

ORDINANCE NO. 1427

**AN ORDINANCE OF THE COACHELLA VALLEY WATER DISTRICT
BOARD OF DIRECTORS ESTABLISHING THE DISTRICT'S REGULATIONS
GOVERNING SANITATION SERVICE**

WHEREAS, the Coachella Valley Water District ("District") is organized and operates pursuant to the County Water District Law (Water Code section 30000, *et seq.*); and

WHEREAS, the District is authorized to acquire, construct, and operate facilities for the collection, treatment and disposal of sewage and waste, and fix and collect charges for the provision of such services pursuant to Water Code sections 31100 and 31101; and

WHEREAS, on July 14, 1981, the Board of Directors adopted Ordinance No. 1138 which established the Regulations Governing Sanitation Service ("Regulations"). The Regulations set forth the rules and regulation for the provision of sanitation service which includes the collection, treatment and disposal of sewage and waste. Over the years, the Board has adopted subsequent ordinances, amendments and revisions which have amended and revised the Regulations; and

WHEREAS, currently, there are provisions of the Regulations which need to be updated. Therefore, the Board desires to adopt this Ordinance in order to adopt new Regulations which will contain all of the updated and current provisions of the Regulations and which will reflect all current policies, procedures and practices in connection with providing sanitation service. As a result of the adoption of this Ordinance, all other previously adopted ordinances, amendments and revisions shall be deemed to be superseded by the new Regulations and said previous ordinances, amendments and revisions shall be of no further force or effect.

WHEREAS, in accordance with Water Code Section 31141, at least 5 days before consideration of this Ordinance, a summary of this Ordinance was published in The Desert Sun, and in the Imperial Valley Press, newspapers of general circulation, and a certified copy of the full text of this Ordinance was posted in the District offices.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the Coachella Valley Water District as follows:

1. The Recitals set forth above are incorporated herein and made an operative part of this Ordinance.
2. The Board of Directors hereby adopts the new Regulations Governing Sanitation Service as set forth in Exhibit A, attached hereto and by this reference made an operative part of this Ordinance.
3. The General Manager, or his/her authorized designee, is hereby authorized and directed to take all actions necessary to implement, impose and otherwise enforce the

Regulations. The General Manager, or his/her authorized designee, is also hereby authorized to make any and all other revisions to the Regulations which may be necessary in order to reflect the actions taken by way of this Ordinance.

4. The Board finds that the continued administration, operation, maintenance, and repair of the District's existing sewer system and the continued provision of sanitation service, as set forth in the Regulations, are necessary to maintain service within the District's existing sanitation service area. The Board further finds that the continued administration, operation, maintenance, and repair of the District's existing sewer system and the continued provision of sanitation service, as set forth in the Regulations, will not expand the District's sewer system or sanitation service area, nor will the Regulations result in changes in the operations of the existing system that may result in environmental impacts. The Board further finds that the Regulations involve negligible or no expansion of use beyond that which already exists. Based on these findings, the Board determines that the adoption of the Regulations is exempt from the requirements of the California Environmental Quality Act pursuant to section 15301 of the State CEQA Guidelines ("Existing Facilities").

5. If any section, subsection, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.

6. All ordinances, resolutions, administrative actions, amendments, revisions, or any other policies or procedures in regard to the Regulations, which were in effect prior to the effective date of this Ordinance, shall be superseded by this Ordinance and shall be of no further force or effect.

7. The President of the Board of Directors shall sign this Ordinance and the Secretary of the Board of Directors shall attest thereto, and this Ordinance shall be in full force and effect immediately upon adoption. Within 15 days after adoption of this Ordinance, a summary of this Ordinance shall be published with the names of the Directors voting for and against this Ordinance and a certified copy of the full text of this Ordinance, along with the names of those Directors voting for and against this Ordinance, shall be posted in the District offices.

ADOPTED THIS 23rd DAY OF FEBRUARY 2016.



John P. Powell Jr.
President of the Board of Directors

EXHIBIT A

REGULATIONS GOVERNING SANITATION SERVICE

COACHELLA VALLEY WATER DISTRICT



REGULATIONS GOVERNING SANITATION SERVICE

Prepared by:
Sanitation Division
Engineering Department
Palm Desert, California

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EXHIBIT 1

Contractor Experience Statement for Building and Street Sewer Lateral Connections

Definition of Terms

1-1 Coachella Valley Water District (CVWD) Definitions

Unless the context specifically indicates otherwise, the meaning of words or terms used in these Regulations shall be as follows:

- 1) **ACTUAL CONSTRUCTION COST (COST)** – Includes the cost of all activities necessary or incidental to the construction of a public utility facility, such as financing, planning, designing, acquisition of Property or interest in Property, construction, reconstruction, or rehabilitation.
- 2) **APARTMENT** – Any building containing two or more Dwelling Units, served by one meter that are rented, not separately owned.
- 3) **APPLICANT (PROPOSED CUSTOMER)** – Any person, firm, corporation, association or agency who desires to obtain Sanitation Service from CVWD.
- 4) **ASSESSOR’S PARCEL NUMBER** – A number assigned by tax assessor in order to identify a particular Property.
- 5) **BOARD** – The Board of Directors of the Coachella Valley Water District.
- 6) **BOD (Biochemical Oxygen Demand)** – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, usually expressed as a concentration in milligrams per liter (mg/L).
- 7) **BUILDING SEWER LATERAL** – The Applicant or Customer’s pipeline extending from the connection with the Street Sewer Lateral to the Applicants or Customer’s house, building or structure which receives the discharge from soil or waste pipes of the house, building or structure and conveys it to the Street Sewer Lateral or Sanitation System.
- 8) **BUILDING UNIT** – Any unit of nonresidential development.
- 9) **cBOD (Carbonaceous Biochemical Oxygen Demand)** – The quantity of oxygen utilized in the biochemical oxidation of organic matter in a sample in which the contribution from nitrogenous bacteria has been suppressed.
- 10) **COLLECTION SYSTEM** – The combined pipes, conduits, manholes, and other structures, above and below ground, whose purpose is to convey wastewater to CVWD’s Water Reclamation Plant (WRP).

- 11) CONDOMINIUM – A condominium consists of an undivided interest in the common area of a portion of real Property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map or condominium plan in sufficient detail to locate all boundaries thereof, as defined in Section 1351 of the California Civil Code.
- 12) CONTRACTOR – Any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under a permit or agreement.
- 13) CUSTOMER – Any Person, Property Owner, Tenant, firm, corporation, association or agency who uses or desires to obtain Sanitation Service from CVWD.
- 14) DEVELOPER or SUBDIVIDER – A person who proposes to divide, divides, or causes to be divided, real Property into a Subdivision for itself or for others, or develops real Property. Except that employees and consultants of such Person, acting in such capacity, are not Developers or Subdividers.
- 15) DEVELOPMENT – The uses to which the land shall be put, subject to the tract/parcel map, including the buildings to be constructed on it and all alterations of the land and construction incident thereto.
- 16) DEVELOPMENT DESIGN MANUAL (DDM) – CVWD’s Development Design Manual provides comprehensive procedural and technical requirements for the planning, design and construction of CVWD service infrastructure required for new Development.
- 17) CVWD – The Coachella Valley Water District, organized and operated pursuant to the provisions of the County Water District Act.
- 18) DOMESTIC WASTEWATER – the liquid and solid waterborne wastes derived from the ordinary living processes of humans of such character as to permit satisfactory disposal, without special treatment, into the Public Sewer Main or by means of a private disposal system.
- 19) DUPLEX – Any building containing two Dwelling Units but not including any building commonly known as a hotel, motel or condominium.
- 20) DWELLING – Any building that contains one or two dwelling units, intended or designed to be built, used, rented, leased, let, hired out to be occupied or that is occupied for living purposes.
- 21) DWELLING UNIT – A single family unit requiring Sanitation Service and intended to be a complete independent living facility for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, including but not limited to, family residence, each unit of a duplex, each unit of an apartment, condominium, each recreational vehicle and each trailer park space. The General Manager will determine the number of Equivalent Dwelling Units in other types of structures.

- 22) EASEMENT – A nonpossessory interest held by one person in land or right-of-way of another whereby the first person is accorded partial use of such land for a specific purpose. An easement restricts but does not abridge the rights of the Owner to the use and enjoyment of the land.
- 23) EFFLUENT – Wastewater or other liquid, partially or completely treated, or in its natural state, flowing out of a reservoir, basin, water reclamation plant, or industrial treatment plant.
- 24) EQUIVALENT DWELLING UNIT (EDU) – The basis for the average amount of wastewater flow generated by one dwelling unit within CVWD’s system.
- 25) FIRST BENEFICIAL USE – Property that has a Street Sewer Lateral and the Sanitation Capacity Charge has been paid.
- 26) GENERAL MANAGER – The General Manager of CVWD or his/her appointed representative.
- 27) HOTEL OR MOTEL – Any building containing six or more guest rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests.
- 28) IMPROVEMENT – Refers to any street work and utilities to be installed or agreed to be installed, by the Subdivider, public agencies, private utilities or any other entity approved by the local agency or by a combination thereof, and is necessary to ensure consistency with, or implementation of, the general plan or any applicable specific plan.
- 29) INDIRECT DISCHARGE – The introduction of pollutants into the Water Reclamation Plant (WRP) from any non-domestic source.
- 30) INDUSTRIAL WASTEWATER – All liquid carried wastes including, but not limited to, all wastewater from any producing, manufacturing, processing, institutional, commercial, restaurant, agriculture, or other operation where the wastewater discharged contains quantities of wastes of non-human origin excluding domestic wastewater, rainwater, groundwater, storm water, and drainage of uncontaminated water.
- 31) INSPECTION POINT – An access point to a unit of pretreatment equipment intended for maintenance and/or inspection of the unit (e.g., the covers over the chambers and sample station of a grease interceptor).
- 32) INTERCEPTOR/SEPARATOR – A device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from normal wastes and permit normal wastewater to discharge by gravity.
- 33) INTERCEPTOR/SEPARATOR CHARGE – A monthly charge established to provide inspection during installation and on a periodic basis.

