

SOUTH FEATHER WATER & POWER AGENCY



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RULES AND REGULATIONS ADOPTED

February 13, 1990

These Rules and Regulations have been adopted by the Board of Directors under the authority of the Water Code of the State of California, are part of the law governing this Agency, and may be amended as required for the operation of the Agency.

All records of the Agency are open to public inspection during the hours when the office of the Agency is open. Officials and employees will furnish information concerning the affairs of the Agency in accordance with statutory procedures and requirements. Reproduction of any documents will be charged at cost.

GENERAL INFORMATION

Agency Telephone Numbers

Agency Office	(530) 533-4578
Emergency	(530) 533-4578
Irrigation Water	(530) 533-7240

OWNERSHIP OF WATER

All water and water rights belonging to the State within the Agency have been dedicated and set apart for the uses and purposes of the Agency. No purchaser of water from the Agency acquires any proprietary right therein or any right to resell such water, or to use it on premises or for a purpose other than stated in the written application to the Agency for service. The Agency asserts the right to recapture, reuse, and resell all water that passes from the premises of the person to whom the water was sold, or from the premises stated in the application to the Agency for services. All water introduced into the Agency by Agency works is Agency water and is subject to diversion, rediversion, and use by the Agency. All such water intercepted and used or impounded will be charged to the person using or impounding it at the rates established by the Agency, irrespective of whether the water is diverted from a conduit or taken from, or impounded in a natural channel or ravine, or whether it is waste, spill, seepage, or other water.

ANNEXATION PROCEDURES¹

Property must be annexed to SFWPA prior to receiving domestic or irrigation water service. If the property qualifies for irrigation service by virtue of Railroad Commission Order No. 11334, or will receive irrigation service on a surplus basis, it may receive irrigation water without annexation, but no domestic water service will be supplied to parcels that are not annexed to the Agency.

Property outside the sphere-of-influence boundary established for the Agency by the Local Agency Formation Commission (LAFCo), and/or outside the place-of-use boundary designated by the State Water Resources Control Board, may not be annexed to SFWPA unless those boundaries are modified to include the property proposing annexation.

Determination of a parcel's suitability for development and/or connection to SFWPA's domestic or irrigation distribution system is the responsibility of the parcel's owner. Information regarding annexation procedures, sphere-of-influence and place-of-use boundaries, the location of existing distribution facilities, and available excess treatment and distribution system capacity will be provided by Agency staff upon request.

Annexation Application

Initiating Application. A property owner may initiate the annexation application process by filing an Application for Water Service. Agency staff will use the information provided on the form to determine the specific requirements for providing domestic or irrigation water service to the subject parcel, including the costs associated with the annexation process (SFWPA, County Clerk, LAFCo, and State Board of Equalization fees).

¹ Section added 8/22/00

Payment of Fees. The applicant will be informed of the requirements for receiving service, including the costs associated with the annexation process. Thereafter, if the applicant wants to proceed with annexing their property, they must deposit funds equal in amount to the total of the Agency’s processing fee and the fees to be charged by the County Clerk, LAFCo, and the State Board of Equalization (SBE). These fees will be paid based on the annexation of the entire parcel to the Agency. (Payment of SFWPA’s annexation fee is not required until just prior to the initial activation of water service.)

In addition to the deposit, the property owner will need to complete the Annexation Information Form that staff will supply, providing information about their property required by LAFCo.²

Approval by Board of Directors. Once the deposit and information form have been received, staff will submit the annexation application information to a consultant that has been retained by the Agency to provide CEQA documentation services and to prepare LAFCo applications and boundary plats and descriptions. Said consultant will conduct an initial study in conformance with the California Environmental Quality Act (CEQA), prepare the annexation application documents required by LAFCo, as well as the necessary boundary plat and description in conformance with State Board of Equalization specifications. Consideration of approval of the annexation shall be included on the agenda of a regular meeting of SFWPA’s Board of Directors as soon after the consultant has prepared the necessary documents as possible.³

LAFCo Approval. After approval by the Board of Directors, the annexation application will be submitted for LAFCo’s consideration. The Local Agency Formation Commission (LAFCo) has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by LAFCo of any annexation proposal is required before the Agency can provide water service.

Annexation Processing Fee

In addition to fees levied by the County Clerk, LAFCo, State Board of Equalization, and any other public agency having jurisdiction over the annexation approval process, SFWPA shall require payment by the applicant of a Processing Fee prior to engaging its annexation-processing consultant. The Annexation Processing Fee shall be that amount estimated by the consultant to be its total cost to process a standard parcel annexation. The Processing Fee is intended to cover the annexation-processing consultant’s costs to prepare the annexation application documents.⁴

When the annexation process is complete and the annexation-processing consultant’s final invoice has been received by the Agency, the applicant will be reimbursed the difference between the invoice amount and the Annexation Processing Fee they originally deposited, if said fee is greater. If the consultant’s invoice is greater than the deposited fee, the applicant will be sent a request for payment of the difference. Water service shall not be provided to applicant’s property until payment of any additional cost to process the annexation has been made by the applicant.⁵

EASEMENT ABANDONMENT

Abandonment by the Agency of its interest in public utility, irrigation, and other easements dedicated to the Agency for installation, maintenance, repair, etc., of facilities, shall require approval of the Board of Directors. Staff will prepare a detailed analysis and recommendation for consideration by the Board of Directors.

Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board of Directors.

² Paragraph amended 11/22/11

³ Paragraph amended 11/22/11

⁴ Paragraph amended 11/22/11

⁵ Paragraph added 11/22/11

PART A - DOMESTIC WATER SERVICE

The Agency provides domestic water from the Miners Ranch and the Bangor water filtration plants and their piped distribution systems. The two systems are operated by the Agency with permits from the State of California, Department of Health Services.

WARNING: untreated or raw water is provided from the Agency's ditch system for irrigation purposes only. Ditch water or piped raw water does not meet federal or state standards for domestic water.

Section 1 - Applying For Service

Application for water service shall be made in person by the property owner. To open an account for water service the signature of the property owners is required.

Applications for service are taken at the business office of the Agency. The Agency's requirements for the type of service desired must be met before an application will be approved.

If a principal part of the premises to be serviced does not front on an available and adequate main, or if these premises are outside the Agency's boundaries, or if unusual conditions exist, the applicant will be advised of terms and conditions which must be met before an application for service may be accepted. In determining whether the portion of an applicant's premises lying directly along a main constitutes principal frontage, the Agency's decision shall be final.

Continuance of service is dependent on compliance with the Agency's regulations governing service.

Section 2 - Standard Service⁶

Payment of a System Capacity Charge will be required prior to the installation of a water service for a parcel that has not previously been served and for which the System Capacity Charge has not previously been paid. The amount of the System Capacity Charge is dependent on the size of meter requested (see Part D of these Rules and Regulations for the amount of the Charge per meter size).

On single-family residential parcels up to four acres in area, even if a meter size greater than a 5/8" standard residential meter is needed to satisfy the flow demands of a fire-suppression system, the amount of the System Capacity Charge applied shall be the same as for a 5/8" standard residential meter. If a larger meter is requested for fire-suppression systems in non-single-family-residential structures, or for purposes other than to satisfy the flow demands of a residential fire-suppression system, the System Capacity Charge for the requested meter size shall apply, regardless of the parcel area.

On single-family residential parcels between four and ten acres in area, the General Manager shall have discretion to apply the System Capacity Charge of a 5/8" standard residential meter where it is clear that the only purpose for a meter size greater than 5/8" is to satisfy the flow demands of a fire-suppression system, and not for other purposes (e.g., irrigation, commercial enterprises, manufacturing processes, etc.).

On single-family residential parcels greater in area than ten acres, the Board of Directors may consider individual requests from builders and/or property owners to apply the System Capacity Charge of a 5/8" standard residential meter where it is clear that the only purpose for a meter size greater than 5/8" is to satisfy the flow demands of a fire-suppression system.

A. Service Connection Exists at Time Application Received

A standard service may be granted where a complete service connection for the premises exists provided the Agency's requirements are met as stated in these regulations. In such cases, if sufficient advance notice is furnished to the Agency, the service will be turned on at the meter on the date required by the customer, excepting Saturdays, Sundays, and holidays.

⁶ Amended 4/24/12 regarding fire-suppression systems.

B. Service Connection Does Not Exist at Time Application Received

When an application is received for a standard service to premises where a service connection does not exist, a standard service may be granted provided the applicant meets the Agency’s general requirements as stated elsewhere in these regulations, and:

1. A principal part of the premises to be served fronts upon, and may be served by a water main of adequate capacity, under proper pressure, and available for service;
2. The size of the service connection is approved by the Agency; and
3. The applicable Agency charges have been paid.

The installation of the service pipe, including meter and backflow prevention assembly, shall be made by the Agency at the expense of the applicant.⁷

Section 3 - Main Extensions

A. Extending Mains

In general, an extension of a water main is required when a parcel needing water service is not contiguous to an available water main with adequate capacity and proper pressure. Main extensions are required to, at least, the closest point on the frontage of the parcel to be served or, in the case of multiple parcels, to the closest point on the frontage of the parcel farthest from the point of commencement of the extension. The alignment and size of the main extension and the location of the terminus of said extension shall be subject to approval by the General Manager, and shall accommodate installation of the extension and water services in conformance with these Rules & Regulations and standard engineering practices, as well as allowing for reasonable access by meter readers.⁸ When the General Manager determines that reasonable access for meter readers cannot be provided, or when domestic water facilities are constructed for a subdivision of five or more parcels, installation of a radio-read meter (or other type of meter facilitating automated data collection) will be required.⁹

B. Project Approval

Developers or owners of residential, commercial, industrial or other type projects shall first obtain approval from the Agency prior to:

1. Construction of domestic water facilities which they proposed to connect to the Agency’s domestic water distribution system; or,
2. Relocation of existing Agency facilities.

‘Project’ shall be defined as the proposed construction of any development involving the extension of the Agency’s domestic water distribution system and/or alterations to provide additional capacity in existing facilities in order to obtain domestic water service. The installation of a water service line from an existing water main for a new structure or the reconstruction of an existing water service line shall not be considered a ‘project’ as defined herein.

A request for project approval is initiated by submitting plans and specification of the proposed improvements for review by Agency staff. The plans and specifications shall be prepared by a registered civil engineer in conformance with these Rules & Regulations and the Agency’s Development Standards for Treated Water Systems and shall contain sufficient information to completely describe all aspects of the project work. Agency staff shall review the project plans for general conformance with these Rules & Regulations and the Agency’s Development Standards, good engineering practice and the best interests of the Agency. Review of plans by the Agency, and inspection of the work, shall be for general conformance with its rules only and shall not constitute a detailed design review and approval of the project design. Review of the plans and specifications by Agency staff shall not relieve the Developer, or the Developer's engineer, of full responsibility for the proper engineering, design, and installation of the project,

7 Paragraph amended 2/27/96 and 2/27/01
8 Paragraph amended 3/22/94
9 Paragraph amended 2/27/01

nor shall it relieve Developer of the duty to defend and indemnify Agency for claims or liability arising out of the design and installation of the project.¹⁰

The developer will pay for all Agency engineering, plan-check and inspection services. The developer's engineer will estimate the cost of the water system improvements and submit it for review and approval by the Agency's engineer. Payment of the Plan Check Fee (3% of approved engineer's estimate) will be required initially. Payment of the Inspection Fee (3% of approved engineer's estimate) will be required prior to the Conveyance Agreement being approved by the Board of Directors.¹¹

C. Financial Responsibility for Cost of Extending Mains¹²

It is the policy of the Agency to allow reasonable extensions of its facilities for a growing community, provided that such extensions do not place an unfair burden on property owners already receiving service. All costs associated with the extension of Agency facilities, together with the installation of private service lines from said facilities, shall be the responsibility of the owner(s) of the parcel(s) to be served or the developer of a project to be served.

