be used to serve more than one lot or parcel.
- 6.27 Each house or building under separate ownership on the same lot or parcel must provide for its own Service Connection.
- 6.28 The District reserves the right to limit the number of houses, buildings, or area of land with one owner to be supplied by one Service Connection, subject to California law regarding ADUs.
- 6.29 When property with a Service Connection is subdivided, the Service Connection shall be considered as belonging to the lot or parcel of land which lies closest to the connection and the lot or parcel of land which lies farthest away from the connection will be required to obtain a new Service Connection in accordance with these Rules and Regulations.
- 6.30 Developments with two (2) or more lots shall apply for Terms and Conditions and enter into a development agreement with the District. Separate Service Connections shall be required for (a) each lot and (b) new development with both a primary Single Family Residence and an Accessory Dwelling Unit to the extent permitted by California law.
- 6.31 Sewer Capacity Fees shall be calculated for each Accessory Dwelling Unit individually to the extent permitted by California law and pursuant to the Fee Schedule.
- 6.32 A Development Deposit Account for Sewer Deposits shall be established with the District in accordance with the Fee Schedule. Developer Sewer Deposits shall be in an amount determined by the District in its sole discretion. Additional Sewer Deposits may be required by the District upon substantial depletion of the original Sewer Deposit.
- 6.33 To the extent permitted by, and consistent with, State law, the District requires a Performance Bond and a Warranty Bond in the amount of 100% of the cost of construction for each bond be provided for all Sewer facilities installed by applicants. The purpose of the Performance Bond is to guarantee that the applicants will fulfill the terms of the agreement. The purpose of the Warranty Bond is to guarantee the installation of the Sewer facilities against leaks, breaks, other defects and or settlement backfill for a period of twelve months from the date of acceptance by the District. The District's bond requirements can be met by providing a Surety Bond or by using the option of depositing, with the District, cash in the full amount of Surety Bond amount.

SECTION 7 – FEES AND CHARGES

- 7.1 **CONNECTION FEES:** Connection Fees may include, depending on the type of connection, Single Service Fee, Capacity Fee, or such other fees as set forth herein depending on the type of service. Fees are pursuant to the Fee Schedule.

- 7.2 FRONTAGE CHARGE:** The Frontage Charge shall be determined by Customer class pursuant to the Fee Schedule.
- 7.3** Frontage Charges apply to new developments, changes in property use, and properties connecting to the Public Sewer System where an adequately-sized Sewer Main fronts the property.
- 7.4** If the Sewer Main is part of the Sewer System Reimbursement Program, refer to Section 8 for charges.
- 7.5 SINGLE SERVICE FEE:** A Single Service Fee shall be imposed (a) pursuant to the Fee Schedule and (b) on a Service Connection to a single lot where the Sewer Main already exists.
- 7.6** When additional dwelling units on a single lot require separate Service Connection, Single Service Fee(s) shall be imposed on each separate Service Connection.
- 7.7 SINGLE SERVICE SECURITY:** A \$2,500 Single Service Security shall be imposed on a Sewer Connection Permit.
- 7.8** Upon close out of the Sewer Connection Permit, the Security will be refunded to the original applicant who posted the Security.
- 7.9 SEWER CAPACITY FEE:** A capacity fee imposed by the District for: (a) public sewer facilities in existence at the time the fee is imposed; or (b) new public sewer facilities to be acquired or constructed in the future that are of proportional benefit to the Person or property being charged. This includes supply or capacity contracts for right or entitlements, real property interests, and entitlements and other rights of the District involving capital expense relating to its use of existing public facilities set forth in California Government Code Section 66013(b)(5). This is commonly referred to as the Customer's "buy-in" to the Public Sewer System.
- 7.10** Capacity fees are assessed based on Customer class (e.g. Single Family Residence, master metered [multiple Customers served by one meter], Commercial) and Equivalent Dwelling Units based on one Single Family Residence pursuant to the Fee Schedule and the latest Yorba Linda Water District Water & Wastewater Development Capacity Fee Study Report.
- 7.11 SEWER BACKBONE INFRASTRUCTURE FOR NEW DEVELOPMENTS:** Tract Developments or other large-scale developments that require construction of backbone infrastructure shall install such infrastructure or pay equivalent amount for the infrastructure to the District. If such backbone infrastructure exists, the developers shall pay equitable fees established by the District.
- 7.12 SEWER DEPOSIT:** A Sewer Deposit shall be imposed for all project services provided by the District.
- 7.13** A Sewer Deposit will be required upon application for Terms and Conditions per Sections 6 and 8 of these Rules and Regulations. Additional Sewer Deposits will be required when the Development Deposit Account reaches 85% of the original Sewer Deposit amount. Additional Sewer Deposit amounts will be equal to the original Sewer Deposit amount unless otherwise approved by the Engineering Manager.
- 7.14** The Sewer Deposit will be charged current vehicle rates and fully benefited and burdened salary rates. Upon close out of the project, all unused Sewer Deposit funds will be refunded to the original applicant who posted the Sewer Deposit