- 34) INTERFERENCE – A discharge which, alone or in conjunction with a discharge or discharges from other sources,
- a) inhibits or disrupts the Sanitation System, its treatment processes or operations, or its sludge processes, use or disposal, and
 - b) therefore is a cause of a violation of any requirement of the Water Reclamation Plant’s Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with federal, state or local regulations.
- 35) LOT – That portion of a parcel of land which is delineated or described as a single integral unit on the Subdivision Map.
- 36) LOT LINE – A line dividing one lot from another or from a street or any public place.
- 37) OCCUPANT – Any person actually occupying any Property, whether an Owner or Tenant.
- 38) OFF-SITE – That area which lies outside the peripheral boundary of a subdivided area, a developed area or an area being developed.
- 39) OFF-SITE FACILITIES – Facilities under the ultimate control of CVWD including but not limited to sewer pipelines, lift stations, maintenance and inspection facilities, valves, connections, treatment facilities, and other appurtenances and Property up to the point of connection with the On-Site Facilities.
- 40) ON-SITE FACILITIES – Facilities under the ultimate control of CVWD including but not limited to sewer pipelines, lift stations, maintenance and inspection facilities, valves, connections, treatment facilities, and other appurtenances and Property located within a Subdivision or Tract.
- 41) PARCEL – Generally refers to a piece of land that cannot be designated by a lot number.
- 42) PASS THROUGH – A discharge which exits the Water Reclamation Plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Water Reclamation Plant’s Permit (including an increase in the magnitude or duration of a violation).
- 43) PERMIT – An official document or certificate issued by the authority having jurisdiction which authorizes subject to conditions the performance of a specified activity.
- 44) PERSON – Any individual, firm, company, corporation, association, political subdivision, city, county, district, the State of California, or the United States of America or any department or agency of any thereof. The singular in each case shall include the plural.
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- 45) **POLLUTANT** – Dredged spoil, solid waste, incinerator residue, filter backwash, garbage, sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, total suspended solids, turbidity, color, BOD, cBOD, toxicity, or odor).
- 46) **PRETREATMENT** – The reduction of the amount of pollutants, the elimination of pollutants, or the alternation of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the Water Reclamation Plant (WRP). This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.
- 47) **PROPERTY** – Any Property, including any Lot, Parcel, Premises, Dwelling Unit or portion thereof that is the subject of a request for service or to which service is being rendered.
- 48) **PROPERTY OWNER or OWNER** – Any person, agent, firm or corporation having legal or equitable interest in the Property.
- 49) **PUBLIC SEWER MAIN** – Any closed conduit, excluding Building Sewer Laterals, which is financed, installed, owned, operated, or maintained by a collection agency for the purpose of transporting wastewater from two or more Building Sewer Laterals.
- 50) **REGULATIONS** – The current edition of, and any amendments or revisions to, CVWD’s Regulations Governing Sanitation Service.
- 51) **REPLENISHMENT ASSESSMENT CHARGE** – A monetary charge authorized by the State Water Code and uniformly applied to extractions of groundwater within certain specified geographic boundaries of CVWD for payments on a water supply purchased to supplement naturally existing water supplies.
- 52) **RETURN TO SEWER FACTOR** – An estimate of how much indoor potable water usage is subsequently discharged to the sewer drain.
- 53) **RIGHT-OF-WAY** – Any strip or area of land, including surface, overhead, or underground, granted by deed or easement, for construction and maintenance according to designated use, such as for drainage and irrigation canals and ditches, electric power, telephone lines, gas, oil, water and other pipelines, highways and other roadways, sewers, surface water detention and flow, and tunnels.
- 54) **SANITATION AVAILABILITY** - Sanitation Service is considered to be available to Property if the Sanitation System has been constructed and is available for Service as provided for in Section 5-5 of these Regulations. Sanitation Service is not available to Property solely adjacent to a force main.

- 55) **SANITATION AVAILABILITY CHARGE** – The annual charge levied against lands to which Sanitation Service is available whether the Service is used or not.
- 56) **SANITATION CAPACITY CHARGE** – Charge for sanitation facilities in existence at the time the charge is imposed or the charge for new facilities to be constructed in the future that are of the benefit to the Property or Owner being charged. It applies to all land development, redevelopment and connection of existing homes to the Sanitation System. The charge consists of the costs associated with the incremental demand per Equivalent Dwelling Unit placed on the Collection System and the treatment and disposal system.
- 57) **SANITATION SERVICE or SERVICE** – The furnishing of facilities for the collection, treatment, and disposal of wastewater, and all the administrative functions auxiliary thereto.
- 58) **SANITATION SERVICE CONNECTION** – see Street Sewer Lateral.
- 59) **SANITATION SYSTEM** – The facilities for collection, treatment, and disposal of wastewater constructed by or for CVWD, whether acquired for CVWD, and maintained and operated by CVWD for the purpose of providing Sanitation Service.
- 60) **SEWER CHARGE** – The monthly charge levied on all Properties which are provided Sanitation Service for the capability of providing such Service.
- 61) **SEWER CLASSIFICATION CODE** – A code used in the billing system for purposes of classifying customers based on similar sewer usage characteristics. Details on CVWD Sewer Classification Codes are located in Appendix A, Table A-6.
- 62) **SEWER EXTENSION** – The additional installation of any Public Sewer Main and appurtenances, either within On-Site or Off-Site Facilities beyond the existing Public Sewer Main.
- 63) **SLUG** – Any discharge into the Sanitation System in quantities or concentration of any given constituent which exceeds, for more than 15 minutes, five times the average 24 hour quantity or concentration.
- 64) **STANDARD SPECIFICATIONS** – The current edition of CVWD’s Standard Specifications for Construction of Sanitation Systems.
- 65) **STREET** – Any highway, road, street, avenue, alley or way, either public or private.
- 66) **STREET SEWER LATERAL** – The pipeline between a Public Sewer Main and a Building Sewer Lateral.
- 67) **STREET SEWER LATERAL CHARGE** – The charge levied for the cost of installing a Street Sewer Lateral.

- 68) SUBDIVIDER – A Person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided, real Property into a Subdivision for itself or for others except that employees and consultants of such Persons or entities, acting in such capacity, are not Subdividers.
- 69) SUBDIVISION or TRACT – The division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units even if it is separated by roads, streets, utility easements or railroad rights-of-way. Subdivision includes common interest developments, as defined in Section 1351(c) of the Civil Code.
- 70) TAX ROLL – The process of levying property, through annual property taxes, to recapture unpaid charges for sewer and other services.
- 71) TENANT – A person who rents or leases a unit which he/she does not own.
- 72) TRACT – See SUBDIVISION.
- 73) WASTEWATER – Liquid and water-carried wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the Water Reclamation Plant (WRP).
- 74) WATER RECLAMATION PLANT (WRP) – A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by CVWD. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of wastewater of a liquid nature and any conveyances, which convey wastewater to a water reclamation plant.

1-2 Other Definitions: Words or terms not defined above shall be defined in accordance with the Processing Water, Wastewater, Residuals, and Excreta for Health and Environmental Protection: An Encyclopedic Dictionary, prepared by the Water Environment Federation.

2-1 General Provisions

2-1.1 Board:

The Board may change these regulations as it deems necessary.

2-1.2 General Manager:

The General Manager may prescribe and enforce additional regulations not in conflict with these Regulations to implement the application, administration, interpretation and enforcement of these Regulations.

2-2 Inspectors

2-2.1 Entry to Property:

The General Manager and other duly authorized employees of CVWD bearing proper credentials and identification shall be permitted to enter upon all Property for any purpose properly connected with CVWD's operation.

2-2.2 Credentials:

Any Person who is not an authorized officer or employee of CVWD shall have, wear, or exhibit any badge or credentials of CVWD.

2-3 Fees, Charges and Services

Fees, charges and services are nonrefundable and nontransferable; however, under special circumstances, the General Manager may grant a refund of fees or charges at his/her discretion.

Service Connections

3-1 Street Sewer Laterals

3-1.1 General Provisions:

3-1.1.1 Requirements:

After providing Sanitation Service in any area of CVWD, CVWD may declare the further maintenance or use of septic tanks or any other local means of Sewage disposal in such area to be a public nuisance and may require a Property used by human beings, to be connected to the Sewer within 90 days after written notice, provided that the Sanitation System is available for use within 200 feet of the Property.

A Building Sewer Lateral shall be installed in accordance with the requirements of the governing agency. The Applicant shall pay for the cost of installing the Building Sewer Lateral and shall be responsible for the cost of maintaining it. The CVWD may inspect the installation.

3-1.1.2 Separate Property:

Separate Property under single control or management shall be furnished Sanitation Service through a separate Street Sewer Lateral unless otherwise approved by the General Manager. Separate houses or buildings on the same Lot, or on adjoining Lots, under single control or management shall be furnished Sanitation Service, at the option of CVWD, by either of the following methods:

- 1) Through a separate Street Sewer Lateral to each house or building; or,
- 2) Through a single Street Sewer Lateral to all houses or buildings.

3-1.1.3 Division of Property:

When Property having a Street Sewer Lateral is divided into two or more Lots, the existing Street Sewer Lateral shall be considered as belonging to the Lot to which it directly enters, and a new Street Sewer Lateral shall be installed for the remaining Lot or Lots at the Applicant's expense.

3-1.1.4 Sewer Charges:

The prevailing Sewer Charges will be imposed on all Property as provided for in Section 5-4 and/or subject to the provisions of Subsection 3-1.1 at the expiration of the 90 day notice period.

3-1.1.5 Contractor Experience Statement and Deposit for Building and Street Sewer Lateral Installation

Contractors interested in installing Building and Street Sewer Laterals must complete the Contractor Experience Statement in Exhibit 1 in its entirety and submit to CVWD for evaluation. The contractor must submit a \$5,000 cash deposit with the application in the form of cash or check made payable to CVWD. Contractors deemed to have the requisite experience based on the scoring criteria contained in Exhibit 1 and that have complied with the deposit requirements will be placed on CVWD's Building and Street Sewer Lateral List.