When a parcel owner or developer extends main, other parcels that front on the extended main will be eligible to take service therefrom. When other such parcels have the opportunity to take service from such an extended main, it is reasonable that the parcel owner or developer that extended the main be reimbursed a portion of their cost within a specified period of time. The provisions by which the Agency will collect a reimbursement fee from parcels connecting to such an extended main are as follows:

1. No reimbursement fees will be collected unless the parcel owner or developer (hereafter in this subsection referred to as "developer") has executed a reimbursement agreement with the Agency prior to Agency acceptance of the main extension.
2. Agency will attempt to collect and recover a reimbursement fee in an amount that reflects each parcel's reasonable share of the cost of installation of the main. The Agency is neither liable for nor responsible for any share of reimbursements to the developer. The Agency will attempt to collect said reimbursement fee from lands fronting the extended main at the time they request service therefrom, and the Agency will not bear any responsibility for any share of the main-extension expenses in the event it is unsuccessful in reimbursement-fee collection efforts. The Agency will not litigate and/or enforce reimbursement of the main-extension expenses through judicial or administrative actions.
3. After receiving reimbursement fees, the Agency will disburse said collected fees to the developer.
4. Reimbursement agreements will have a maximum term of ten years. The agency will not attempt to collect reimbursement fees or disburse collected fees to the developer for more than ten years under any reimbursement agreement.
4. Parcels from which a reimbursement fee is collected are not relieved of the responsibility to pay all other applicable fees and charges of the Agency in connection with water service from the Agency.
5. Water service connections made to future extensions of a main that is the subject of a reimbursement agreement will not be required to pay a reimbursement fee, neither is the developer entitled to receive any reimbursement for such connections.
6. The reimbursement fee for any parcel taking service from an extended main that is the subject of a reimbursement agreement shall be determined by one of the following methodologies: (1) by a front-foot charge; or, (2) by a proportionate-benefit charge. The General Manager shall determine the methodology to be used on a case-by-case basis by the length (lineal feet) of that parcel's frontage lying along the extension.
 - a. The front-foot charge will be determined by dividing the cost of the extension by the length of frontage along the extension of all parcels that may be served directly from the extension (without additional main line

10 Paragraph amended 7/26/05 and 5/22/07

11 Paragraph amended 6/26/01 and 7/26/05

12 Subsection amended 7/26/05

extension). All parcels whose frontage length was utilized in the front-footage cost calculation will be subject to the reimbursement fee. The reimbursement fee for any parcel shall be determined by multiplying the length of the parcel's frontage by the front-foot charge.

- b. The proportionate-benefit charge shall be based on the development potential of all parcels that may be served directly from the extension. The development potential of any parcel is the number of residential units that could be developed on the parcel, based on its zoning and general plan designations, topography, and access limitations, as estimated by the Agency's engineer and approved by the General Manager. A parcel that is too small to divide and that could not be utilized for apartments or other multi-family units, will be considered to have a development potential of one residential unit. The proportionate-benefit charge will be determined by dividing the cost of the extension by the cumulative potential residential units on all parcels that may be served directly from the extension.
 - c. A parcel fronting the extension, that is receiving Agency treated water at the time the reimbursement agreement is executed will only be required to pay a reimbursement fee if its existing service is expanded or upsized, or if it is divided. In the case of a parcel split or subdivision, the existing service will be assigned, at the sole discretion of the Agency, to one of the newly created parcels. The remaining new parcel(s) that lie along and may be served directly from the extension will be subject to the reimbursement fee based on that parcel(s) front footage along the extension or its proportionate benefit as determined by the Agency.
7. A reimbursement fee will not be charged more than once to any parcel, and no single parcel will be required to pay a reimbursement fee in excess of 50% of the cost of the extension.
9. The cost of the extension will be considered to be the developer's out-of-pocket expenses directly and solely related to the installation of the extension, subject to the approval of Agency's engineer or General Manager. The developer's cost for rights-of-way acquisition, employment of engineers and other consultants for planning and design, and for construction of on-site improvements will be excluded from the front-foot-charge calculations.

Section 4 - Project Requirements for Main Extensions

A. Project Design and Planning

The project developer shall be responsible and bear the cost for the preparation of plans and specifications for the on-site and off-site domestic water system being proposed in accordance with the Agency's Development Standards for Treated Water Systems. Preparation of the plans and specifications shall include amendments, revisions and additions as specified by the Agency's engineer. The plans and specifications shall be deemed complete when they are in a form acceptable to the Agency's engineer. Thereafter, all changes to the plans and specifications impacting the domestic water system shall be subject to the written approval of the project developer and the Agency's engineer.¹³

After completion of plans and specifications as specified above, and prior to commencement of construction, the developer shall enter into a Conveyance Agreement with the Agency, approved by the Board of Directors, describing the conditions upon which the Agency will accept the developer's completed water system improvements. If the project site is not annexed to the Agency, the developer shall provide all necessary annexation documents (e.g., CEQA compliance certification, legal description, annexation plat, etc.) required by the Butte Local Agency Formation Commission (LAFCo) and shall pay all annexation-related fees prior to approval of the Conveyance Agreement by the Board of Directors.¹⁴

B. Construction

The project developer shall obtain an encroachment permit from the county or city (depending on jurisdiction) Public Works Department, and comply with all requirements thereof, including trench restoration and street resurfacing requirements for any portion of the project located within existing or proposed public rights of way.

¹³ Paragraph amended 7/26/05

¹⁴ Paragraph added 7/26/05

The project's domestic water facilities shall be constructed by a California State licensed contractor without expense to the Agency in accordance with the Agency's Development Standards for Treated Water Systems, these Rules and Regulations and the approved plans and specifications, and approved modifications thereof.¹⁵

All construction contracts relating to the water system executed by the developer shall include the requirement that any contractor's or materials supplier's guarantees thereunder, including warranties on the completed improvements, shall inure to the benefit of the Agency after the works constructed thereunder have been conveyed to the Agency. The developer shall also provide in any such contract that the contractor's public liability and property damage insurance shall be extended to cover developer and Agency and their agents, officers and employees as additional insured. Liability and bodily injury limits shall not be less than \$500,000 for projects with construction costs less than \$50,000, and for projects above \$50,000, bodily injury limits of \$1,000,000 per person and \$2,000,000 aggregate; and property damage coverage shall not be less than \$250,000 for projects with construction costs less than \$50,000, and \$1,000,000 for projects above \$50,000.

C. Payment of Prevailing Wages

The State's Attorney General has opined that, in certain circumstances, construction of facilities for provision of public utility service, with the understanding and agreement that said facilities will be turned over to the Agency for ownership, operation and maintenance at the conclusion of construction, may be subject to the prevailing wage laws of the State of California.

It is the developer's responsibility to determine if the Attorney General's opinion affects the wages paid by him/her to workers employed on water facilities constructed for their project. However, should it be determined that the prevailing wage laws of the State (Labor Code § 1770, et seq.) apply to the work performed for the project, then the developer will be required and shall agree to defend and hold the Agency harmless from any liability, claims, damages, or costs in any way associated with said determination by the State. Further, the developer shall take all necessary and appropriate action, including payment of back wages, and any associated penalties that may be required, due to enforcement of the prevailing wage law in connection with construction of the water system.

The Agency will not represent or advise the developer in connection with this matter except to advise him/her of their potential liability. The developer should not rely upon any opinion or information of the Agency in making his/her determination in connection with the payment or nonpayment of wages.

D. Inspection of Construction

The Agency's engineer or his/her agent(s) shall inspect the construction of the project's domestic water system to assure that the works are installed in accordance with the approved plans and specifications. Said inspection shall be funded by a Plan Check Fee and Inspection Fee paid by the developer as specified in these Rules & Regulations. Construction of the water system shall not commence until said fee is paid.

The Agency's engineer shall notify the developer and owner as to any deviation or failure to construct pursuant to the approved plans and specifications as soon as such deviation or failure is brought to his/her attention. Developer shall correct such deviation or failure.

The Agency is not, by inspection of the construction or installation of the domestic water system, representing the developer and/or owner or providing a substitute for inspection and control of the work by the developer. Any inspections and observations of the work by the Agency are for the sole purposes of providing notice of stage and character of the work. Any failure of the Agency to note variances in the work from the plans and specifications does not excuse or exempt the developer from complying with all terms of the plans and specifications. The fact that the Agency inspects the construction of work and notifies the developer of deviations or failure to construct them pursuant to the approved plans and specifications shall not be deemed to constitute a guarantee by the Agency that the works have been built in accordance with the approved plans and specifications.

During construction, and prior to conveyance of the facilities to, and acceptance thereof by the Agency, the developer shall hold the Agency harmless against any and all claims, demands and charges by third parties arising out of alleged deviations or failures to construct pursuant to the approved plans and specifications.

¹⁵ Paragraph amended 7/26/05

E. Conveyance

Upon completion of construction of the project's domestic water system in accordance with the Agency's Development Standards for Treated Water systems and the approved plans and specifications therefore, the following events shall occur.¹⁶

1. Developer shall provide to the Agency, in a form acceptable to the Agency's engineer, appropriate easements for those domestic water facilities for which the Agency will assume operation and maintenance responsibilities. The General Manager may request that reasonable documentation of title be provided at Developer's expenses to confirm authority to convey the easements and facilities. Easements will not be needed for facilities that will be located within public rights of way.¹⁷
2. Approval by LAFCo that the project site has been annexed to the Agency.¹⁸
3. Developer shall convey title of the completed works to the Agency without cost and free and clear of all liens and encumbrances, by appropriate conveying documents, acceptable in form to the General Manager.
4. Developer shall provide the Agency with one set of 24"x 36" reproducible 'As Built' drawings on matte mylar (5 mil minimum) of the completed facilities, together with a digital copy (in Drawing Interchange Format -.dxf) on media prescribed by the Agency's engineer.
5. Developer shall furnish to the Agency a bond, irrevocable letter of credit, cash deposit, or other form of surety meeting the General Manager's approval in an amount being equal to 25% of the cost to construct the water system, based either on the estimate of the developer's project engineer or upon the amount of a contract whereby the facilities were built. Said surety shall protect the Agency against any failure of the work due to natural phenomenon or catastrophe, faulty materials, poor workmanship, or defective equipment within a period of one (1) year after acceptance of the water system by the Agency. Said bond or irrevocable letter of credit shall name the developer as 'Principal' and the Agency as 'Obligee.'