- 7.15 MONTHLY SEWER MAINTENANCE CHARGE:** All Single Family Residences, residential multiple unit dwellings, and Commercial/Industrial Customers shall pay a monthly sewer Maintenance charge pursuant to the Fee Schedule.
- 7.16** For all Customers, the monthly sewer Maintenance charge shall be pursuant to the Fee Schedule.
- 7.17 FEES, CHARGES, AND EASEMENTS:** Prior to the General Manager signing the Improvement Plans or approving an application for sewer service, the Applicant shall dedicate all Easements deemed necessary by the District and pay to the District all fees.

SECTION 8 – SEWER MAIN EXTENSION APPLICATION POLICY

- 8.1 Application to Construct Sewer Main Extensions.** In accordance with these Rules and Regulations, any applicant who is an owner or sub-divider of a single lot, subdivision, or tract of land, shall file a written application with District to a Sewer Main Extension, to such lot, subdivision, or tract of land.
- 8.2** A Person may file an application, or two or more Persons may join in an application, for a Sewer Main Extension.
- 8.3** The application shall include, in addition to the information required in Section 8.1, the proposed or desired location of Sewer Mains and other pertinent engineering data so as to enable the District to determine the conformance of the proposed Sewer Main Extension with the Standard Specifications and Drawings for Construction of Domestic Water and Sewer Facilities.
- 8.4 Requirements to Design and Construct Sewer Main Extensions.** All Sewer Main Extensions shall require Terms and Conditions approved by the Board of Directors, and Plans and Specifications approved by the Engineering Manager.
- 8.5** The engineering design and construction of the Sewer Main Extension shall include Sewer Lateral Stub-Outs for neighboring properties fronting the Sewer Main Extension. The Sewer Lateral Stub-Outs must be constructed to the edge of Easement or public right of way per District's Standard Drawing for Sewer Lateral.
- 8.6 Approval to Construct Sewer Main Extensions.** If and when said Applicant has complied with all requirements of the District, including the payment of all fees required in Section 7 and the posting of a Guarantee Bond, and such other provisions of the subdivision ordinance(s) dealing with public improvements as may be applicable, the District shall approve construction of the Sewer Main Extension.
- 8.7** The Applicant for the Sewer Main Extension shall notify the District at least two working days prior to the start of construction of the Sewer Main Extension. Construction shall be done under the inspection of the Engineering Manager or their representative.
- 8.8** Refer to Sections 7 and 9 for additional conditions.

SECTION 9 – PUBLIC SEWER SYSTEM REIMBURSEMENT PROGRAM

- 9.1 Public Sewer System Reimbursement Program.** Applicant(s) within the District who desire public sewer service to their properties and who must construct, at their expense, a Sewer Main, which can provide public sewer service to other properties in addition to those properties described in the application for public sewer service,

may enter into a reimbursement agreement under the Sewer System Reimbursement Program (Program).

- 9.2 Applicant-Constructed Sewer Main.** The term “Applicant-constructed Sewer Main”, as used in these Rules and Regulations, shall mean a Sewer Main and/or facilities that was not constructed by the District.
- 9.3 Purpose of the Program.** The purpose of the Program is to equalize the cost to construct the Sewer Main on a per-Service Connection basis among all properties that connect to the same constructed Sewer Main and/or facilities.
- 9.4 Program Applicant Deposit and Fees.** The Applicant(s) for the Program shall pay a Sewer Deposit and Sewer Capacity Fees and other applicable Connection Fees as identified in Section 7, pursuant to the Fee Schedule; however, the Frontage Fee is waived for the applicant(s) who pays for construction of the Sewer Main and/or facilities.
- 9.5 Program Agreement with the District.** All Applicants who desire to participate in the Sewer System Reimbursement Program must enter into an agreement with the District which provides as follows:
- 9.5.1** That Applicant(s) shall have constructed, in accordance with both these Rules and Regulations and the District's Standard Specifications and Drawings, those sewer facilities required to provide sewer service to the properties described in such application.
- 9.5.2** That the cost of said construction shall be fully paid by the Applicant(s) and the Applicant shall certify that there are no liens against the Applicant or project.
- 9.5.3** That the Applicant(s) shall submit a completed and executed District Bill of Sale document provided by the District that includes the actual costs for engineering and construction of the public sewer facilities and all costs shall be supported by invoices or statements verified to the satisfaction of the District.
- 9.5.4** That the final cost to construct the Sewer Main and/or facilities shall be the cost of said construction as verified by the District.
- 9.5.5** That the Applicant(s) shall (a) transfer title of said Sewer Main and/or public sewer facilities and (b) grant Easements, if applicable, to the District in accordance with these Rules and Regulations.
- 9.5.6** That the Applicant(s) is in good standing with the District and has paid all outstanding water and sewer related fees, including water and sewer service related fees for this and other Applicant projects.
- 9.5.7 Reimbursement from Connection Fees.** For 15 years after the date of the notice of completion for the Applicant-constructed Sewer Main, the District shall collect Connection Fees from all properties later connecting to the Applicant-constructed Sewer Main, and pay the applicable fees to those Persons entitled to reimbursement pursuant to these Rules and Regulations. After 15 years, the Program will terminate for that Applicant-constructed Sewer Main and the District will be no longer obligated to collect or reimburse Connection Fees from later connecting properties.
- 9.5.8** That such reimbursement shall be paid from the applicable fees collected by the District without interest.