Parties seeking to perform Building and Street Sewer Lateral Installation must utilize a contractor that is included in the Building and Street Sewer Lateral List. CVWD does not warrant the performance of any of the contractors included on the list and interested parties should perform an independent investigation and evaluation of each company before retaining a contractor to perform work.

3-2 Interceptors/Separators

3-2.1 General Provisions:

3-2.1.1 Requirements:

All Interceptors/Separators (i.e. grease, oil, sand and lint traps) shall be installed in accordance with the governing agency and CVWD. The Applicant shall pay for the cost of installation and shall be responsible for the cost of maintaining it. CVWD may at any time inspect the installation and the operation of the facility and require the applicant to perform any maintenance necessary.

3-2.1.2 Interceptor/Separator Charge:

The prevailing Interceptor/Separator Charge as provided for in Section 5-9 will be imposed on all Property required to install Interceptors/Separators.

3-3 Authorization to Connect

No Person shall connect any Property to the Sanitation System without obtaining written authorization from CVWD. An authorization will not be issued by CVWD unless proper application has been made as provided for in Part 4 and the applicable charges have been paid.

3-4 Standards

3-4.1 Plans and Specifications:

All plans and specifications shall be submitted to CVWD in advance of construction and no construction shall start until the plans and specifications have been approved by CVWD. CVWD will provide the Applicant the Building and Street Sewer Lateral List containing the names of contractors eligible to perform work within CVWD's service area.

3-4.2 Installations

3-4.2.1 Street Sewer Laterals

A Street Sewer Lateral from an existing Sanitation System shall be installed only by employees of CVWD, or others authorized in writing by CVWD.

All Street Sewer Laterals to be installed in new Subdivisions shall be installed by the Subdivider before Streets are paved and shall be terminated in a plug or shall be connected to a Building Sewer Lateral, unless otherwise approved by the General Manager. The Applicant shall pay for the cost of installing the Street Sewer Lateral and shall be responsible for the cost of maintaining it.

CVWD will provide inspection of the Street Sewer Lateral installation from an existing Sanitation System done by others at the Applicant's expense, as provided for in Section 5-6.

3-4.2.2 Interceptors/Separators:

No Interceptor/Separator shall be installed without prior approval from CVWD. Applicant shall notify CVWD 48 hours prior to the start of installation and all installations shall be inspected by CVWD personnel.

3-5 CVWD Responsibility

The CVWD's responsibility ends at the point where the Sanitation System ends, or in the case of any special installation approved by CVWD, except that such responsibility does not include the Street Sewer Lateral.

Application for Service

4-1 General Provisions

4-1.1 Written Application:

A written application shall be made and signed by each Applicant for Sanitation Service, on a Form supplied by CVWD. Where such Service is for a Residential Unit, it shall be executed by the Owner of the Property.

Each time there is a change of Customer (either Property Owner or Tenant) on any non-residential Property, the new Property Owner or Customer shall notify CVWD immediately.

4-1.2 Description of the Property:

The Applicant shall describe the Property to be served, and only the Property described will be connected to the Sewer.

4-2 Prior Service

4-2.1 Business:

The Applicant may be subject to the provisions of Section 6-3 if a delinquency has occurred at the Property or at another Property owned by the Applicant.

The Applicant may be held responsible for payment of all amounts due for Sanitation Service, including all bills, costs, loss, damage, penalties, charges, or fees regardless of user or use which may remain against the Property.

4-2.2 Residential:

The Applicant may be subject to the provisions of Section 6-3 if a delinquency has occurred at another Property owned or occupied by the Applicant.

The Applicant will not be liable for any unpaid charges from a prior occupant; however, CVWD will require that Service for Applicant be furnished on the account of the property owner.

5-1 Sanitation Capacity Charge

5-1.1 General Provisions:

The Sanitation Capacity Charge is provided for in Table A-2, Charge Number A-2.2, except as modified in the succeeding subsections.

5-1.2 Equivalent Dwelling Unit (EDU):

Except as otherwise provided for in Table A-1, the minimum number of EDUs assigned to any Property shall be one. The General Manager will determine the number of EDUs for Properties not provided for in the Regulations.

5-1.3 Not used.

5-1.4 Palm Desert Country Club Service Area:

Properties included in original Service Area with Sewer available. No charge will be levied.

5-1.5 Payment:

The Sanitation Capacity Charge shall be paid at a time established by the General Manager, but not later than the time of approval of the domestic water and/or Sanitation System improvement plans. If domestic water and/or Sanitation System improvement plans are not required, the Sanitation Capacity Charge shall be paid prior to CVWD providing domestic water service or Sanitation Service.

5-1.6 Increased Sanitation Capacity:

The Sanitation Capacity Charge for non-residential establishments is due when Sanitation Service is initially provided. In addition, if the building is remodeled or the use changed which places an additional demand on the Sanitation System, an additional Sanitation Capacity Charge for the new increased use shall be charged. This shall be calculated based upon the increase in the demand to the Sanitation System.

5-2 Not used

5-3 Street Sewer Lateral Charge

5-3.1 CVWD Installed:

The charge for installation of a Street Sewer Lateral is provided for in Table A-2, Charge Number A-2.4.

5-3.2 Installed by Others:

The charge for the installation of a Street Sewer Lateral constructed for CVWD or for Subdivider without the applicant paying the cost of the Street Sewer Lateral is provided for in Table A-2, Charge Number A-2.4.

A Street Sewer Lateral Charge is not applicable for Street Sewer Laterals Installed for CVWD or for Subdividers that are paid for by the Applicant or by the Economic Development Administration.

5-4 Sewer Charge

5-4.1 General Provisions:

The Sewer Charge shall be applicable only to Properties which are connected to a Street Sewer Lateral or the Sanitation System except as otherwise provided for in Subsection 3-1.1.

5-4.2 Initiation of Charges:

The Sewer Charge shall begin at the time of First Beneficial Use of a Property or within 90 days after a Street Sewer Lateral is constructed to the Property as provided in Subsection 3-1.1.1.

Sewer Charges for all Sanitation Assessment Districts shall begin when the Property's Building Sewer Lateral is connected to the Street Sewer Lateral.

5-4.3 Amount:

5-4.3.1 Dwelling Unit:

For all customers, except Sewer Classification Codes 70 and 80, the Sewer Charge shall be the product of the Sewer Charge per EDU and the number of EDUs assigned to the Property. The Sewer Charge per EDU shall be as provided for in Table A-2, Charge Number A-2.5. Sewer Classification Codes are defined in Table A-6.

5-4.3.2 Not used.

5-4.3.3 School:

A school shall be charged on the basis of average daily attendance. The monthly charge for the current school year shall be determined as follows:

$$MC = ADA \times MCS$$

Where:

MC=monthly charge for current school year

ADA=average daily attendance for previous year

MCS=monthly charge per student as provided for in Table A-2, Charge Number A-2.5.

The minimum monthly charge shall be that for one EDU at the applicable Sewer Charge per EDU.

5-4.3.4 Not used.

5-4.3.5 Other Types of Properties:

For Sewer Classification Codes 70 and 80, the Sewer Charge shall be based on a monthly charge per 100 cubic feet of water metered to the Property for domestic purposes at the rate provided for in Table A-2, Charge Number A-2.5. The minimum monthly charge shall be that for one EDU at the applicable Sewer Charge per EDU. Sewer Classification Codes are defined in Table A-6.

5-5 Sanitation Availability Charge

5-5.1 General Provisions:

The charge will be fixed by the Board on or before the first day of July in each calendar year. The charge so fixed will be for the fiscal year July 1 through June 30.

5-5.2 Applicability:

The Sanitation Availability Charge will be levied on Property within CVWD which meet all of these criteria:

- 1) Domestic water is available from any source.
- 2) Property is within a sanitation improvement CVWD.
- 3) Property is within 660 feet of an existing Sewer as measured along usual land subdivision lines.

4) Property does not have a Street Sewer Lateral.

5-5.3 Method of Collection:

The Charge may be filed with the County Auditor who will enter it against the respective Lot or Parcel on the current year's tax assessment and it will be collected along with the general county taxes.

5-5.4 Amount:

See Table A-2, Charge Number A-2.1.

5-6 Inspection Charge

5-6.1 Amount:

The charge for inspection of a Sewer Extension provided for in Section 8-3 or a Street Sewer Lateral provided for in Subsection 3-4.2.1, will be determined on the basis of the method listed below.

- 1) The rate provided for in Table A-2, Charge Number A-2.7. Hours will be computed to the nearest one-half hour.

5-6.2 Deposit:

The Applicant shall deposit the estimated cost of the inspection prior to the start of construction. When the inspection charges exceed 90 percent of the deposit, the Applicant shall make additional deposits prior to any additional inspection.

5-6.3 Refund:

CVWD will refund any excess funds within 30 days of final acceptance of the Sewer Extension and/or Street Sewer Lateral by CVWD.

5-7 Plan Checking Charge

The charge for reviewing and checking the drawings for a Sewer Extension or Interceptor/Separator, as provided for in Subsection 8-1.2 and Subsection 9-3.1, respectively, is provided in Table A-2, Charge Number A-2.8.

5-8 Septage Disposal Fee

The charge for accepting septage disposal at a Water Reclamation Plant is provided for in Table A-2, Charge Number A-2.6.

5-9 Interceptor/Separator Charge

A monthly charge will be assessed on all Property required to install pretreatment facilities. Applicable charges are outlined in Table A-2, Charge Number A-2.12.

5-10 Returned Payment Charge

A charge will be assessed for all payments that are returned unpaid by a financial institution. Applicable charges are outlined in Table A-2, Charge Number A-2.9.

5-11 Checks Drawn on Non-U.S. Banks Charge

A charge for checks drawn on non-U.S. banks is applicable. Applicable charges are outlined in Table A-2, Charge Number A-2.10.