After completion of the preceding events and upon written certification by the developer and the developer's engineer that the water system improvements have been completed in conformance with the Agency's Rules and Regulations, its Development Standards and the approved plans and specifications, and that the developer has complied with the terms and conditions of the Conveyance Agreement, the General Manager is authorized to accept conveyance of title of the completed domestic water system and include it as part of the Agency's system, and shall thereafter operate and maintain such water system.¹⁹

F. Application and Delivery of Water Service

No water shall be delivered to or conveyed by or through a project's water system, other than for testing and disinfecting purposes, until the water system is conveyed to the Agency and formally accepted by the Agency, as discussed above. Prior to water being delivered to individual water service lines, proper applications shall have been filed with the Agency.

G. Obligation for Pipeline and/or Facilities

The Agency shall be under no obligation to provide additional pipelines and/or facilities in order to serve a project. Upon acceptance of the water system by the Agency, it shall become the sole property of the Agency and shall be used and operated at the Agency's sole discretion.

H. Rates and Charges for Service

All domestic water service made available by the Agency to users within a project shall be at the established rates and charges as fixed by the Agency's Board of Directors from time to time. Projects requiring the Agency to own, operate and maintain pumping stations or other project-specific facilities may be charged a special rate which will be commensurate with the expense of operating said facilities, together with other water service costs.

16 Paragraph amended 7/26/05

17 Paragraph added 7/26/05

18 Paragraph added 7/26/05

19 Paragraph amended 7/26/05

Prior to physically connecting any domestic service to the water system, payment of the Agency’s System Capacity Charge and any other outstanding fees or charges affecting the property to be served shall be made. For projects of more than ten ½”-meter service connections (or larger service connections of comparable potential cumulative consumption), payment of the System Capacity Charge may be required by the General Manager prior to approval of the service application if he/she determines that the funds may be needed for expansion of treatment plant capacity to ensure adequate service for the project.²⁰

Section 5 - Public Fire Hydrants

A fire hydrant can be installed, relocated, or removed when the following requirements have been met:

1. A written application for the installation, relocation, or removal has been received by the Agency;
2. The hydrant site has been approved by the responsible public agency.

Fire hydrants installed under the preceding provisions shall belong to the Agency. Fire hydrants shall be installed, relocated or removed by the Agency at the expense of the applicant.

Section 6 - Non-standard Service²¹

Under certain conditions, the Agency may grant a service classified as ‘non-standard’ which generally falls within the following classifications:

A. Temporary Building-Construction Service

The Agency may grant a temporary building-construction service for the purpose of providing water to building construction sites prior to their completion and occupancy. Temporary building-construction service may only be provided after a service line, meter set, and approved backflow device have been installed in accordance with these Rules and Regulations for the parcel upon which the building is to be constructed. Water for this service will be billed on a flat-rate basis as specified under “Fees & Charges” in Part D, herein. The maximum time for a temporary building-construction service shall be six (6) months.

An application for temporary building-construction service must be submitted on a Agency service-application form and approved before service is initiated.

B. Bulk Service

The Agency may provide bulk-water service from its reservoirs and open ditches/canals, from a Agency filling station, or through fire hydrants for haulage and/or construction purposes. An application for bulk water service must be submitted on a Agency application form and approved before service is initiated.

Bulk raw-water customers may only draft water at Agency facilities from locations for which prior approval by Agency personnel has been received.

Bulk potable-water customers who do not utilize Agency filling stations may only draft water from fire hydrants; may only draft water through an approved bulk-service meter appropriately attached to the fire hydrant; and, may only draft water with an approved backflow-protection assembly in place. Before drafting water, bulk potable-water customers will advise the Agency by telephone (530-533-4578) of the location(s) of the fire hydrant(s) they will be using.

1. Meter Deposit – Before being issued a bulk-service meter, applicants will deposit with the Agency an amount equal to the cost of the meter being issued (see Part D, “Fees & Charges”). This deposit will be refunded to the applicant when the meter is returned in good condition (as verified by qualified Agency personnel). If the meter

²⁰ Paragraph amended 6/26/01

²¹ Section amended 11/27/01

is damaged at the time it is returned, the cost of repairs will be deducted from the deposit before the balance is refunded to the applicant.

2. Backflow Protection – Before being issued a bulk-service meter, qualified Agency personnel will inspect all trucks or containers into which applicant or his/her agents will be drafting potable water to ensure they are equipped with appropriate backflow-protection assemblies. Trucks or containers must be inspected for appropriate backflow-protection assemblies on an annual basis. Acceptable types of backflow protection required to protect the Agency’s water supply are double-check-valve (DC) assemblies, reduced-pressure-principle (RP) assemblies, and air-gap separation devices. If a DC or RP assembly is used, it must be installed as close to the bulk-service meter as is practical. When an air-gap device is used, the water inlet piping shall terminate a distance of at least two and one-half (2½) pipe diameters of the inlet, but in no case less than one (1) inch, above the overflow rim of the receiving vessel. The applicant will pay an inspection fee (see Part D, “Fees & Charges”) for each truck or container that requires a backflow-protection inspection.
3. Fees & Charges
 - a. Bulk potable-water customers shall be billed on a monthly basis on a volume-of-usage basis in addition to a monthly service charge (see Part D, “Fees & Charges”). A minimum monthly charge for ten (10) units (7,480 gallons) of water will be assessed. The bulk potable-water customer is responsible for calling the Agency office (530-533-4578) before the end of each month and reporting their meter’s current reading. Agency personnel may periodically check a meter’s reading when they come upon a bulk-service customer drafting water.
 - b. Bulk raw-water customers shall be billed on a monthly basis on a per-load basis (see Part D, “Fees & Charges”). The bulk raw-water customer is responsible for calling the Agency office (530-533-4578) before the end of each month to report the number of loads they have taken.
 - c. Filling-station customers shall pay in advance for each load they receive (see Part D, “Fees & Charges”).
4. Delinquent Accounts – Bulk potable-water customers who fail to report their meter’s reading for more than sixty (60) days, or whose bill remains unpaid for more than sixty (60) days, will no longer be permitted to draft water from any SFWPA facility. Any attempt by the customer or his/her agents to draft water thereafter will be considered theft and will be reported to the appropriate law enforcement agency. Bulk raw-water customers may be denied service if it is determined that they fail to report or report less than the total number of loads taken.
5. Damaged Meters – Bulk potable-water customers will be assessed the actual cost to repair damaged meters. The minimum assessment will be as shown in Part D, “Fees & Charges”. A customer’s bulk-service privilege may be revoked if his/her meter is repeatedly damaged.

Section 7 - Low Pressure Service

An applicant for water service cannot be assured of a supply of adequate pressure where the meter(s) serving the premises will be located at an elevation of less than 100 feet below the overflow level of the reservoir providing such service. As heretofore stated in these Regulations, such premises are not entitled to a main extension resulting in low pressure conditions. However, a Low Pressure Service (or a water main extension resulting in low pressure conditions) may be granted for premises located at such elevations if all of the following conditions exist:

1. The Agency has determined that a standard, gravity-type distribution system to provide the premises with adequate pressure is neither presently feasible nor contemplated within the foreseeable future.
2. The owner(s) agrees to install individual storage and pumping facilities and a backflow device necessary to ensure an adequate water supply at the premises at all times. In such cases, the equipment shall be installed and maintained on the applicant’s side of the meter at his own risk and expense.

In no event will a Low Pressure Service (or an extension resulting in low pressure conditions) be granted if, in the opinion of the Agency, the premises are not situated within the immediate vicinity of existing Agency facilities containing sufficient water storage to ensure an adequate volume of water to serve said premises.

Section 8 - Reading of Meters

All water supplied by the Agency will be measured by means of water meters. The cubic foot will be the unit of measure, and the amounts charged for service shall be based on the current rates established by the Agency.

In general, meters shall be read on a monthly basis. As it is not always practicable to read meters at equal intervals, the period between reading dates may vary as much as five days.

Section 9 - Unreadable Meters

Bills for service will be based on an estimate if a meter fails to register the volume of water consumed or cannot be read. In estimating consumption, due consideration will be given to fluctuations in usage caused by seasonal changes or known service interruption.

Where a meter cannot be read without undue difficulty because of obstruction, the customer will be notified and requested to correct the condition. The Agency has the right to discontinue the service if the condition is not corrected. Where services is turned off for such cause, the Agency may require payment of a turn-on charge as provided for in the Schedule of Rates and Charges.

Section 10 – Policy on Service Discontinuation; Payment of Bills

Sections 10 through 13 of this policy shall constitute the Agency’s policy on discontinuation of water service in accordance with California law. These sections of the policy and the final shutoff notice shall be available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean, and any other language spoken by at least ten percent (10%) of the people residing in the Agency’s service area. The policy shall be posted on the Agency’s website. The Agency shall annually report the previous year’s number of discontinuations of residential service for inability to pay on its internet website and report this information, if required, to the State Water Resources Control Board.

Bills are due and payable on the date they are mailed, and are delinquent ten (10) days thereafter. A delinquency penalty charge, as determined and as may be adjusted by the Board of Directors and as shown herein in the schedule of Fees and Charges, will be applied to each account’s unpaid balance fifteen (15) days after it becomes delinquent and monthly thereafter until paid.²²

Customers may make advance payments to maintain water service during their absence. The billing will reflect the current credit balance until expended. Monies placed on deposit will not bear interest.

Water service accounts will only be established in the name of the property owner, except as provided in Section 13 D of these Rules and Regulations. Landlords who make arrangements with their tenants to pay the monthly water bill may request that the bill be sent to their tenant’s address. Nevertheless, the landlord is ultimately responsible for payment delinquencies, unless the tenant has agreed to become a direct customer in accordance with Section 13 D of these Rules and Regulations. Delinquency notices will be sent to the occupant, and to landlords if the landlord is the customer of record.²³

²² Paragraph amended 10/27/98

²³ Paragraph amended 7/28/94

The Manager and Treasurer, at their discretion, may sign term payment agreements with individual property owners under the following guidelines:²⁴

Up to a one hundred twenty (120) month period and a maximum amount of \$10,000 may be authorized for Agency fees and charges related to a new treated water service, including but not limited to system capacity charges, meter and backflow prevention device installation costs, and service line installation costs. The interest rate to be charged on all term payment agreements will be 10% per annum.

Failure by the property owner to comply with a term payment agreement may subject them to termination of water service until the full amount covered by the agreement is paid.

The term payment agreement will be recorded, will constitute a lien on the affected property, and will bind the heirs, successors and assigns of the property owner initiating the agreement.

Section 11 - Delinquent Accounts

Accounts are delinquent ten (10) days after the bill is mailed. Water services may be discontinued if an account remains delinquent seventy (70) days after the bill is mailed. A courtesy delinquency notice may be provided fifty (50) days after the bill is mailed. A final shutoff notice shall be mailed seven (7) business days prior to the scheduled delinquency shutoff. If the final shutoff notice is returned through the mail as undeliverable, then Agency staff shall make a good faith effort to visit the residence and leave the shutoff notice in a conspicuous location

The final shut-off notice generated in accordance with this section shall include the following: 1) the customer's name and address, 2) the amount(s) delinquent, 3) the date by which payment or arrangement for payment is required in order to avoid discontinuation of service, 4) a description of the process to apply for an extension of time to pay the delinquent charges, 5) a description of the procedure to petition for bill review and appeal, and 6) a description of the procedure by which the customer may request a deferred, reduced or alternative payment schedule, including an amortization of the delinquent service charges.