9.5.9 Reimbursement Calculation. That the District shall calculate and determine the amount of such reimbursement as follows:

9.5.9.1 The District shall determine the probable number of Service Connections that will be made to the Applicant-constructed Sewer Main. This number shall not include those Service Connections that, though possible, are doubtful at the time of application.

9.5.9.2 The fee per Service Connection is determined by the following formula: $F=T/N$.

"F" is the amount that each probable Service Connection shall pay when they apply for a Service Connection to the Applicant-constructed Sewer Main. "T" is the final cost of installation of the Applicant-constructed Sewer Main as determined in Section 9.5.4. "N" is the probable number of Service Connections to said Sewer Main.

9.5.9.3 All sums collected with respect to a particular Applicant-constructed Sewer Main shall be paid only to the Applicant(s) who was required to construct said Sewer Main until such time as all of such refunds to which said applicant(s) is entitled hereunder have been paid.

9.5.9.4 All rights of such refunds and all duties of the District to collect the refund charges from future Service Connections shall terminate at the end of the day, fifteen (15) years after the date on which the Bill of Sale is approved and the Applicant-constructed Sewer Main is transferred to the District.

9.5.10 Calculation when Actual Connections Exceeds the Probable Number of Connections. If the actual number of Service Connections to the Applicant-constructed Sewer Main exceeds the probable number of Service Connections, each additional Service Connection shall pay a fee equal to the final cost to construct the Applicant-constructed Sewer Main as determined in Section 9.5.4 divided by the actual number of Service Connections to the said Sewer Main. Such fees collected from the new Applicants shall be reimbursed to those who previously paid the per-Service Connection fee (F) as determined in Section 9.5.9.2, as follows:

9.5.10.1 The fee for each additional Service Connection shall be determined by the following formula: $F_R=T/N_R$. Where " F_R " is the fee that a new Applicant shall pay, and " N_R " is the new number of Service Connections to the Applicant-constructed Sewer Main.

The fee collected from an additional Applicant shall be reimbursed to those who previously paid the fees for their Service Connection (F). The reimbursement amount shall be determined in accordance with the following formula: $R = F_R/(N_R-1)$.

"R" is the amount of the reimbursement per connection to the owners of those Service Connections who previously paid the fees as

determined in Section 9.5.9.2, and “Fr” and “Nr” are defined above in this section.

9.5.10.2 Such reimbursement shall be made to the current owner(s) of the property(ies) that previously participated in the Program either as the original Applicants or joined at a later time.

9.6 Applicant Fees for Additional Service Connections. In addition to the reimbursement fee, the Applicant(s) for additional Service Connection(s) shall pay all other applicable fees such as Single Service Fee and Sewer Capacity Fee as identified in Section 7. Such additional fees are not subject to the provisions of the Sewer System Reimbursement Program.

SECTION 10 – SERVICE FOR PROPOSED DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING

10.1 The District shall grant a priority for the provision of sewer services to proposed developments that include housing units affordable to lower income households, in accordance with and to the extent required by California Government Code Section 65589.7, taking into account all of the following:

10.1.1 Plans, documents, and information relied upon by the District that provide a reasonable basis for making service determinations.

10.2 In accordance with California Government Code Section 65589.7, 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:

10.2.1 The District does not have sufficient collection capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.

10.2.2 The District is subject to a compliance order issued by a state, regional, or local agency that prohibits new Service Connections.

10.2.3 The District does not have sufficient collection capacity, as demonstrated by a written engineering analysis and report on the condition of the of the collection works, to serve the needs of the proposed development.