Credit and Billing

6-1 Credit

6-1.1 General Provisions:

The provisions of this Section 6-1 shall apply only to an Applicant or Customer whose Property is provided Sanitation Service by CVWD.

6-1.2 Establishing:

An Applicant may be required to establish credit before receiving Sanitation Service. Credit will be deemed established if the Applicant meets any one of the following conditions:

- 1) If Applicant is the Owner of the Property upon which Service is requested or of other Properties served by CVWD's domestic water system; or,
- 2) If Applicant has been a Customer of CVWD's domestic water system or the Sanitation System for 12 consecutive months of service by CVWD and during such time has paid all bills before delinquent for Domestic Water Service or Sanitation Service.

6-2 Billing

6-2.1 General Provisions:

A Property Owner is responsible for payment, including amounts unpaid by tenant, of bills, costs, loss, damage, penalties, charges, or fees regardless of user or use for Sanitation Service provided to the Property from the acquisition date of the Property until such time as the Property is transferred to new ownership.

A non-residential tenant is responsible for payment of all amounts due for Sanitation Service, including all bills, costs, loss, damage, penalties, charges, or fees regardless of user or use subsequent to the date stipulated on the application and until such time as the Customer makes proper request to CVWD to discontinue the Service, or until a new application for Service is approved.

6-2.1.1 Rendering of Bill:

Charges will be billed monthly. If CVWD also provides domestic water service a single bill will be rendered for both. Sanitation Availability Charges may be levied annually and appear on the property tax bill.

6-2.1.2 Information on Bill:

The bill will be in the form of a Domestic Water/Sewer Statement.

6-2.2 Person to be Billed:

Charges will be billed to the Customer. The Applicant and/or Customer shall notify CVWD of any change in the ownership or occupancy of the Property at least two days prior to such change.

6-2.3 Payment:

The bill for Service is due and payable upon receipt. A Bill will become delinquent if it is not paid within 25 days from date of invoice.

6-3 Delinquent Account

When a bill becomes delinquent, CVWD after written notice to the Customer as provided for in Section 7-1 may discontinue Water Service until outstanding charges, including all bills, costs, loss, damage, penalties, charges, or fees regardless of user or use, if any, are paid in full.

A Customer having a delinquent account on one Property may not receive service on a new or other Property until the delinquent account has been paid, including penalties if any.

Change in ownership of Property shall in no way cause modification hereof, and the Customer may be subject to the provisions of Section 4-2. If the delinquent amount is paid with a check that is not accepted by the paying bank, for any reason, Service will be discontinued immediately without further notice.

6-4 Late Charges

Late charges of one and one-half (1 ½) percent per month will be charged on all delinquent domestic water accounts.

6-5 CVWD Initiated Billing Adjustment

If CVWD discovers that a billing error has been made related to a Customer's account, the CVWD will immediately take all reasonable steps to correct the billing. If the Customer has been under billed, CVWD reserves the right to go back twelve (12) months to recalculate the amount due and payable. The General Manager may provide for reasonable payment arrangements for the balance due to be paid. If CVWD has overbilled the Customer, CVWD shall go back no longer than twelve (12) months to recalculate the amount of overbilling refund due to the Customer.

Discontinuance of Service

7-1 Discontinuance of Service

7-1.1 General Provisions:

CVWD has the right to discontinue Service if a Customer fails to comply with these Regulations. A reasonable effort will be made to notify the Customer, however, a notice is not necessary when the noncompliance, violation or infraction of the Regulations by the Customer results, or is likely to result, in a dangerous or unsanitary condition on the Property, or in the Sanitation System, or elsewhere, or where discontinuance is necessary to protect CVWD from fraud, imposition, loss or abuse. In such case the General Manager may order immediate discontinuance of Service which may include severing connection to Street Sewer Lateral at Customer's expense.

Before discontinuing Service, excepting as otherwise provided above, CVWD will present the Customer a notice in writing specifying the reason or reasons why Service may be discontinued. A Customer may request a hearing by submitting a written appeal to the General Manager in accordance with Part 12, Hearing and Administrative Procedures. If the Customer fails or refuses to comply with the notice or fails to request an opportunity to be heard within a period of five days after the presentation of the notice, then CVWD may discontinue Service to the Customer.

7-1.2 CVWD Initiated:

CVWD may discontinue Service to any Property:

- 1) Where wastes or water defined in Subsection 9-1.1 are discharged into the Sanitation System; or,
- 2) To protect itself against fraud or abusive conduct on the part of the Customer.

7-1.3 At Customer's Request:

A non-residential Customer may have its Service discontinued by notifying CVWD at least 48 hours in advance of the desired date of discontinuance of Water Service and by paying the charge as provided for in Section 5-6. Service will not be discontinued on a Saturday, Sunday or holiday.

Sewer Extensions

8-1 General Provisions

8-1.1 CVWD Ownership:

Any facilities installed will be the sole property of CVWD. Before Service is provided for permanent or temporary use, the Applicant shall execute any and all documents required by CVWD to vest title in CVWD to those facilities. As used in this Part 8, the word Applicant shall be deemed to include the word Subdivider.

8-1.2 Specifications:

The size, type, quality of materials, and their actual construction will be done either by a Contractor acceptable to CVWD or by CVWD. The Sewer Extension shall be installed in accordance with the Standard Specifications, CVWD's Development Design Manual, and the approved drawings. The installation of the Sewer Extension will be under the inspection of and subject to the approval of CVWD.

8-1.3 Costs:

Adjustment of any difference between the estimated cost and the actual cost of any Sewer Extension constructed hereunder will be made as provided for in Subsection 8-2.2.

8-1.4 Feasibility:

The right is reserved, as the interests of CVWD may require, to determine the economic and/or engineering feasibility of any Sewer Extension and CVWD will not make those Sewer Extension for which the feasibility is uncertain, in the opinion of the General Manager, whose decision will be final.

8-1.5 Location:

Sewer Extensions will be located in Streets, in Easements provided to CVWD by the Applicant or in Easements obtained by CVWD, or in Property deeded to CVWD.

Prior to installing a Sewer Extension, the Applicant shall provide CVWD with such Easements or deeds as may be necessary or reasonably appropriate to the operation thereof.

Where the Property is located adjacent to a street exceeding 70 feet in width, or a freeway, waterway, or railroad Right-of-Way, CVWD may elect to install a Sewer Extension on the same side thereof as the Property in lieu of extending a Service Connection across said Street, freeway, waterway or railroad Right-of-Way from an existing or proposed unit.

8-2 Types of Extensions

8-2.1 By CVWD:

CVWD may extend its Sanitation System to the Applicant's Property at the Applicant's expense.

The Applicant shall pay CVWD a deposit equal to the estimated cost of the Sewer Extension, as determined by CVWD. Said deposit shall be used to compensate CVWD and/or any contractors and suppliers engaged by CVWD in the installation of the Sewer Extension. Within 60 days after the Cost of the Sewer Extension has been determined any difference between the Cost and the deposit of the Applicant shall be adjusted by the parties.

Where two or more of the Applicant's apply for Service from the same Sewer Extension, CVWD may allocate the costs proportionally.

8-2.2 By Subdivider:

The Applicant for the installation of a Sewer Extension shall furnish a security deposit to guarantee the installation of the Sewer Extension in the amount of Five Thousand Dollars (\$5,000) or five percent (5%) of the amount of the construction costs of the Sewer Extension, whichever sum is greater, of immediately available funds. The term "immediately available funds" shall mean cash, wire transfer or a cashier's check drawn on good and sufficient funds on a federally insured bank and made payable to the order of CVWD. Upon completion of the Sewer Extension, and acceptance by CVWD, the security will be returned to the Applicant.

A Street Sewer Lateral in accordance with the Standard Specifications shall be placed by the Applicant for each Lot of the Subdivision prior to the installation of Street paving.

8-3 Inspection

CVWD will provide inspection of the Sewer Extension at the Applicant's expense as provided for in Section 5-6.

8-4 Plan Checking

CVWD will review and check the drawings for the Sewer Extension, prior to approval, at the Applicant's expense as provided for in Section 5-7.

Regulations of Wastes and Water

9-1 Prohibited and Controlled Discharges

9-1.1 Prohibited Discharges: No Person shall discharge or cause to be discharged any of the following described wastes or water into the Sanitation System:

- 1) Pollutants which create a fire or explosive hazard in the treatment plants and collection system, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F using test methods specified in 40 CFR 261.21.
- 2) Wastewater having a pH lower than 5.0 or higher than 9.5 or otherwise causing corrosive structural damage to the treatment plants and collection system.
- 3) Solids or viscous substances in amounts which will cause obstruction of the flow in the Sanitation System resulting in Interference.
- 4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the Sanitation System.
- 5) Wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F.
- 6) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
- 7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the collection system or at a treatment plant in a quantity that may cause acute worker health and safety problems.
- 8) Trucked or hauled pollutants, except at discharges points designated by the General Manager in accordance with Section 9-6.
- 9) Waters or wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such degree that the Water Reclamation Plant effluent cannot meet the requirements of other agencies having jurisdiction.

- 10) Any waters or wastes containing dissolved, suspended or settleable solids of such character and quantity that additional wastewater treatment processes or expense is required to handle such materials in the Sanitation System.
- 11) Any noxious or malodorous gas or substance in a quantity capable of creating a public nuisance.

9-1.2 Controlled Discharges: Except as hereinafter provided, no Person shall discharge or cause to be discharged any of the following described wastes or water into the Sanitation System without the express written consent of the General Manager:

- 1) Any water or wastes having a BOD or cBOD greater than 400 mg/L by weight.
- 2) Any water or wastes containing more than 500 mg/L by weight of total suspended solids.
- 3) Any water or wastes containing wax, whether emulsified or not, in excess of 100 mg/L or containing substances, which may solidify or become viscous at temperatures between 32°F and 150°F.
- 4) Any garbage that has not been properly shredded.
- 5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable state or federal regulations.
- 6) Unusual volume of flow or concentration of waste constituting Slugs.
- 7) Any waste products resulting from the handling, storage and sale of fruits and vegetables in wholesale or retail produce establishments and wastes from plants engaged in the preparation, processing or preserving of foods not intended primarily for immediate consumption.
- 8) Any waters or wastes which contain more than 150 milligrams per liter (mg/L) of fat, oil, or grease.
- 9) Any storm water, surface water, groundwater, impounded water, lake water, pond water, roof runoff, subsurface drainage, or pool/spa water.
- 10) Industrial waste.
- 11) Any brines or dissolved salts in excess of 1,000 mg/L to the Sanitation System, including discharge of salts from regeneration of water softening units in industrial, commercial establishments, and private residences and homes.