If a customer believes their bill, a charge thereon, or a determination of delinquency is incorrect the customer should immediately contact Agency staff by phone at 530-533-4578 or in person at the Agency's office located at 2310 Oro-Quincy Highway, Oroville. If the customer still believes the bill is incorrect after contacting Agency staff by phone or in person, they may promptly appeal a bill in writing to the General Manager no later than five (5) business days of receipt of a disputed courtesy or final delinquency notice. Customer appeal rights will lapse and be summarily rejected if not delivered, in writing, within five (5) business days of the courtesy or final delinquency notice. Timely written appeals must state the reason(s) why the customer believes the bill is incorrect and may be mailed or delivered in person. The General Manager shall render a decision on written appeals in a timely manner, and the General Manager's decision will be considered final with respect to all charges then existing on the disputed bill. The General Manager may request additional information from the appealing customer and/or may conduct a hearing, if the General Manager believes such process will help in rendering a decision on the customer's appeal. The General Manager's decision, including the General Manager's findings, shall be provided to the customer in writing. Service shall not be discontinued while a written appeal is pending before the General Manager.

Written appeal to the General Manager is the sole procedure by which a customer may request reduced fees. The General Manager may grant such request, in the General Manager's discretion, only upon a finding that there was an error in computation of the customer's fees. Potential reduction in fees are available to residential services only.

Written request, with supporting documentation, delivered to Agency customer service staff is the sole procedure by which residential customers may request deferred or alternative payment schedules, including amortization of

²⁴ Paragraph and sub-paragraphs added 7/23/96, amended 8/27/96 and 1/27/98

service charges. Eligible customers are those that make written request and provide (1) certification of a primary care provider that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of a resident of the customer's service address; and (2) the customer demonstrates that they are financially unable to pay for water service. A customer will be deemed financially unable to pay for service within the normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level. Customers satisfying all of the foregoing criteria will be entitled to defer payment of delinquent charges by entering into an amortization agreement to allow the customer to pay the delinquent charges amortized over a three (3) month period, in addition to current charges that accrue for service each month. The amortization period in the agreement may be longer than three (3) months when Agency staff deems necessary, but shall not exceed twelve (12) months. If the customer fails to pay under the agreement for at least sixty (60) days, service may be discontinued with at least five (5) business days' notice posted at a prominent and conspicuous location at the property. Requests for deferral and amortization of bills are available to residential customers only and should be made prior to discontinuation of service by contacting South Feather Water and Power at its office located at 2310 Oro-Quincy Highway, Oroville, telephone number 530-533-4578.

A water service may be discontinued if the delinquent account balance has not been paid prior to the scheduled shutoff date. Once a service has been discontinued, the entire account balance must be paid prior to service being restored.²⁵

Upon the restoration of service, reconnection fees for customers that are unable to pay in the normal billing cycle shall not exceed \$50 for reconnection ("turn-on") during normal operating hours, and shall not exceed \$150 for reconnection during nonoperational hours ("after hours"), but shall be charged in the amount specified by the Rates in Part D of these rules if less than \$50 and \$150, respectively.

Section 12 - Service Fees

When a courtesy delinquency notice is generated, a "Courtesy Delinquency Notice Service Fee" shall be added to the account and included in the delinquent balance. Said fee shall be determined and may be adjusted by the Board of Directors, and is shown herein in the schedule of Rates and Fees.

When a final shutoff notice is generated, a "Final Shutoff Notice Service Fee" shall be added to the account and included in the delinquent balance. Said fee shall be determined and may be adjusted by the Board of Directors, and is shown herein in the schedule of Rates and Fees.²⁶

When a water service is discontinued for delinquency a "Meter Lock Service Fee" shall be added to the account and included in the delinquent balance. Said fee shall be determined and may be adjusted by the Board of Directors, and is shown herein in the schedule of Rates and Fees. No additional fee will be assessed to restore service if the entire account balance is paid prior to said balance being assigned to the Butte County Tax Roll.²⁷

In the case where a delinquent bill is paid by check or credit card after the final shutoff notice has been mailed, and the check is returned unpaid by the bank, service may be immediately discontinued without further notice, provided that notice has been given in accordance with Section 11 of these Rules and Regulations. Prior to restoration of service, the account's entire balance and any bank charge for a returned check must be paid in cash before service will be continued.²⁸

25 Paragraph added 10/27/98

26 Paragraph added 10/27/98

27 Paragraph amended 10/27/98

28 Paragraph amended 10/27/98

Section 13 - Discontinuance of Service

A. Reasons for Discontinuation of Water Service:

1. At Customer's Request

Water service will be turned off on the date requested by the customer, excepting Saturdays, Sundays, and holidays, provided 24-hour advance notice is furnished to the Agency. The customer will be held responsible for all service rendered to his premises until the Agency has received notice to terminate such service. Only written requests by the property owner will be accepted.

2. For Nonpayment of Bills

Water service may be discontinued by the Agency if an account remains delinquent at least seventy (70) days after the bill is mailed.²⁹

Water service may only be discontinued for nonpayment of bills if the shut-off notices were provided as described in Section 11 of these Rules and Regulations. A customer may appeal a bill as described in Section 11, and service may not be discontinued while an appeal is pending before the Agency. Eligible customers facing discontinuation for nonpayment who are unable to pay during the normal billing cycle will be offered an opportunity to amortize their delinquent bill as provided in Section 11.

Customers can contact South Feather Water and Power at its office located at 2310 Oro-Quincy Highway, Oroville, telephone number 530-533-4578, to discuss options for averting discontinuation of service for nonpayment, including possible deferral and amortization.

3. For Noncompliance with These Regulations

Water service will be discontinued, reclassified, or removed by the Agency for failure to comply with any of the regulations governing water service to customers.

If service is turned off for violation of regulations, the Agency may require payment of a turn-on charge as determined by the Board of Directors and set forth herein in the schedule of Fees and Charges in addition to other amounts due from the customer before restoring water service.³⁰

B³¹. Circumstances Under Which Service May Not Be Discontinued

1. During the pendency of an appeal to the General Manager of a customer dispute or complaint;
2. When a customer has been granted an extension of time for payment of a bill; or
3. When the customer (a) provides a certification of a licensed practitioner or primary care provider that termination of service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises; (b) demonstrates the customer is financially unable to pay for service within the normal period; and (c) executes an amortization agreement with the Agency.
 - a. A customer will be deemed financially unable to pay for service within the normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special

29 Paragraph amended 10/27/98

30 Paragraph amended 10/27/98

31 Subsection added 10/27/98

Supplemental Nutrition Program for Women, Infants, and Children, or the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

C. Continuation of Monthly Service Charge³²

The monthly service charge assessed to all accounts is for expenses incurred by the Agency which are not related to amount of usage - account maintenance, administration, distribution system maintenance, fire flow, maintenance of the service line on the Agency's side of the meter , etc. These expenses continue throughout the year regardless of the volume any specific account uses. It is appropriate, therefore, that the monthly service charge be applied to each account on a monthly basis, regardless of usage, unless service is discontinued.

Unless water is unavailable for a period of time in excess of thirty (30) days, or unless service is physically discontinued by Agency personnel - at either the owner's request or the Agency's own initiative - the monthly service charge shall continue to be assessed to each account.

D.³³ Termination of Water Service to Residential Occupants Served through a Master Meter or Individually Metered Tenants of Multi-Unit Residential Structures Implementing Public Utility Code Section 16481.1 B and Health and Safety Code § 116916 (b)

South Feather Water and Power Agency serves water to residential occupants through a master meter and individual meters in multi-unit residential structures and mobile home parks, where the owner, manager, or operator is listed as the customer of record.

These rules and regulations establish the procedure by which South Feather Water and Power Agency will inform the residential occupants of their rights when the master meter account or individual meter account is in arrears and service to the master meter or individual meter is threatened with termination.

1. Notice to Residential Occupants

Where the owner, manager or operator of a multi-unit residential structure or mobile home park or similar facility is listed by South Feather Water and Power Agency as the customer of record and the account is in arrears, every good faith effort will be made to inform the residential occupants by means of a written notice posted on the door of each residential unit at least fifteen days prior to service termination that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, two copies of the notice will be posted in each common area and at each point of access to the structure or mobile home park or similar such area. The notice will be in English and to the extent practical in any other language that South Feather Water and Power Agency determines is the primary language spoken by a significant number of the residential occupants. The notice will be in bold type and in a large font, at least 14 pitch.

The notice will inform the residential customers of the following:

- a. That they have the right to become direct customers of South Feather Water and Power Agency to whom the service will be billed.
- b. That they can become direct customers in this way without being required to pay the amount due on the delinquent account.
- c. That in order to prevent the termination of service or to re-establish service, the residents must contact South Feather Water and Power Agency to sign up for service as set forth below.

2. Guidelines for Residential Occupants to Become Direct Customers of South Feather Water and Power Agency

³² Standby charge on inactive accounts deleted 2/24/09

³³ Subsection added 11/23/04

Residential occupants of a multi-unit residential structure, mobile home park, or similar facility can become direct customers of South Feather Water and Power Agency and avoid termination of service, or reestablish service by becoming direct customers. The residential occupant should contact South Feather Water and Power Agency at its office located at 2310 Oro-Quincy Highway, Oroville, telephone number 530-533-4578, to request service.

South Feather Water and Power Agency may request the residential occupant to demonstrate creditworthiness as a condition for establishing credit. Creditworthiness will be established by the residential occupant by providing proof of prompt payment of rent or other credit obligations which have accrued during a six-month period of time prior to application for service.

The residential occupant may also want to contact the Community Legal Information Center at 25 Main Street, Suite 102, Chico, telephone 530-898-4354, which has been recommended by the Butte County Bar Association to provide legal advice in connection with these matters.

South Feather Water and Power Agency is not required to make service available to the residential occupants unless each residential occupant or a representative of the residential occupants agrees to the terms and conditions of service and meets the requirements of these Rules and Regulations. If one or more of the residential occupants, or a representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the master meter account to the satisfaction of South Feather Water and Power Agency, service will be made available to the residential occupants who have met those requirements or on whose behalf those requirements have been met. A representative of the residential occupants does not include a tenants' association.

3. Liberal Construction

South Feather Water and Power Agency will liberally construe these Rules and Regulations to accomplish the purpose of ensuring that service to the residential occupants of a multi-unit residential structure, mobile home park or similar facility provided service through a master meter is not terminated due to non-payment unless South Feather Water and Power Agency has made every reasonable effort to continue service to the residential occupants.