10.2.4 The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to California Government Code Section 66013.

SECTION 11 – PROHIBITED DISCHARGE OF CERTAIN MATERIALS INTO THE PUBLIC SEWER SYSTEM; SEWAGE SPILLS

11.1 Discharge Pursuant to OC Sanitation Ordinance. Discharge into the Public Sewer System shall be pursuant to the latest adopted Ordinance of the Board of Directors

of Orange County Sanitation District Establishing Wastewater Discharge Regulations. Orange County Sanitation District is the regional public agency that provides wastewater transmission, treatment, and disposal services for central and northwest Orange County, including the District.

- 11.2 **Regulation of Fats, Oils and Grease Control.** Fats, Oils and Grease Control regulation shall be in accordance with the latest Board-adopted District Ordinance for Fats, Oils and Grease Control Regulations, as applicable to food service establishments.
- 11.3 **Sewage Spills.** If sewer leakage actually, or potentially, creates a public health hazard, and the Customer does not pursue repairs and/or clean up the Sewage spill, the District, at its discretion, may repair or have repaired the Customer's segment of the Service Connection and clean up the Sewage spill.
- 11.4 The District will, in turn, bill the responsible party or agent for the property of said Service Connection for the actual cost of the repair, Maintenance, and/or cleaning and all administrative costs. Refer to Section 11 for additional conditions.

SECTION 12 – PROTECTION FROM DAMAGE

- 12.1 **Penalty for Tampering with the District's Public Sewer System.** In accordance with California Penal Code Section 498, no unauthorized Person shall maliciously, willfully, or negligently remove, change, disturb, break, damage, destroy, uncover, deface, or in any way tamper, or interfere with any facility, apparatus, appliance, property, structure, appurtenance, or equipment which is used or Maintained as a part of the Public Sewer System. Anyone engaged in the unauthorized use of services as set forth herein shall also be subject to all civil penalties, costs of remediation, and such other fees and costs that may apply in accordance with the Fee Schedule.
- 12.2 **Minimum Utility Facilities Separation.** The District and other public and private utilities use the same public right-of-way to install surface and subsurface facilities and therefore compete for the same space for use by their respective facilities. Unless a minimum separation between facilities is established, the District may incur (a) damage to the District's Public Sewer System during or after installation of other utilities' facilities, (b) cost related to future Maintenance and repair of the District's Public Sewer System, and (c) potential adverse impacts (e.g., service interruption, financial) to District Customers.
- 12.3 To mitigate or avoid these potential outcomes, (a) there shall be a minimum horizontal and vertical separation of 30 inches between the outer edge of the District facilities and the outer edge of the utility's facilities, and (b) all utilities shall release and indemnify the District for any damage caused by District to another utility's facilities installed within the 30-inch separation after the adoption date of these Rules and Regulations.

SECTION 13 – POWERS AND AUTHORITY OF INSPECTORS

- 13.1 The General Manager and other duly authorized employees of the District, bearing proper credentials and identification, shall enter Premises and/or Easements for purposes of access, inspection, observations, measurement, sampling and testing in accordance with the provisions of these Rules and Regulations, provided that the Premises owner, or their designated representative, provides an invitation to enter Premises. No such invitation is required for the District to access an Easement area.

- 13.2 The General Manager and other duly authorized employees of the District, bearing proper credentials and identification, shall be permitted to enter all private Premises, through which the District holds an Easement, (a) for the purposes described in the Grant of Easement, including, but not limited to, inspection, observation, measurement, sampling, repair, and/or Maintenance of any portion of the Public Sewer System lying within said Easement area and (b) in full accordance with the terms of the Easement pertaining to the private Premises involved.
- 13.3 An official District issued identification card shall be carried by all District employees, and shall be available upon request of Premises owner or their designated representative, if District employee is required to enter private Premises.

SECTION 14 – VIOLATIONS

- 14.1 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 and providing a reasonable time limit for the satisfactory correction thereof. The violator shall, within the period of time stated in such notice, permanently cease all violations.
- 14.2 Any Person who shall continue any violation beyond the time limit provided for shall have their water service subject to discontinuance. Reinstatement of water service shall be made only on correction of the violation and payment of all applicable fees.
- 14.3 Any Person violating any of the provisions of these Rules and Regulations shall become liable to the District for any expense, loss, or damage occasioned by the District by reason of such violation.
- 14.4 District may assess penalties pursuant to the Fee Schedule.

SECTION 15 – VALIDITY

- 15.1 The invalidity of any section, sentence, clause or provision of these Rules and Regulations shall not affect the validity of any other part of these Rules and Regulations which can be given effect without such invalid part.