- 12) Water resulting from the operation of equipment that uses water in a single pass operation. Examples of this use include, but are not limited to, water cooled equipment (i.e., cooling towers, refrigerators, freezers, ice makers, chillers, air conditioners, heat exchangers, ice cream dispensers , yogurt dispensers and precoolers) and vehicle washers (i.e., car and/or truck washers).
- 13) Any waste diluted with water or in any way dilute waste as a partial or complete substitute for adequate treatment to achieve compliance with CVWD requirements, except where expressly authorized by the General Manager.

9-2 Admission of Controlled Discharges

If any waters or wastes are discharged, or are proposed to be discharged to the Sanitation System, which waters or wastes contain the substances or possess the characteristics enumerated in Subsection 9-1.2, and which in the judgment of the General Manager, may have a deleterious effect upon the Sanitation System, or which otherwise create a hazard to life or constitute a public nuisance, the General Manager may:

- 1) Reject the wastes; or,
- 2) Require pretreatment to an acceptable condition for discharge to the Sanitation System; and/or,
- 3) Require control over the quantities and rates of discharge to the Sanitation System; and/or,
- 4) Require payment to cover the added cost of handling and treating the waters or wastes not covered by existing taxes or charges under the provisions of these Regulations.

9-2.1 Discharge from Cooling Towers:

9-2.1.1 General Provisions:

Standard operation of a cooling tower results in a discharge of wastewater containing total dissolved solids exceeding the limit provided in paragraph 10, Subsection 9-1.2. Cooling towers are also capable of discharging water following a single pass operation in violation of paragraph 11, Subsection 9-1.2. Discharges from a cooling tower into the Sanitation System may be allowed by the General Manager as provided for in Section 9-2 with payment to cover the added cost of handling and treating said discharge(s), if a permit is first obtained from CVWD.

9-2.1.2 Permit:

A written application for a permit to discharge water or wastes from a cooling tower into the Sanitation System shall be made and signed by each Applicant, on a form supplied by CVWD. This permit application shall include an evaluation of costs and benefits associated with using alternative methods to dispose or reclaim discharges from the cooling tower(s). Applications deemed complete will be

considered by the General Manager and a permit shall be issued when it is determined, in the opinion of the General Manager, that a discharge into the Sanitation System is the only reasonable method to dispose or reclaim discharges from the cooling tower(s). Site conditions, costs, feasibility, permit conditions and characteristics of the discharge shall be considered when determining if a cooling tower discharge into the Sanitation System is reasonable. Incomplete applications shall be returned to the Applicant within 30 days.

An application fee as set forth in Appendix A of these Regulations shall be submitted with the application. No refund of this application fee will be granted regardless of issuance or non-issuance of permit.

9-2.1.3 Permittee Responsibilities-Domestic Water:

The Permittee shall comply with the permit conditions and the following requirements in accordance with CVWD's Regulations Governing Domestic Water Service:

1) Installations:

(i) New Installation: Provide at Permittee's sole cost and expense, a separate service connection and domestic water meter determined by CVWD to measure the amount of water supplied to the cooling tower. Permittee shall pay to the CVWD the cost for the water meter installation, service connection charge, and backflow device as determined by the CVWD based on the cooling tower demand. Payment shall be made within thirty (30) days of receipt of invoice from CVWD.

(ii) Existing Facility: If the cooling tower is located at an existing facility the Permittee shall be required to equip the cooling tower with a CVWD approved sub-metering device on the intake side immediately prior to entering the cooling tower. Installation of a CVWD approved meter device will be required on the discharge side of the cooling tower.

(iii) Private Water Source: If the cooling tower is served by a private water supply source, no meter will be required on the intake side but the customer is subject to CVWD's groundwater Replenishment Assessment Charge (RAC) program specified in sections 31630-31639 of the California Water Code.

2) Amounts:

(i) Pay to the CVWD the applicable monthly service charge and domestic water consumptive rate for the service connection supplying water to the cooling tower. A Permittee using a private water supply for the cooling tower(s) is exempt from this provision but is subject to CVWD's RAC program.

- (ii) Pay to CVWD the Building Unit Charge (BUC) component of the Water System Backup Facilities Charges (WSBFC) related to the provision of domestic water service to the cooling tower. The BUC will be determined by the formula as set forth in Table A-3, and shall be paid within thirty (30) days of receipt of invoice from CVWD. A Permittee using a private water supply for the cooling tower(s) is exempt from this provision but is subject to CVWD’s RAC program.

9-2.1.4 Permittee Responsibilities-Sanitation:

The Permittee shall comply with the permit conditions and the following requirements in accordance with these Regulations:

- 1) Pay to CVWD the Sanitation Capacity Charge (SCC) for the proposed cooling tower discharge as set forth in Table A-2, Charge Number A-2.2. The initial SCC shall be paid within thirty (30) days of receipt of invoice from CVWD. If it is determined the operation of the cooling tower places an additional demand on the Sanitation System an additional SCC will be assessed to cover the increased capacity in accordance with Subsection 5-1.6. Any additional SCC for increased capacity shall be assessed at the prevailing rate and shall be due within thirty (30) days of receipt of invoice from CVWD. Failure to pay the additional SCC within thirty (30) days may result in discontinuance of service to the cooling tower.
- 2) Pay to CVWD the commercial consumptive charge for sanitation service provided to the cooling tower.
- 3) Install a wastewater sampling port approved by CVWD on the cooling tower discharge facility prior to connection to the Sanitation System at a location approved by CVWD.
- 4) Install a water-measuring device approved by CVWD and which is capable of accurately measuring and registering the accumulated amount of water discharged from the cooling tower(s) into the Sanitation System.
- 5) Perform pretreatment in accordance with Section 9-3 or discontinue discharge in response to State or Federal discharge regulations if notified in writing by CVWD.

9-2.1.5 Fees:

Fees as set forth in Appendix A and as applicable as listed below:

- | | | |
|--------------------|-------------|--------|
| 1) Application Fee | \$50.00 | A-2.11 |
| 2) Plan Check Fee | See Section | A-2.8 |

3) Initial Capacity Charge	Calculated	A-2.11
4) Inspection Fee	See Section	A-2.7

9-3 Pretreatment

9-3.1 General Provisions:

The General Manager may require the Customer provide at its own expense such pretreatment or handling as may be necessary to meet CVWD’s requirements. Any plans, specification and any other pertinent information in relation to proposed preliminary treatment, Interceptors/Separators, or handling facilities shall be submitted for approval to the General Manager and no construction of such facilities shall commence until approval is obtained and standards set forth in this Part 9 are met.

9-3.2 Industrial Waste:

Pretreatment of Industrial Waste shall be in accordance with the Environmental Protection Agency pretreatment standards which have been promulgated for specific industrial processes.

9-3.3 Maintenance of Pretreatment Facilities:

When pretreatment facilities are provided for any water or wastes to meet the requirements of this Part 9, they shall be maintained in satisfactory and effective operation by the Customer at its expense.

9-4 Monitoring

9-4.1 Control Manhole:

When required by the General Manager, a Customer discharging Industrial Wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer Lateral to facilitate observation, samples, and measurements of the wastes. The manhole shall be installed by the Customer in accordance with plans approved by the General Manager. The manhole shall be maintained by the Customer and shall be safe and accessible at all times.

9-4.2 Sampling:

All measurements, tests, and analyses of the characteristics of water and wastes to which reference is made in these Regulations shall be determined in accordance with 40CFR 136, or the latest edition of “Standard Methods for the Examination of Water and Wastewater,” published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no control manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Sanitation System from the point where the building sewer is connected. Sampling shall be

carried out by customarily accepted methods to reflect the effect of constituents upon the Water Reclamation Plant and to determine the existence of hazards to life, limb and property.

9-5 Interceptors/Separators (i.e., grease, oil, sand, and lint)

Interceptors/Separators shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such Interceptors/Separators shall not be required for Dwelling Units. All Interceptors/Separators shall be of a type and capacity approved by the General Manager, and shall be located as to be readily and easily accessible for cleaning and inspection. Interceptors/Separators shall be maintained in continuously efficient operation at all times by the Customer and at Customer's expense.

9-5.1 Plan Checking:

CVWD will review and check the drawings and specifications for Interceptors/Separators, prior to approval, at the Applicant's expense, as provided for in Section 5-7.

9-6 Effluent from Cesspools, Septic Tanks and Chemical Toilets

9-6.1 General Provisions:

Septic tank, cesspool or chemical toilet effluent which does not contain concentrations of Industrial Waste, oil, grease or any other substances prohibited in Section 9-1, except for the BOD, cBOD, total dissolved solids, and total suspended solids limitation may be placed in a Water Reclamation Plant if a permit is first obtained from CVWD.

9-6.2 Permit:

The permit for discharging septic tank, cesspool or chemical toilet effluent into the Water Reclamation Plant may be granted only upon written application by a Person engaged in the business of disposing of said effluent. A liquid waste hauler load ticket book will be issued for the billing purposes. Each load ticket is numbered serially and shall be returned to CVWD at the time of discharge. If the load tickets are not returned in sequential order or accounted for, or the gallons of effluent discharged is not listed, the Permittee will be charged based on the volume of the assigned vehicle at the then prevailing fee schedule.

An application charge will be paid at the time the application is made. This charge shall be forfeited and a new application charge shall be paid prior to any future placement of effluent in the Water Reclamation Plant if any load contains any of the substances prohibited in Section 9-6.1. This charge is in addition to other civil penalty authorized by law.