4. Limitations on Termination of Service

Notwithstanding delinquency in the master meter account, South Feather Water and Power Agency will not terminate water service for non-payment:

- a. During the pendency of an investigation of a customer dispute or complaint;
- b. Where the customer has been granted an extension of the period for payment of the bill;
- c. For indebtedness owed by the customer to any other public agency, or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than South Feather Water and Power Agency;
- d. When a delinquent account relates to another property owned, managed or operated by the customer;
- e. When a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public; or,
- f. When the limitation upon termination described in Section 13 B of these Rules and Regulations is effectuated

5. Compliance with Law

By these Rules and Regulations, South Feather Water and Power Agency intends to comply with the requirements imposed by Public Utility Code §16481.1 and Health and Safety Code § 116916. The procedures outlined in those statutes, as may be amended from time to time, take precedence over these Rules and Regulations.

Section 14 - Removal of Meter or Service Lateral

When the service is discontinued for any reason, the Agency has the right to remove the meter and other equipment.

Where the meter alone has been removed, there will be a charge for resetting a meter provided for in the Schedule of Rates and Charges.

Where the service lateral has been removed, the property owner will be responsible for having the service restored at his expense.³⁴

Section 15 - Change in Size of Service

Changes in the size of standard service requested by the owner of the premises or required by the Agency will be made subject to the following provisions:

A. Reduction in Size of Service

A requested change to a smaller size service must be approved by the Agency and will be made without charge to the applicant.

Customers will be allowed to reduce the size of their water meter, without relinquishing their right to the original larger service size. When water service is originally established, all connection fees and system capacity charges relating to that size service are paid to the Agency. If, at a later date, a customer elects to reduce the size of the service, they will continue to have the right to the larger service size.³⁵

B. Increase in Size of Service

A requested increase in the size of a service must be approved by the Agency. The installation of the larger service shall be made by a licensed contractor at the property owner's expense.

If the customer's rate of consumption results in excessive wear of the meter or is such that the meter is unable to measure the flow of water accurately, the Agency may increase the size of the service and require the customer to pay the actual installation costs.³⁶

It is the responsibility of the Agency to recover the cost of providing service to a customer. As such, at the time a meter is reinstalled or enlarged in size at the request of the customer, the Agency will apply the charges established by the Board of Directors in effect at the time for resetting a meter and/or turning on the service, and any other applicable charges.³⁷

In addition, interim compliance with the Agency's Rules and Regulations, Section 24, 'Control of Backflow and Cross-Connections,' involving voluntary removal of a meter, shall not constitute the abandonment of the customer's right to the larger size service.³⁸

Section 16 - Location of Service

In general, the meter shall be installed in the area between the curb line and the customer's premises, within the street right of way, at the point specified by the applicant. In all cases, whether initial installation or relocation of existing service, the specific location of the meter shall be subject to Agency approval.

34 Paragraph amended 2/27/96

35 Paragraph added 7/28/94

36 Paragraph amended 7/28/94

37 Paragraph added 7/28/94

38 Paragraph added 7/28/94

All meters installed outside the street right of way will require easements for access and maintenance dedicated to the Agency.

When the location of a meter is outside the street right of way, installation of a radio-read meter (or other type of meter facilitating automated data collection) will be required.³⁹

Section 17 - Service Line Replacement⁴⁰

Whenever it is known to Agency personnel that scheduled work on a main line (replacement, leak repair, branching, etc.) will require disconnecting a service line for an account that has been inactive for more than twelve (12) months, the owner of the affected property will be notified in writing and advised that their service line will be disconnected.⁴¹

For emergency work on a main line which requires disconnecting a service line for an account that has been inactive for more than twelve (12) months, or when the existence of a service line for an account that has been inactive for more than twelve (12) months is not known to Agency personnel and its disconnection is required as a part of scheduled main line work, the owner of the affected property will be notified in writing that their service line has been disconnected. If the property owner requests that service be reactivated within six (6) months of the date of the service line disconnection, it will be reconnected by Agency personnel at no expense to the property owner. If service reactivation is not requested within six (6) months of the date of the service line disconnection, the property owner will be responsible for the expense of reconnecting or replacing (at the Agency's discretion) the service line, if needed in the future, in accordance with the Agency's Rules & Regulations, except that a System Capacity Charge will not be levied if it had been previously paid.

When a customer's service line and meter are moved to a new location as part of a Agency maintenance or pipe replacement project, the Agency will guarantee the new line against defects or failure for a period of one year from the date the relocation is completed. Thereafter, the property owner will be responsible for its maintenance or replacement, as specified in Section 23, hereof.⁴²

Section 18 - Use and Resale of Water

Where two adjoining parcels that are owned by the same individual and both parcels have a residence built on them, each parcel must be served by a separate meter.

Where two adjoining parcels are owned by the same individual with a residence or other appropriately zoned structure(s) built on one and the other being vacant, both parcels may be served from a single meter as long as both parcels are within the boundaries of the Agency and have an approved application for service specifying all of the parcels that will be served by the single meter.

Where two or more adjoining parcels that are within the boundaries of the Agency are owned by the same individual and used for multi-residential, commercial or industrial purposes, all parcels may be served from a single meter with an approved application for service specifying all of the parcels that will be served by the single meter.

The customer shall not permit the use of any of the water received by him from the Agency on any premises other than those specified in his application for service.

No water received from the Agency may be resold without special approval from the Agency.

Section 19 - Removed

39 Paragraph added 2/27/01

40 Section added 6/27/95, amended 3/26/96

41 Standby charge on inactive accounts deleted 2/24/09

42 Paragraph added 2/22/00

Section 20 - Meter Tests

A customer who questions the accuracy of the meter serving his premises may request a test of its registration and witness the test if he so desires.

A meter test will be performed at Agency expense if, in the opinion of the Agency, preliminary examination reveals evidence of inaccuracy. Any demand for a meter test in the absence of such evidence will require pre-payment of the testing charge set forth in the Schedule of Rates and Charges.

If the meter is found to register more than two percent fast, the Agency will return the charge for the test and adjust the billing. The period covered by the billing adjustment shall not exceed the preceding three (3) months, unless the duration of fast meter registration can be determined.

If the meter registers within the limit of error specified above, the testing charge will be retained by the Agency to offset the costs.

Section 21 - Water Supply and Interruption of Delivery

The Agency will exercise reasonable diligence and care to deliver to customers a continuous and sufficient supply of water under proper pressure at the meter. However, the Agency will not be liable for interruption, shortage, or insufficiency of supply for any loss or damage occasioned thereby.

For purposes of making repairs or installing improvements to the systems, the Agency shall have the right to temporarily suspend the delivery of water. Repairs or improvements will be performed as rapidly as may be practicable and so far as possible at times that will cause the least inconvenience to the customers concerned. The Agency shall not be liable for any loss or damage occasioned by such suspension of service.

Section 22 - Agency Equipment on Customers Premises

All service pipe and equipment needed to serve a customer up to and including the meter and backflow prevention assembly shall be owned by the Agency whether installed: (1) on public or private property; or, (2) at applicant or Agency expense.⁴⁴

Agency equipment required for service that is installed on customer's premises may be repaired, replaced, or removed by the Agency without the consent of the customer. Authorized representatives of the Agency shall have the right of access to such equipment for any purpose reasonably connected with furnishing service. The Agency will make no payment for placing or maintaining such equipment on the customer's premises.

The customer shall exercise care to prevent damage to or interference with the operation or servicing of Agency equipment. The customer shall be liable for any damage to Agency-owned meters, backflow prevention assemblies, locks, or other equipment that is caused by himself or his tenants, agents, employees, contractors, licensees, or permittees, and must promptly reimburse the Agency on presentation of a bill for any such damage.⁴⁵

The Agency shall not be responsible for any loss or damage caused by the negligence, want of proper care, or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating, or interfering with any water receiving equipment. Furthermore, the Agency shall not be responsible for damage caused by faucets, valves, and other equipment that may be open at any time that water is turned on at the meter.

⁴⁴ Paragraph amended 2/27/01

⁴⁵ Paragraph amended 2/27/01

Section 23 - Responsibility for Water Receiving Equipment

The customer shall furnish and install at his own risk and expense that portion of the water system that begins at the outlet side of the meter. Such water receiving equipment shall remain the property of the customer and he shall be responsible for its maintenance and repair. The Agency shall have the right to require the customer to adjust, replace, or discontinue using any water receiving or regulating equipment on his side of the meter which disturbs or inconveniences other customers.

The customer shall be responsible for connecting his pipeline to the Agency's meter.

The customer shall be responsible for installing and maintaining water pressure regulators and relief valves. The equipment shall be installed on the customer's side of the meter and at his own risk and expense.

The Agency shall not be responsible for any loss or damage caused by the negligence, want of proper care, or wrongful act of the customer or any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating, or interfering with any water receiving equipment. Furthermore, the Agency shall not be responsible for damage caused by faucets, valves, and other equipment which may be open at any time that water is turned on at the meter.

Section 24 - Prevention of Ground Wire Attachments

The Agency is not responsible for providing an electrical ground through water service equipment. Accordingly, customers are cautioned not to attach any ground wiring to plumbing that is or may be connected to Agency service equipment. The Agency may hold the customer liable for any damage to its property resulting from a ground wire attachment.

Section 25 - Control of Backflow and Cross-connections⁴⁶

The South Feather Water and Power Agency has been directed by the State of California to institute a cross-connection control program - California Administrative Code, Title 17, Chapter V, Section 7583-7622, inclusive. In accordance therewith, the Agency will maintain no water connection to any property unless the public water supply is adequately protected. This regulation supplements local plumbing regulations, codes or regulations of the State Board of Public Health relating to water supply.

A. Purpose. The purpose of this Ordinance is:

1. To protect the potable water supply of the South Feather Water and Power Agency from the possibility of contamination or pollution by isolating within the consumer's internal distribution system or the consumer's private water system such contaminants or pollutants which could backflow into the Agency's water system; and,
2. To promote the elimination or control of cross-connections, actual or potential, between the consumer's internal potable water system and any non-potable water system.

B. Responsibility.

The South Feather Water and Power Agency shall make every reasonable effort to protect its public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants from water service connections.

⁴⁶ Section amended 7/28/94, 10/23/12

Because the Agency is required to inspect and maintain all backflow prevention assemblies covered in this section, all necessary parts and fittings will be supplied by the Agency, and only Agency personnel are authorized to perform the installation.⁴⁷

If the Agency determines that an approved backflow prevention assembly is needed at a consumer's existing water service connection or within the consumer's existing private water system to eliminate an actual or potential cross-connection between the consumer's internal potable water system and any other water source, a written notice of the requirement will be sent. The consumer will be given a reasonable amount of time to authorize the Agency to install the required backflow prevention assembly, including payment of a deposit equal to the estimated cost of installation. All costs associated with said installation shall be the consumer's responsibility, and shall include the cost for all parts and fittings, as well as all labor and equipment. Failure by the property owner to comply with the requirements specified herein shall ultimately require discontinuing water service to the property until the requirements have been satisfactorily met.⁴⁸

Backflow protection is required in conjunction with the installation of new service facilities. All costs associated with said installation shall be the responsibility of the property owner, and shall be that amount identified herein as the "Residential Meter/Backflow Fee" (see Part D – Water Rates).

Backflow protection is also required when a service is reactivated after being discontinued for more than 60 days. If an approved backflow device does not exist, Agency personnel, at the property owner's expense, shall install the required device(s) prior to reactivating the service. In this specific instance, the property owner shall be charged only the cost of parts and fittings. Payment of said cost is required in advance of the installation.⁴⁹

C. Definitions

1. Air gap. The term "air gap" shall mean a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An "approved" air gap shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel - in no case less than 1 inch (2.54 cm).
2. Approved
 - a. The term "approved," as herein used in reference to a water supply, shall mean a water supply that has been approved by the health agency having jurisdiction (State Department of Health Services or the Butte County Health Department).
 - b. The term "approved," as herein used in reference to an air gap, a reduced pressure principle backflow prevention assembly or other backflow prevention assemblies or methods, shall mean an approval by the Agency and the administrative authority having jurisdiction (State Department of Health Services or the Butte County Health Department).⁵⁰
3. Auxiliary Water Supply. Any water supply on, or available to the premises other than the Agency's approved public water supply, will be considered as an "auxiliary water supply." Auxiliary water supplies may include another purveyor's public potable water supply, or any natural source such as a well, spring, river, stream, pond, etc., or used waters or industrial fluids. These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.
4. Backflow. The term "backflow" shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the Agency's distribution pipes of the potable supply of water from any source or sources.- see "back siphonage" (7, below) and "back pressure" (6, below).

47 Paragraph added 10/23/12

48 Paragraph amended 3/25/97

49 Paragraph amended 3/25/97, 2/23/99, 3/23/99, and 2/27/01

50 Sub-paragraph amended 3/23/99

5. Backflow Preventer. The term "backflow preventer" shall mean an assembly or means designed to prevent backflow.
6. Back pressure. The term "back pressure" shall mean any increase of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at a site, which would cause, or tend to cause, a reversal of the normal direction of flow.
7. Back siphonage. The term "back siphonage" shall mean a form of backflow due to a reduction in system pressure, which causes a sub-atmospheric pressure to exist at a site in the water system.
8. Contamination. The term "contamination" shall mean an impairment of the quality of the water that creates an actual hazard to the public health through poisoning or through the spread of disease.
9. Cross-Connection. The term "cross-connection" shall mean any unprotected actual or potential connection between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which, or because of which, backflow can or may occur are considered to be cross-connections.
 - a. The term "direct cross-connection" shall mean a cross-connection that is subject to both back siphonage and backpressure.
 - b. The term "indirect cross-connection" shall mean a cross-connection that is subject to back siphonage only.
10. Cross-Connections - Controlled. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford protection commensurate with the degree of hazard.
11. Hazard, Degree of. The term "degree of hazard" shall mean either a pollution or contamination hazard, and is derived from the evaluation of conditions within a system.
12. Hazard - Health. The term "health hazard" shall mean an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.
13. Hazard - Plumbing. The term "plumbing hazard" shall mean an internal or plumbing type cross-connection in a consumer's potable water system that may be either a pollution or a contamination type hazard. This includes, but is not limited to, cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.
14. Hazard - Pollution. The term "pollution hazard" shall mean an actual or potential threat to the physical properties of the water system or the potability of the public or the consumer's potable water system but which would not constitute a health or system hazard. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.
15. Hazard - System. The term "system hazard" shall mean an actual or potential threat of severe danger to the physical properties of the public or the consumer's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
16. Industrial Fluids. The term "industrial fluids" shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from

the public potable water system which may deteriorate in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulated cooling waters connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, etc.; oils, gases, glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used industrially, for other processes, or for fire fighting purposes.

17. **Pollution.** The term "pollution" shall mean an impairment of the quality of the water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.
18. **Reduced Pressure Principle Backflow Prevention Assembly.** This term shall mean an assembly containing two independently acting approved check valves, together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a pollutant or a contaminant). This assembly shall not be used for backflow protection of sewage or reclaimed water, unless approved by the administrative authority (State Department of Health Services or the Butte County Health Department).
19. **System Protection.** The term "system protection" shall mean the appropriate type or method of backflow protection at the service connection, commensurate with the degree of hazard of the consumer's potable water system.
20. **Water - Non-potable.** The term "non-potable water" shall mean a water supply that has not been approved for human consumption by the health agency having jurisdiction.
21. **Water - Potable.** The term "potable water" shall mean any public potable water supply that has been investigated and approved by the health agency and operating under a valid health permit. In determining what constitutes an approved water supply, the health agency has final judgment as to its safety and potability.
22. **Water - Service Connection.** The term "service connection" shall mean the terminal end of a service connection from the public potable water system, (i.e., where the Agency ceases to have jurisdiction and sanitary control of the water at its point of delivery to the consumer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter. Where a backflow device is installed beyond the meter, then the service connection shall mean the downstream end of the backflow device.⁵¹

D. Cross-connection Protection Requirements

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the Agency will require the property owner to have an approved backflow prevention assembly installed by the Agency. Continued service is conditional upon their compliance.⁵²
3. Wherever backflow protection has been found necessary on a water supply line entering a property, then any and all water supply lines from the Agency's mains entering this property shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this ordinance.
4. Agency personnel shall have reasonable access to property receiving water service for purposes relating to furnishing water service, including inspection of piping and equipment to determine backflow and cross-connection compliance.

⁵¹ Paragraph amended 3/23/99

⁵² Paragraph amended 3/23/99

5. The property owner shall provide and maintain reasonable access for Agency representatives to all service connections, meters, backflow devices, or their facilities pertinent to water service installed on the property.

E. Where Protection Is Required

1. Each new service connection to the Agency water system, and each previously discontinued service that is reactivated, shall be protected against backflow of water from the property into the public water system.⁵³
2. Each service connection from the Agency water system for supplying water to property having an auxiliary water supply shall be protected against backflow of water from the property into the public water system.
3. Each service connection from the Agency water system for supplying water to any property on which any substance is handled in such fashion as may allow its entry into the Agency's system. This shall include the handling of process waters and waters originating from the Agency water system which have been subjected to deterioration in sanitary quality.
4. Backflow prevention assemblies shall be installed on the service connection to any property having (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the Agency, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.
5. Any parcel that has multiple service laterals connected to Agency mains shall have backflow prevention assemblies installed on each meter.
6. Backflow prevention assemblies shall be installed on the service connection to any property having a pump connected to the domestic system.
7. Any property where there is a repeated history of cross-connections being established or re-established shall be required to install a backflow prevention assembly on all domestic service connections serving that property.
8. Backflow prevention assemblies shall be installed on the service connection to any property having a fire sprinkler system. Plans for such installations shall be reviewed and approved prior to installation by the local fire agency.

F. Type of Backflow Protection Required

1. The type of system protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's property. The type of protective assembly that may be required (listed in an increasing level of protection) includes: Reduced Pressure Principle Backflow Prevention Assembly (RP), and an Air-gap separation (AG). The water user may choose a higher level of protection than required by the Agency. The minimum type of backflow protection required to protect the approved water supply at the user's water connection is a reduced pressure principle (RP) device.⁵⁴

G. Backflow Prevention Assemblies

1. Only backflow prevention assemblies that have been approved by the Agency shall be acceptable for installation to the Agency's potable water system.
2. The Agency will provide an approved backflow prevention assembly at the customer's expense.⁵⁵
3. Backflow prevention assemblies shall be installed in a manner prescribed as follows:

53 Paragraph amended 2/23/99, 3/23/99

54 Paragraph amended 3/23/99

55 Paragraph amended 3/23/99

- a. Location of the assemblies should be as close as practical to the user's connection. The Agency shall have the final authority in determining the required location of a backflow prevention assembly.
- b. Air-gap separation (AG). The air-gap separation shall be located on the user's side of the service connection, and as close to it as is practical. All piping from the service connection to the receiving tank shall be above grade and entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two (2) pipe diameters of the supply inlet, but in no case less than one (1) inch, above the overflow rim of the receiving tank.
- c. Reduced pressure principle backflow prevention assembly (RP). The approved reduced pressure principal backflow prevention assembly shall be installed on the user's side of the service connection, and as close to it as is practical. The assembly shall be installed a minimum of twelve (12) inches above grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly and with a minimum of twelve (12) inches side clearance. The assembly shall be installed so that it is readily accessible for maintenance and testing. There shall be no branch lines at any point between the service connection and the RP assembly. The assembly shall be protected from freezing in a manner approved by the Agency.

H. Testing and Maintenance

1. Each backflow prevention assembly must be kept in working order, which requires testing and/or inspection at least once each year.
2. The Agency will perform all preventive maintenance and testing of the device at a cost established from time to time by the Board of Directors. Repairs - including parts and labor - will be made on items considered to be from "normal deterioration," but will not cover the cost to repair vandalism. The Agency will perform annual testing and file the required reports with the State Department of Public Health.⁵⁶

A monthly charge for maintenance and testing of the device will be added to the property owner's water bill in accordance with the schedule - 'Backflow Maintenance Charges' - shown at the end of these Rules and Regulations. Said monthly charge will not be assessed to inactive accounts.⁵⁷

4. Approval must be obtained from the Agency before a backflow prevention assembly is removed, relocated, or replaced. Any expense incurred by the Agency regarding such actions will be the responsibility of the property
 - a. Relocation: An assembly may be relocated following confirmation by the Agency that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
 - b. Repair: An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the Agency. A retest will be required following the repair of the assembly.
 - c. Replacement: An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. Agency personnel will perform all replacement.⁵⁸
5. If a service becomes inactive after a backflow device has been installed, and it remains inactive for more than 12 months, the Agency may remove the device to minimize future maintenance efforts and expense. The service may not be reactivated until the backflow device is reinstalled, and the cost to reinstall the backflow device (labor, equipment and incidental parts – not the cost of the device) will be charged to the account upon its reactivation.⁵⁹

⁵⁶ Paragraph amended 3/25/97, 3/23/99

⁵⁷ Paragraph added 3/25/97; waiver for inactive accounts added 2/24/09

⁵⁸ Paragraph amended 3/23/99

⁵⁹ Amended 3/23/99; amended 2/24/09 to allow removal of backflow device after 12 months inactive

I. Administrative Procedures

1. The Agency may require an on-premise inspection to evaluate cross-connection hazards. The Agency will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention assembly the Agency considers necessary, and/or be subject to termination of water service..
2. The Agency may require a re-inspection for cross-connection hazards of any premise to which it serves water. The Agency will transmit a written notice requesting an inspection appointment to each affected water user. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install the backflow prevention assembly the Agency considers necessary.
3. The Agency will notify the water user of the inspection findings, listing the corrective actions to be taken, if any are required. A period of 30 days will be given to complete all corrective actions required, including installation of backflow prevention assemblies. The Agency shall not be responsible for any unidentified plumbing hazards that may result in damage or injury. This period may be extended at the discretion of the General Manager.
4. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the 30 days period allowed. The second notice will give the water user a 15-day period to take the required corrective action. If no action is taken within the 15-day period the Agency may terminate water service to the affected water user until the required corrective actions are taken.
5. Final written notification shall be sent to the customer by both certified and regular mail with a minimum of 7 calendar days to respond prior to shut-off.
6. A "door-hanger" notifying of the impending service termination will be delivered to the service address a minimum of 24 hours prior to shut-off.
7. When the Agency encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the Agency shall notify the consumer, if possible, before terminating water service until the hazard is abated.