- 9-6.2.1 Permit Duration: Permits for discharging septic tank, cesspool, or chemical toilet effluent into the Water Reclamation Plant shall be issued for a specified time period not to exceed 5 years.
- 9-6.2.2 Permit Modification: The General Manager may modify a permit for good cause including, but not limited to, the following:
- a) To incorporate any new or revised Federal, State or local requirements;
 - b) To incorporate new vehicles, or remove those no longer in service;
 - c) A change in any condition at the Water Reclamation Plant that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d) Information indicating that the permitted discharge poses a threat to the Sanitation System, CVWD personnel, or CVWD compliance with an Order issued by the Regional Water Quality Control Board, Colorado River Region;
 - e) Violation of any terms or conditions of the permit;
 - f) Misrepresentation or failure to disclose fully all relevant facts in the application or in any required reporting;
 - g) To correct typographical or other errors in the permit.
- 9-6.2.3 Permit Termination: Permits may be revoked for good cause including, but not limited to:
- a) Falsifying load tickets or other reports;
 - b) Tampering with the Septage Receiving Station;
 - c) Refusing to allow Water Reclamation Plant personnel to collect a sample of a truck's contents;
 - d) Failure to meet effluent limitations;
 - e) Failure to pay fines;
 - f) Failure to pay charges and fees.
- 9-6.2.4 Permit Application and Renewal: The discharger shall apply for permit by submitting a complete permit application and fee. The application and fee to renew permits shall be submitted a minimum of 90 days prior to the expiration of the discharger's existing permit.

9-7 Charge (See Section 5-8.)

Enforcement

10-1 General Provisions

The following procedures are established as a means of enforcement of the terms and conditions of these Regulations, and not as a penalty. All Persons shall be held strictly responsible for any and all acts of tenants, agents or employees done under the provisions of these Regulations.

Any Person violating any of the provisions of these Regulations is liable to CVWD for any expense, loss or damage occasioned by CVWD by reason of these Regulations.

10-2 Violations

10-2.1 Written Notice:

Any Person found to be violating any provision of these Regulations will be notified as provided for in Subsection 7-1.1 excepting when immediate discontinuance of Service is required as provided for in Section 7-1.

10-2.2 Corrective Action:

Upon being notified by the General Manager of any defect arising in any Street Sewer Lateral or of any violation of these Regulations, the Customer shall immediately take whatever corrective action may be necessary to meet CVWD's specifications.

10-2.3 Judicial Process:

Sections 31105 and 31106 of the Water Code of the State of California provide that the violation of an ordinance, rule or regulation of a County Water District by any Person is a misdemeanor punishable by a fine not to exceed \$1,000, imprisonment not to exceed one year, or both. Each incident in violation of these Regulations shall be deemed a separate violation and each day or part of a day a violation of these Regulations continues shall be deemed as a separate offense hereunder and shall be punishable as such.

10-3 Public Nuisance

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of these Regulations is hereby declared to be a public nuisance. CVWD may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

10-4 Discontinuance of Service

The General Manager may discontinue Service as provided for in Section 7-1.

10-5 Abatement

During any period of discontinuance of Service habitation of such Property by human beings shall constitute a public nuisance, whereupon CVWD may cause proceedings to be brought for the abatement for the occupancy of said Property by human beings during the period of such discontinuance. In such event, and as a condition of restoration of Service, the Customer shall pay to CVWD a reasonable attorney's fee and the cost of suit arising in said action.

11-1 Validity

If any portion of these Regulations or the application thereof to any Person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations or the application of such provision to other Persons or circumstances.

The Board hereby declares that in the event that a court of competent jurisdiction determines that any provision of these Regulations to be unconstitutional or otherwise invalid, it would nevertheless have adopted the remaining provisions.

Hearing and Administrative Procedures

12-1 Hearing and Administrative Procedures

A customer may appeal a decision, enforcement of a policy or procedure, rate, fee, charge, or penalty by submitting a written appeal to the General Manager of CVWD. However, the appeal rights set forth in this Section shall not apply to termination of service for non-payment of a Sanitation Service bill. An appeal must be made in writing and submitted to the General Manager within five (5) business days after presentation of the notice of service discontinuance, or within thirty (30) days of the effective date of any other enforcement action or decision. Any such appeal shall include the specific decision, policy, procedure, rate, charge, or penalty being challenged, a detailed description regarding the nature of the challenge, evidence supporting the challenge, and the remedy requested.

The hearing on the Customer's appeal will be conducted by CVWD's General Manager, or his or her designated representative. The hearing shall be held as soon as reasonably possible. If notice of service discontinuance has been provided to the Customer, reasonable efforts should be made to hold the hearing within five (5) business days of receipt of the written appeal and the Customer shall be promptly notified of the date, time and place of the hearing. At the hearing, the Customer shall be given a reasonable opportunity to present information in support of the Customer's appeal. CVWD staff will be given the opportunity to reply.

Absent extenuating circumstances, written notice of the decision by the General Manager, or his or her designated representative, should be given to the Customer within five (5) business days of the close of the hearing. The decision by the General Manager, or his or her designated representative, will be final.

A failure to file a timely appeal in accordance with this Section shall be deemed a waiver of the right to appeal and will be considered a failure to exhaust administrative remedies which may impact any attempt by the Customer for any judicial review.

12-2 Suspension of Enforcement

In the event a Customer submits an appeal under the procedures set forth in Section 12-1 above, enforcement of the violation shall be suspended until written notice of the decision by the General Manager or his or her designated representative has been submitted to the Customer. The notice of the decision shall be deemed to be submitted to the Customer upon CVWD depositing it in the U.S. mail. Termination for nonpayment of a Sanitation Service bill is not subject to appeal and as a result, such enforcement will not be suspended.

Appendix A

Charges

A-1 General Provisions

The following charges are hereby established and fixed. All charges, unless otherwise provided for in these Regulations, are payable in advance of CVWD providing the Service intended.

A-2 Amounts

See following pages.

A-3 Frequency

The frequency of a charge is shown on the following pages by these notations:

- 1) O = One time
- 2) A = Annual
- 3) M = Monthly
- 4) S = Special (as required)

Table A-1

EQUIVALENT DWELLING UNIT (EDU)

Single Family Residential	1.0
Duplex	2.0
Triplex	3.0
More than three Residences, per Residence	1.0
Apartment Building, per Apartment	1.0
Condominium, per Residence	1.0
Mobile Home	1.0
Motel, per Room	0.5
Hotel, per Room	0.5
Recreation Vehicle Space, per Space	0.2
Travel Trailer Space, per Space	0.2
Church	$\frac{(\text{No. of seats})(5 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Church (with kitchen waste)	$\frac{(\text{No. of seats})(7 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Church (with daycare)	$\frac{(\text{No. of seats})(5 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$ Plus $\frac{(\text{No. of students})(20 \text{ gals/day per student})}{250 \text{ gals/day per EDU}}$
Office Building	(No. of suites)(1.0 EDU)
Office, Warehouse	(No. of restrooms)(1.0 EDU)
Restaurant (internal seating; external seating with heaters and misters; bar seating with food service)	$\frac{(\text{No. of seats})(28.4 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Restaurant (bar seating without food service)	$\frac{(\text{No. of seats})(20 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Restaurant (external seating without heaters and misters)	$\frac{(\text{No. of seats})(14.2 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Bar/Tavern (without food service)	$\frac{(\text{No. of seats})(20 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$

Table A-1 (continued)

EQUIVALENT DWELLING UNIT (EDU)

Bar/Tavern (with food service)	$\frac{\text{(No. of seats)}(28.4 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Medical Office (12 employees or less)	$\frac{\text{(No. of employees)}(20 \text{ gals/day per employee})}{250 \text{ gals/day per EDU}}$
Dental Office	2.0
Hair or nail salon (without pedicures)	2.0
Hair or nail salon (with pedicures)	3.0
Hair and nail salon	3.0
Hospitals	$\frac{\text{(Total no. of beds)}(250 \text{ gals/day per bed})}{250 \text{ gals/day per EDU}}$
Hospitals (kitchen waste only, plus 25 gals. per bed)	$\frac{\text{(Total no. of beds)}(275 \text{ gals/day per bed})}{250 \text{ gals/day per EDU}}$
Hospitals (laundry waste only, plus 40 gals. per bed)	$\frac{\text{(Total no. of beds)}(290 \text{ gals/day per bed})}{250 \text{ gals/day per EDU}}$
Elementary School	$\frac{\text{(No. of students)}(20 \text{ gals/day per student})}{250 \text{ gals/day per EDU}}$
High School (with gym)	$\frac{\text{(No. of students)}(25 \text{ gals/day per student})}{250 \text{ gals/day per EDU}}$
High School (with gym and cafeteria)	$\frac{\text{(No. of students)}(28 \text{ gals/day per student})}{250 \text{ gals/day per EDU}}$
Theatres	$\frac{\text{(No. of seats)}(5 \text{ gals/day per seat})}{250 \text{ gals/day per EDU}}$
Other premises	Based on water consumption study performed on similar premise.

Table A-2
CHARGES

<u>Charge Number</u>	<u>Description</u>	<u>Amount</u>	<u>Frequency</u>	<u>Reference</u>
A-2.1	Sanitation Availability Charge, all Areas	\$30 per Lot or Parcel	A	5-5.4
A-2.2	Sanitation Capacity Charge for all service areas except as listed below: A. Collection System Component B. Treatment Facility Component Total Palm Desert Country Club Service Area Premises included in the original Service Area with sewer available	\$4,851 \$2,415 per EDU \$2,436 per EDU \$4,851 None	A	5-1.1 5-1.4
A-2.3	Not Used			
A-2.4	Street Sewer Lateral (Installation): CVWD Installed Installed by Others	Actual cost including Administration and General Overhead Bid price for the Street Sewer Lateral plus CVWD Inspection Charges	O	5-3.1 5-3.2

Table A-2 (continued)

CHARGES

<u>Charge Number</u>	<u>Description</u>	<u>Amount</u>	<u>Frequency</u>	<u>Reference</u>
A-2.5	Sewer Charges:		M	
	Equivalent Dwelling Unit	See Table A-1		5-4.3.1
	Sewer Charge, per EDU	See Table A-4		5-4.3.1
	Schools, per student	See Table A-5		5-4.3.3
	Hospitals, per EDU	See Table A-1		5-4.3.4
	Sewer Charge based on metered water:			
	Improvement District No. 50/82	\$ 1.43 per 100 cubic feet of water		
	Improvement District No. 51/82	\$ 1.41 per 100 cubic feet of water		
	Improvement District No. 55/82	\$ 1.23 per 100 cubic feet of water		
	Improvement District No. 80	\$ 1.07 per 100 cubic feet of water		
	Improvement District No. 58/81	\$ 1.20 per 100 cubic feet of water		
A-2.6	Septage Disposal Fee:			5-10
	Initial Application Fee	\$ 1,000.00	O	
	Minimum Septage Disposal Fee (1,000 gallons or less)	\$ 130.00	S	
	Septage Disposal Fee (greater than 1,000 gallons)	\$ 0.13 per gallon		

Table A-2 (continued)

CHARGES

<u>Charge Number</u>	<u>Description</u>	<u>Amount</u>	<u>Frequency</u>	<u>Reference</u>
A-2.7	Inspection: Regular Overtime Television Inspection: Street Sewer Lateral Sewer Extension	See Ordinance Establishing a Schedule of Special Charges for Miscellaneous Services currently in effect \$150.00 for crew, vehicle and equipment Actual cost for crew, vehicle and equipment plus 10 percent	S	5-8
A-2.8	Plan Checking	See Ordinance Establishing a Schedule of Special Charges for Miscellaneous Services currently in effect \$50.00 Application Fee per Interceptor/Separator plan plus \$65.00 per hour	S	5-9
A-2.9	Returned Payment Charge	See Ordinance Establishing a Schedule of Special Charges for Miscellaneous Services currently in effect		
A-2.10	Checks Drawn on Non-U.S. Banks Charge	\$ 3.00	S	5-11
A-2.11	Cooling Tower Discharge Permit Fees Application Fee Cooling Tower Capacity Charge	\$ 50.00 See Table A-3		
A-2.12	Miscellaneous Charges Interceptor/Separator Charge (Based on number of Inspection Points)	\$ 15.00	M	5-9

Table A-3

COOLING TOWER CAPACITY CHARGE CALCULATIONS

Sanitation Capacity Charge

$$\text{Sanitation Capacity Charge} = (\text{EDU}_{\text{ct}}) (\text{SCC})$$

$$\text{EDU}_{\text{ct}} = \frac{(\text{PDR}) (\text{POH}) (60 \text{ minutes/hour}) (\text{S})}{250 \text{ gallons/EDU}}$$

EDU_{ct} = Number of Equivalent Dwelling Units displaced by the peak daily discharge from cooling tower(s)

PDR = Peak combined discharge rate for operating cooling tower(s) in gallons per minute

POH = Peak number of operating hours for cooling tower(s) in any day

EDU = Equivalent Dwelling Unit (250 gallon per day)

S = strength factor for salinity concentration = 1.63

SCC = Sanitation Capacity Charge Rate

Water System Backup Facility Charge – Building Unit Charge Component

The Building Unit Charge (BUC) component of the Water System Backup Facilities Charge (WDBFC) is calculated as follows:

$$\text{BUC} = (\text{DUC}) (\text{EDU}_{\text{dwct}})$$

$$\text{EDU}_{\text{dwct}} = (\text{PDD}_{\text{ct}}/\text{PDD}_{\text{du}})$$

DUC = Dwelling Unit Charge

EDU_{dwct} = Number of Equivalent Dwelling Units displaced by the peak daily domestic water demand for the cooling tower(s)

PDD_{ct} = Peak Daily Demand for the cooling tower(s) determined in gallons per minute (gpm)

PDD_{du} = Peak Daily Demand for a residential dwelling unit

Sanitation Capacity Charge and Water System Backup Facilities Charge – Building Unit Charge data is informational only as explanation of fee calculations.

Table A-4

SEWER CHARGE FOR DWELLING UNITS

Area	Sewer Charge per EDU ⁽¹⁾
Improvement District No. 50/82	\$ 32.40
Improvement District No. 51/82	\$ 31.85
Improvement District No. 55/82	\$ 29.05
Improvement District No. 80	\$ 24.50
Improvement District No. 58/81	\$ 27.65
(1) See Table A-1	

Table A-5

SEWER CHARGE FOR SCHOOLS

Type of School	Monthly Charge per Student
Kindergarten and elementary schools	\$ 0.19
All other schools, except colleges	\$ 0.24
Colleges	\$ 0.19

Table A-6

SEWER CLASSIFICATION CODES

Class 60 (Public Agency/Institutions)

Public Agency
Police
Post Office
Government Office
Library
Fire Department
Public Schools/Administration Offices
College Facility
Recreation Centers
Public Parks (buildings/restrooms)
City Buildings
Hospitals
Medical Facility
Church
Senior Centers
Desert Arc
City of Palm Desert Aquatic Center
Urgent Care Facility
YMCA/Boys and Girls Clubs
Rehabilitation Facility (example: Betty Ford Center/Shelter from the Storm)
Assisted Living Facility

Table A-6 (continued)

SEWER CLASSIFICATION CODES

Class 70 (Business)

Angel View
Goodwill
Dental Office
Food Service (without grease interceptor example: Subway, Togo's)
Coffee Shops (without grease interceptor)
Ice Cream Shops
Juice Shops
Clubhouse (without grease interceptor)
Theatres
Dry Cleaning (without lint trap)
Grocery Store (without grease interceptor)
Comfort Stations
Guard House
Pool/Restrooms
Ice Rink
Retail Store
Car dealer (without carwash)
Airport Hanger (with restrooms)
Gas Station/Convenience Store (without Carwash or grease interceptor)
Public Gym
Private Recreation Centers
Bowling Alley (without grease interceptor)
Auto shops (ex. Jiffy Lube, Big O Tires, mechanic)
Testing Laboratories
Nursery with Office
Ice House
Dog Park
Cereal Manufacturer
Brewery
Pet Facilities (Vet, grooming, overnight stay)
Cement Manufacture
Cemetery/Funeral Homes
Private Medical Facility
Day Care Centers

Table A-6 (continued)

SEWER CLASSIFICATION CODES

Class 80 (Commercial/Industrial)

Gas Stations/Convenience Store (with carwash)
Car Wash Facility
Private Water Park
Hair Salon
Nail Salon
Clubhouse (with grease interceptor)
Restaurant (with grease interceptor)
Bowling Alley (with grease interceptor)
Casino
Commercial Laundry Mat
Grocery Stores (with grease interceptor) (example: Ralphs, Costco/Sam's
Club/Walmart)
Cooling Towers
Car Dealership (with carwash)
Sports Complex (example: Indian Wells Tennis Garden, Field of Dreams,
Motorsports Park, HITS "Horse Show and Competition")
Meat Markets
Dry Cleaners (with lint traps)

COACHELLA VALLEY WATER DISTRICT



EXHIBIT 1

CONTRACTOR EXPERIENCE STATEMENT

FOR

BUILDING AND STREET SEWER LATERAL CONNECTIONS

February 2016

COACHELLA VALLEY WATER DISTRICT

P. O. Box 1058

Coachella, CA 92236

**COACHELLA VALLEY WATER DISTRICT
CONTRACTOR EXPERIENCE STATEMENT
FOR BUILDING AND STREET SEWER LATERAL CONNECTIONS**

Dear General and Underground Contractor:

Thank you for your interest in pursuing the Contractor Experience Statement for Building and Street Sewer Lateral Connections with Coachella Valley Water District (CVWD).

In order to be considered and become part of the list of contractors able to install Building and Street Sewer Lateral connections, the attached application package must be reviewed thoroughly, completed in its entirety, and submitted for review. The contractor will also be required to submit a cash deposit to be part of the Building and Street Sewer Lateral connection lists. The deposit is required as follows:

- Contractor to make a \$5,000.00 dollar cash deposit in the form of cash or check made payable to CVWD, with exclusive right of withdrawal.
- CVWD shall have absolute right, subject to a notification to the contractor, to draw all or a portion of the cash funds as may be necessary to complete any work not performed by the contractor, and to repay CVWD's costs.
- The contractor may withdraw the cash deposit upon ten (10) business days' prior written notice to CVWD. Upon withdrawal of the cash deposit, the contractor shall be removed from the Building and Street Sewer Lateral connection contractor list.

Completed application packages shall be submitted via mail to CVWD, 75515 Hovley Lane East, Palm Desert, California, 92211 or via e-mail to arodriguez@cvwd.org. Completed application packages may be submitted at any time, CVWD will review application packages within two weeks of submission.

The contractor shall provide only complete and accurate information. The contractor acknowledges that CVWD is relying on the truth and accuracy of the responses contained herein. Each Experience Statement Package must include a signed affidavit, which shall be signed under penalty of perjury in the manner designated and by an individual who has the legal authority to bind the contractor. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify CVWD and provide updated accurate information in writing, under penalty of perjury. Should a contractor omit requested information or falsify information, CVWD may determine that the contractor is not prequalified.

CVWD reserves the right to waive irregularities and omissions in the information contained in the submitted Experience Statement Package and to make all final determinations with regards to whether a contractor has passed or failed. CVWD may refuse to grant further review where information and materials requested herein are not provided. There is no appeal from CVWD's decision not to pass a contractor due to an incomplete or late Experience Statement Package.

Should you have any questions or require additional information regarding the Experience Statement Package, please contact Mr. Armando Rodriguez via e-mail at arodriguez@cvwd.org or by telephone at (760) 398-2661 ext. 2365.

Thank you again for your interest in working with CVWD.