Section 26 - Customer Account Records

Records of customer accounts with the Agency are to be considered confidential in nature and are not to be made available for inspection by unauthorized persons.

PART B - IRRIGATION WATER SERVICE

WARNING: untreated or raw water is provided from the Agency system for irrigation purposes only. Ditch water or piped raw water does not meet federal or state standards for domestic water. Irrigation water is not for domestic use.

Section 1 - Applying for Service

Applications for irrigation water service to a parcel with a residence must show proof of a domestic water source before the Agency will accept the application.

Applications for irrigation water service shall be made in person by the property owner. To open an account for water service the signature of the property owner is required.

Applications are taken at the business office of the Agency. The Agency's requirements for the type of service desired must be met before an application will be approved.

Section 2 - Water Entitlement

No water will be served to lands outside the Agency except to lands having a proven enforceable legal right to service. Any exceptions to this rule can only be by action of the Board of Directors.

A. Agency Members

Each parcel of land within the Agency is entitled to its proportionate share of water available within the capacities of the Agency's conduits and upon payment of all applicable fees and charges.

Past water service that has been inactive and discontinued for at least one year may be required to wait until adequate capacity is available before the service can be reactivated.

B. Railroad Commission Act

As to land located outside the boundaries of the Agency holding a right to receive water under the terms of the 1922 Railroad Commission Order No. 11334⁶⁰, the Agency has no means of adding delinquent charges to the tax bill. Therefore, on any lands requesting service, the landowner must pay a deposit, prior to receipt of water service, in an amount estimated by Agency staff as a two-month bill. The deposit will not earn interest.

Thereafter, the landowner must pay bills as presented and must always retain on deposit an amount sufficient to cover a one-month billing. Any deposit remaining at the end of the irrigation season will be refunded to the landowner.

C. Surplus Water

Surplus water purchases will be in accordance with the Surplus Water Agreement executed by the Agency and Applicant.

60 Amended 11/27/01

Section 3 - Irrigation Water Service

A. Existing Service

Irrigation water service may be granted where a measuring device exists at the property requesting service and the Agency's requirements are met as stated in these regulations.

B. New Service

Irrigation water service may be granted provided the applicant meets the Agency's general requirements as stated elsewhere in these regulations and:

1. Water is available in the Agency's ditch or raw water pipe.
2. The size of the service is approved by the Agency; and
3. The applicable Agency charges have been paid.

The Agency at the expense of the applicant shall install the measuring device.⁶¹

If the property requesting irrigation water is not adjacent to a Agency ditch or raw water pipe, a recorded easement for conveying water must be obtained by the property owner requesting water service.

C. Water Use for Residential Purposes

Congress adopted the Safe Drinking Water Act (SDWA) in 1986 and amended it in 1996 by changing the definition of a public water system to include any system delivering raw water for human consumption to at least 15 residences or to 25 individuals via any "constructed conveyances", including ditches, canals, and flumes, as well as any pipeline (refer to Public Law 104-182). The new definition of a public water system applies even to systems using canals, ditches and natural waterways to transport irrigation water if they meet the threshold number of residential connections. As a result, the Agency's raw water system is classified as a public water supply and, therefore, must comply with the law's prohibition against the use of untreated, or under-treated water for human consumption.

Therefore, effective January 1, 2005, use of raw water for drinking and cooking is prohibited for all existing Agency customers, unless processed by an approved home-treatment facility as provided in this subsection.

1. Applications for New Water Service.
 - a. As specified in Part B Section 1, herein, applications for irrigation (raw-water) service to a parcel with a residence must show proof of a domestic water source before the Agency will accept the application.
 - b. The use of commercially bottled water, hauled treated water, or the use of home-treatment facilities will not qualify as a "domestic water source" for the purpose of qualifying for a new raw-water service application.
2. Water for Drinking or Cooking

Parcels with a residence(s) served as existing Agency raw-water customers who are not using a well or spring for all drinking and cooking needs must take service to the residence from a public, potable, water system; use commercially bottled water or hauled treated water, or use water processed by an approved home-treatment facility.

- a. Commercially Bottled or Hauled Treated Water

Commercially bottled or hauled treated water used for drinking or cooking must be delivered to the customer's parcel by a commercial distributor who has been approved by the General Manager and who

⁶¹ Paragraph amended 2/27/96

has agreed in writing to provide verification of service to Agency in accordance with Agency specifications.

b. Home-Treatment Facility

The California State Department of Health Services must approve a home-treatment facility used to produce water for drinking or cooking. The facility must be operated, monitored and maintained by the Agency or its agent under contract with the served property's owner.

3. Cost and Expense

All costs for providing water for drinking and cooking, including Agency costs, will be the responsibility of the property owner.

Section 4 - Responsibilities of Irrigation Water Users

Water must not be used wastefully. Any user may be refused water until conditions causing waste of water or injury to others is remedied.

All orders for irrigation service from the Agency's ditch system are to be placed through the Irrigation phone 533-7240, between the hours of 8:00 a.m. and 12:00 noon, weekdays only.

Orders for delivery or shut-off must be made at least twenty-four (24) hours before the delivery or shut-off is to be made.

A. Ditch System

Before water is turned into a conduit not owned by the Agency, the conduit shall be in proper condition to receive water. All such conduits must be kept free from weeds and other obstructions and shall be of sufficient capacity and properly constructed and maintained to carry the head of water applied for without danger of breaks, overflow, or undue seepage. If not so unobstructed, constructed, and maintained, the Manager may shut off the delivery of water thereto. The Manager may order any such conduit cleaned, repaired, and reconstructed if necessary, before water is made available. Failure to comply with the order of the Manager shall relieve the Agency of any liability or responsibility for not delivering water. Nothing herein shall be construed as an assumption of liability on the part of the Agency, its Directors, officers or employees for any damages occasioned by reason of improper construction, maintenance, or use of any private conduit or by reason of permitting the flow of water or turning water therein. The Agency is not responsible for maintenance of conduits in does not own.

B. Pipe System

1. Responsibility. All water facilities on the water user's side of the meter are the responsibility of property owner and water user. The Agency is not responsible for loss of water or damage that might be caused by excessive pressure, loss of pressure or any lack or failure of any Agency conduits, valves, regulators or other facilities. It is the property owner's responsibility to install and maintain safety devices to protect against hazards.
2. Owner Facility Repairs. The Agency assumes no responsibility for any repairs beyond the water user's meter. Responsibility for making on-the-spot repairs to privately owned systems rests with the water user.

Section 5 - Pumping From Agency Ditch or Water Pipe

Pumps taking suction from the Agency facility require an encroachment permit. Applicant shall submit engineered plans and specifications for the proposed installation to the Agency.

Irrigation customers pumping water from SFWPA facilities shall be responsible for any damage to their pump(s) resulting from the absence of water in said facilities. All private pumps should be equipped with low-water switches (pressure, float, etc).⁶²

62 Paragraph added 8/22/00

Section 6 - Maintenance of Private Pipelines

A water measuring device/meter will be installed on the Agency's facility at the point where the private line is attached. Immediately in front of the measuring device, a valve will be installed to allow for water to be turned off in the event of a pipeline breakage. If the line is not attached, a water box would be installed.

If the private line serves more than one party, an additional device/meter shall be installed at that point.

It is recommended that private parties using one common pipeline have a maintenance agreement, which includes a response plan in the event of breakage.

In the event of breakage, water loss is charged to the landowner. Therefore, it is incumbent upon landowners receiving Agency water through their privately owned pipelines to keep them in good repair, have a rapid response plan in case of breakage and have an agreement that clearly spells out who is responsible for liability.

Section 7 - Control of Agency Facilities

No fence shall be built, or trees or vines or other obstruction placed on any right of way easement or property belonging to the Agency without written permission of the Agency. Meters must not be obstructed by structures, plantings of trees, shrubs and other vegetation. Suitable access for the meter reader shall be maintained. If, after notice to user, the obstruction is not removed, the Agency may remove the obstruction or the meter at the expense of the user.

Easements and rights of way for Agency canals, ditches and pipelines which have been acquired by prescriptive use include sufficient width on either side of said canal, ditch or pipeline to accommodate necessary equipment and personnel. The Manager shall determine the appropriate width necessary for maintenance of said canal, ditch, or pipeline.

Crossings or culverts are allowed to be constructed within the Agency's right of way. All crossings or culverts shall be at the expense of the interested landowners and to the Agency's specifications. Agency encroachments permits for such work shall be obtained from the Agency prior to commencing such work.

The Agency may shut off water at any time for making repairs or improvements or for other purposes. Except in the case of an emergency or disruptions in service beyond the Agency's control, the Agency will attempt to give a minimum 48-hour notice to customers who might be affected by the temporary absence of water in a ditch resulting from routine maintenance. The notice will include the beginning time and estimated length of the shut off.⁶³

Except for routine maintenance (e.g., repair of minor leaks, ditch cleaning by hand or with a "bobcat" excavator, repairing existing flumes, repairing existing siphons, etc.), property owners will be notified a minimum of five days in advance when major repair or improvement projects are planned for irrigation-system facilities within the boundaries of their property. The notification will inform owners of the extent of the work proposed.⁶⁴

Only Agency employees have authority to open, close, or adjust diverting valves and gates in Agency works. Diverting gates, valves and meters may be equipped with locks, and the keys shall be under the control of the Agency.

The operation and control of the works of the Agency are under the exclusive management and control of the Manger and no person other than authorized Agency employees shall do any of the following:

1. Change, disturb or tamper with any Agency works or make any opening therein or change any setting of control devices.
2. Place, construct or install any opening, take out pipe, siphon, pump, culvert, bridge, dam wall or other obstruction or structure in any Agency conduit or works, without the express approval of the Manager.

⁶³ Amended 11/27/01

⁶⁴ Amended 11/27/01

3. Take or divert water from Agency works or from conduits supplied by the Agency without permission of the Manager or ditchtender in charge.
4. Use a Agency conduit as an irrigation service ditch.

Section 8 - Payment of Bills

Bills are due and payable on the date they are mailed, and are delinquent ten (10) days thereafter. A delinquency penalty charge as determined by the Board of Directors and as shown herein in the schedule of Fees and Charges, will be applied to each account's unpaid balance 15 days after it becomes delinquent and monthly thereafter.⁶⁵

Water service accounts will only be established in the name of the property owner. Landlords who make arrangements with their tenants to pay the monthly water bill may request that the bill be sent to their tenant's address. Nevertheless, the landlord is ultimately responsible for payment delinquencies. Delinquency notices will be sent to landlords upon their request.⁶⁶

Section 9 - Delinquent Accounts

Accounts are delinquent ten (10) days after the bill is mailed. Water services may be discontinued if an account remains delinquent seventy (70) days after the bill is mailed. A courtesy delinquency notice may be provided fifty (50) days after the bill is mailed. A final shutoff notice shall be mailed seven (7) business days prior to the scheduled delinquency shutoff.