Dated: February 22, 2016

Mark L. Johnson, Director of Engineering

**COACHELLA VALLEY WATER DISTRICT
CONTRACTOR EXPERIENCE STATEMENT
FOR
BUILDING AND STREET SEWER LATERAL CONNECTIONS**

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**INSTRUCTIONS FOR PREPARATION AND SUBMISSION
OF EXPERIENCE STATEMENT PACKAGES**

Each contractor wishing to be on CVWD Building and Street Sewer Lateral List must fully complete the Experience Statement Package and provide all information and materials requested. Each Experience Statement Package must be signed under penalty of perjury by an individual who has the legal authority to bind the contractor on whose behalf that person is signing.

The Experience Statement Packages that are incomplete or unsigned will be returned, and the contractor will not be eligible to participate in the Building and Street Sewer Lateral work connections within CVWD's boundary. Attach additional sheets as needed to provide complete responses. All required contractor's information, including but not limited to experience, equipment and personnel, must be provided for the entity holding the contractor's license.

The experience of the contractors will be determined by evaluation of the information submitted by contractors. CVWD may verify any or all information provided in the completed Experience Statement Package and may conduct such reviews as CVWD deems appropriate to assist in the evaluation of contractor's responsibility and experience.

CVWD will evaluate all completed Experience Statement Packages on a Pass/Fail basis. Contractors who do not obtain a "Pass" rating will not be deemed to have the necessary sewer installation experience.

CVWD reserves the right to reject any or all Experience Statement Packages and to waive any irregularities in any submittal. CVWD reserves the right to determine that any contractor does not have the necessary experience at any time before or after the Experience Statement Packages are received and evaluated if it finds that information provided in the response is inaccurate or false, or upon evidence of collusion or other illegal practices on the part of a contractor.

If any information provided by a contractor becomes inaccurate, the party who provided the information must immediately notify CVWD and provide updated accurate information in writing and under penalty of perjury.

By my signature below, I acknowledge receipt of the Experience Statement Package and agree to be bound by its terms and agree to submit it as part of the Experience Statement Package.

Dated: _____

Name of contractor on whose behalf
this document is signed: _____

**COACHELLA VALLEY WATER DISTRICT
CONTRACTOR EXPERIENCE STATEMENT
FOR
BUILDING AND STREET SEWER LATERAL CONNECTIONS**

CONTACT INFORMATION

Full Name of Contractor (as it appears on license): _____

Type of Organization (Corporation, Partnership, Sole Proprietor, Joint Venture, etc.): _____

Is the corporation currently registered and in good standing with the State of California Secretary of State? _____

Street Address of Contractor:

Contractor's Contact Person: _____

Phone: _____

Fax: _____

Email Address: _____

**COACHELLA VALLEY WATER DISTRICT
CONTRACTOR EXPERIENCE STATEMENT
FOR
BUILDING AND STREET SEWER LATERAL CONNECTIONS**

QUESTIONS

1. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by the contractor. At a minimum, contractors shall possess a valid Class A – General Engineering Contractors or Class 34 - Pipeline License to be considered.

2. Contractor will comply with and provide all insurance as defined in attached “CVWD Minimum Insurance Requirements”. Prior to CVWD scheduling or performing any inspections on a project contractor must deliver to CVWD properly executed certificates of insurance providing all of the insurance required.

Yes No

3. Has the contractor’s license been revoked at any time in the last five years?

Yes No

4. How many years has the contractor been in business in California as a contractor under the contractor’s present business name and license number?

_____ years

5. List all contractor equipment and size of construction crews: _____

6. In the past five years has any claim against the contractor concerning the contractor’s performance of a construction project been filed in court or arbitration or pursued by an owner?

Yes No

If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution). If “yes”, are there any current claims against the contractor that should you lose the claim(s), would adversely affect the contractor’s financial position or the contractor’s ability to meet the contractor’s obligations if awarded the contract for this project? If so, please explain.

7. In the past five years has the contractor made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?

Yes No

If “yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution). If “yes”, are there any current claims against a project owner that should the contractor lose the claim(s), would adversely affect the contractor’s financial position or the contractor’s ability to meet the contractor’s obligations if awarded the contract for this project? If so, please explain.

8. Has the contractor or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

Yes No

If “yes,” explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

9. Bonding capacity: Provide documentation from the contractor’s surety identifying the following:

Name of bonding company/surety: _____

Bonding amount: _____

Name of surety agent, address and telephone number: _____

10. Has CAL OSHA cited and assessed penalties against the contractor for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?

Yes No

If “yes,” attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, and the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

CVWD MINIMUM INSURANCE REQUIREMENTS

Insurance Requirements

For the Contractor to stay on the Building and Street Sewer Lateral Connection list, the Contractor shall carry and maintain insurance, at Contractor's sole cost and expense, at all times, with a reputable company or companies reasonably acceptable to CVWD:

- (a) Commercial General Liability Insurance written on an occurrence basis of at least \$1,000,000 per occurrence, for bodily injury and property damage including coverage for contractual liability, personal injury, independent contractors, broad form property damage, ongoing, and products and completed operations. CVWD, its officials, officers, employees, agents and authorized volunteers shall be named as additional insureds on Contractor's Commercial General Liability policy using ISO CG form 20 38 (or endorsements providing the exact same coverage). Contractor and its insurer shall provide a waiver of subrogation in favor of CVWD, its officials, officers, employees, agents and authorized volunteers on the Commercial General Liability policy.
- (b) Commercial Automobile Liability Insurance written on a per occurrence basis with a single limit of liability in the amount of \$1,000,000 for bodily injury and property damage. Said policy shall include coverage for owned, non-owned, leased and hired cars. CVWD, its officials, officers, employees, agents and authorized volunteers shall be named as additional insureds on Contractor's Commercial Auto Liability policy. Contractor and its insurer shall provide a waiver of subrogation in favor of CVWD, its officials, officers, employees, agents and authorized volunteers on the Commercial Auto Liability policy.
- (c) Workers' Compensation Insurance as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq. along with Employer's Liability limits of \$1,000,000. Contractor and its insurer shall provide a waiver of subrogation in favor of CVWD, its officials, officers, employees, agents and authorized volunteers on the Workers' Compensation Insurance policy.
- (d) Prior to commencement of any work, Contractor shall deliver to CVWD the certificates of insurance and endorsements covering all policies providing the required insurance referred to above, which shall be signed on behalf of the insurer by its authorized representative. Contractor shall, upon written request by CVWD, furnish copies of such policies certified by an authorized representative of the insurer.

END OF INSURANCE REQUIREMENTS

SCORING INSTRUCTIONS

QUESTIONS

1. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by the contractor. At a minimum, contractors shall possess a valid Class A – General Engineering Contractors or Class 34 - Pipeline License to be considered.

An answer listing licenses not including, at minimum, a Class A – General Engineering Contractors License or Class 34 – Pipeline License to Question 1 will be rated a “Fail” and the contractor will be immediately disqualified.

2. Contractor will comply with and provide all insurance as defined in attached “CVWD Minimum Insurance Requirements”. Prior to CVWD scheduling or performing any inspections on a project contractor must deliver to CVWD properly executed certificates of insurance providing all of the insurance required.

Yes No

An answer of “no” to Question 2 will be rated a “Fail” and the contractor will be immediately disqualified.

3. Has the contractor’s license been revoked at any time in the last five years?

Yes No

An answer of “yes” to Question 3 will be rated a “Fail” and the contractor will be immediately disqualified.

4. How many years has the contractor been in business in California as a contractor under the contractor’s present business name and license number?

***0 – 5 years = 0 points
5 – 9 years or more = 2 points
9 – 12 years = 3 points
12 – 15 years = 4 points
15 years or more = 5 points***

5. List all contractor equipment and size of construction crews:

***3 points for an answer listing equipment and crews CVWD deems to be sufficient
0 points for any other answer***

6. In the past five years has any claim against the contractor concerning the contractor’s performance of a construction project been filed in court or arbitration or pursued by an owner?

Yes No

5 points for either “No” or “Yes” indicating 1 such instance
3 points for “Yes” indicating 2 such instances
0 points for “Yes” if more than 2 such instances

7. In the past five years has the contractor made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?
- Yes No

5 points for either “No” or “Yes” indicating 1 such instance
3 points for “Yes” indicating 2 such instances
0 points for “Yes” if indicating more than 2 such instances

8. Has the contractor or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?
- Yes No

5 points for “No”
Subtract 5 points for “Yes”

9. Bonding capacity: Provide documentation from the contractor’s surety identifying the following:
- Name of bonding company/surety: _____
- Bonding amount: _____
- Name of surety agent, address and telephone number: _____
- _____

Bonding capacity ≥ \$1,000,000 = 3 points
Bonding capacity < \$1,000,000 = 0 points

10. Has CAL OSHA cited and assessed penalties against the contractor for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past five years?
- Yes No

5 points for either “No” or “Yes” indicating 1 such instance
3 points for “Yes” indicating 2 such instances
0 points for “Yes” indicating more than 2 such instances

11. Has the contractor satisfactorily completed projects involving sewer pipeline installations that included shored excavations?
- Yes No

5 points for 10 projects or more
2 points for 5 to 9 projects
0 points for less than 5 projects

EXPERIENCE STATEMENT PACKAGE EVALUATION

Contractor Name: _____

	Evaluation Criteria	Maximum Points Available	Required Score	Actual Score
Q1-Q3	Essential Requirements	Pass	Pass	Pass / Fail (circle one)
Q4-Q11	Qualifications & Project Experience	36 points	27 points	
Q11	Project Experience (more than 1 unsatisfactory response)	Pass	Pass	Pass / Fail (circle one)

I, the undersigned Acting Assistant Secretary of the Coachella Valley Water District, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 1427 of said District introduced and passed at meeting of said Board held February 23, 2016, and that said Ordinance was passed by the following vote:

Ayes: Five

Directors: Powell, Nelson, O'Dowd, Pack, Estrada

Nos: None

I further certify that said Ordinance was thereupon signed by the President of the Board of Directors of said District.



Acting Assistant Secretary