Water services may be discontinued if the delinquent account balance has not been paid prior to the scheduled shutoff date. Once a service has been discontinued, the entire account balance must be paid prior to service being restored.⁶⁷

Section 10 - Turn-on Charge

When a delinquency notice is generated, a 'Delinquency Notice Service Fee' shall be added to the account and included in the delinquent balance. Said fee shall be determined by the Board of Directors, and is shown herein in the schedule of Rates and Fees.

When a shutoff notice is generated, a 'Shutoff Notice Service Fee' shall be added to the account and included in the delinquent balance. Said fee shall be determined by the Board of Directors, and is shown herein in the schedule of Fees and Charges.⁶⁸

When a water service is discontinued for delinquency a 'Meter Lock Service Fee' shall be added to the account and included in the delinquent balance. Said fee shall be determined by the Board of Directors, and is shown herein in the schedule of Fees and Charges. No additional fee will be assessed to restore service if the entire account balance is paid prior to said balance being assigned to the Butte County Tax Roll.⁶⁹

In the case where a delinquent bill is paid by check or credit card after the shutoff notice has been generated, and the bank returns the check unpaid or denies the credit card, service will be immediately discontinued without further notice. Prior to restoration of service, the account's entire balance and any bank charge for a returned check must be paid in cash.

Section 11 - Discontinuance of Service

A. Reasons for Discontinuance of Water Service:

1. At Customer Request

65 Paragraph amended 10/27/98

66 Paragraph added 7/28/94

67 Paragraph added 10/27/98

68 Paragraph added 10/27/98

69 Paragraph amended 10/27/98

Water service will be turned off on the date requested by the customer, excepting Saturdays, Sundays, and holidays, provided 24-hour advance notice is furnished to the Agency.

The customer will be held responsible for all service rendered to his premises until the Agency has received notice to terminate such service. Only written requests by the property owner will be accepted.

2. For Nonpayment of Bills

The Agency will discontinue water service if an account remains delinquent seventy(70) days after the bill is mailed.⁷⁰

3. For Noncompliance with These Regulations

Water service will be discontinued, reclassified, or removed by the Agency for failure to comply with any of the regulations governing water service to customers.

If service is turned off for violation of regulations, the Agency may require payment of a turn-on charge as determined by the Board of Directors and set forth herein in the schedule of Fees and Charges in addition to other amounts due from the customer before restoring the service.⁷¹

In the event the customer turns on the water service or allows or causes it to be turned on after it has been turned off for the above reasons, the Agency may again turn off the water service, and may charge and collect a turn-on charge for each such event in addition to other amounts due from the customer before restoring water service.

B. Continuation of Monthly Service Charge

The monthly service charge assessed to all accounts is for expenses incurred by the Agency which are not related to amount of usage - account maintenance, administration, distribution system maintenance, fire flow, etc. These expenses continue throughout the year regardless of the volume any specific account uses. It is appropriate, therefore, that the monthly service charge be applied to each account on a monthly basis, regardless of usage, unless the account is discontinued.

Unless water is unavailable for a period of time in excess of thirty (30) days, or unless service is physically discontinued by Agency personnel - at either the owner's request or the Agency's own initiative - the monthly service charge shall continue to be assessed to each account.

Section 12 - Use and Resale of Water

Water is served to the parcels listed on the service application. Customer shall not permit the use of any water received from the Agency on any parcels other than those specified in the application. No water received from the Agency may be resold without special approval from the Agency.

Section 13 - Flat Rate Accounts

Flat rate accounts are entitled to a maximum of ¾ miner's inch of continuous flow not to exceed one (1) acre foot of water per month. The Agency does not guarantee that water is available continuously. Flat rate accounts do not receive water after the close of the irrigation season established by the Agency. Due to the seasonal nature of irrigation service from the ditch system, flat rate accounts are not to be used as a source of water for a home water treatment system. Flat rate accounts are strictly for irrigation and are not intended to be a substitute for a domestic water account.

70 Paragraph amended 10/27/98

71 Paragraph amended 10/27/98

PART C – COMPLIANCE WITH AGENCY RULES⁷²

Failure or refusal of any landowner or water user to comply with these Rules, or any interference by any landowner, water user, his tenants, servants or employees with the right, duties or obligations of the Agency, or its employees, shall entitle the Agency to discontinue the service of water to the lands of such owner or user until the land owner or water users shall furnish satisfactory proof to the Board of his intention to comply with these Rules, and desist from such interference and has removed any default existing at the time service of water is discontinued.

PART D – WATER RATES⁷³

Potable Water-

Service Charge (per month)	\$19 ⁷⁴
Multi-Family Residential Units Service Charge	\$7.90 ⁷⁵
(per occupied unit per month)	
Rates-of-Use (in addition to Service Charge) ⁷⁶ :	
First 100 Units (10,000 cubic feet)	\$0.42/unit
After First 100 Units (over 10,000 cubic feet)	\$0.31/unit
Oversized Meter Charge (in addition to Service Charge; not applicable to mobile home parks, apartment complexes, duplexes, multiple commercial units, etc. ⁷⁷):	

<u>Meter Size</u>	<u>Monthly Charge</u>
1"	\$6.00
1½"	\$16.00
2"	\$20.50
3"	\$50.00
4"	\$72.50
6"	\$105.00

Non-Potable Water-

Service Charge (per month)	\$21.50 ⁷⁸
Rates-of-Use (in addition to Service Charge):	
Miners Inch Accounts	\$1.95/MI ⁷⁹
Metered (unit = 100 cubic feet).....	8.67¢ ⁸⁰
Flat Rate Accounts (per month)	\$60.50 ⁸¹
(All non-potable rates-of-use equate to \$39.00 per acre-foot.)	

Fees & Charges⁸²

New Service Charge (installation estimates, processing, etc.)	\$40 ⁸³
Account Transfer Charge (processing, meter reading, etc.)	\$20 ⁸⁴

72 Changed from Part B, Section 14 on 2/27/01

73 Originally affected 2/13/90, "Part D" added 6/26/01.

74 Authorized 2/23/93; effective 3/1/93; multi-family residential units excluded as of 2/23/99.

75 Effective 2/23/99.

76 Amended 11/22/11 (effective 1/1/12)

77 Effective 2/23/99.

78 Authorized 2/23/93; effective 3/1/93; multi-family residential units excluded as of 2/23/99.

79 Reduced from \$2.25/MI on 11/22/11 to: \$2.08/MI effective 1/1/12, and \$1.95/MI effective 1/1/14

80 Reduced from 10¢ on 11/22/11 to: 9.64¢ effective 1/1/12, and 8.67¢ effective 1/1/14.

81 Authorized 3/23/93; effective 4/1/93. Amended 3/26/96 to clarify that the flat rate is \$45/month, and that flat rate customers also pay the \$17.50/month service charge, for a total monthly rate of \$62.50. Reduced from \$62.50 on 11/22/11 to: \$59.50 effective 1/1/12, and \$56.50 effective 1/1/14.

82 Originally authorized 2/13/90

83 Authorized 6/23/92; effective 7/1/92; renamed 2/27/01

84 Effective 2/27/01

Turn-on Charge	\$ 17 ⁸⁵
(After Hours	\$ 111 ⁸⁶)
Residential Meter/Backflow Fee	\$1,138 ⁸⁷
Development Plan Check (of Engineer’s Estimate - potable water)	3% ea.
Development Inspection Fee (of Engineer’s Estimate - potable water)	3% ea. ⁸⁸
Encroachment Permit (includes inspection)	\$338 ⁸⁹
Non-Standard Service ⁹⁰	
Temporary Building-Construction Service (6 month max.)	\$10/month ⁹¹
Bulk-Service Meter Deposit	\$910 ⁹²
Failure-to-report Usage Fee	\$20/month ⁹³
Water-Truck or –Container Backflow Inspection Fee	\$30 ⁹⁴
Bulk-Service Meter Charge	\$20/month ⁹⁵
Bulk-Service Volume-of-Usage Rage.....	\$1.50/unit ⁹⁶
Minimum Bulk-Service Meter Damage Repair Fee	\$25 ⁹⁷
Bulk Raw-Water Charge (2,500 gal. max.).....	\$5/load ⁹⁸
Filling Station Charge (2,500 gal. max.).....	\$5/load ⁹⁹
Flow Test Fee	\$50/test ¹⁰⁰
Returned Check Fee (returned by bank).....	\$20/check ¹⁰¹
Escrow Information Charge	\$5/order
Meter Tampering Fee (resetting, damaging, cutting locks, etc.)	
First Incident.....	\$25 + repair costs ¹⁰²
Second and Subsequent Incidents	\$250 + repair costs ¹⁰³
Delinquent Penalty	1½%/month penalty after 25 days ¹⁰⁴
Delinquency Notice Service Fee	\$3.00
Final Shutoff Notice Service Fee	\$ 33 ¹⁰⁵
Meter Lock Service Fee	\$ 61 ¹⁰⁶

85 Authorized 10/27/98; amended 7/22/08. Fee to be increased annually, commencing January 1, 2009 by the same percentage as the annual cost-of-living adjustment granted to the Agency’s Water Treatment and Distribution Employees.

86 Effective 2/23/99; amended 7/22/08. Fee to be increased annually, commencing January 1, 2009 by the same percentage as the annual cost-of-living adjustment granted to the Agency’s Water Treatment and Distribution Employees.

87 Effective 9/26/06, charged whenever water service is requested for a parcel with an existing service line and meter set. Payment in full for installation of ½” residential radio-read meter and ¾” backflow prevention device. Fee to be increased annually, commencing January 1, 2008 in accordance with Engineering News Record’s National Construction Cost Index, subject to suspension on a year-by-year basis by the Board of Directors.

88 Name amended 2/27/01

89 Amended 10/27/98

90 Renamed 11/27/01

91 Renamed 11/27/01

92 Added 11/27/01; amended 7/22/08. If customer fails to report monthly usage for two consecutive months, deposit will be retained if meter is not returned in good condition upon request.

93 Added 7/22/08. Fee assessed if customer fails to report monthly usage.

94 Added 11/27/01

95 Added 11/27/01

96 Added 11/27/01

97 Added 11/27/01

98 Added 11/27/01

99 Added 11/27/01

100 Effective 8/26/97

101 Authorized 3/23/93; effective 4/1/93; amended 2/27/01

102 Effective 2/27/01

103 Effective 8/26/97

104 Effective 2/27/01/ amended 07/22/08

105 Authorized 10/27/98; amended 7/22/08. Fee to be increased annually, commencing January 1, 2009 by the same percentage as the annual cost-of-living adjustment granted to the Agency’s Water Treatment and Distribution Employees.

106 Authorized 3/23/93; effective 4/1/93; amended 2/27/01 and 7/22/08. Fee to be increased annually, commencing January 1, 2009 by the same percentage as the annual cost-of-living adjustment granted to the Agency’s Water Treatment and Distribution Employees.

Meter Check Fee:

5/8" or 3/4" Meter	\$45 prepaid ¹⁰⁸
Meters Over 3/4"	per estimate, prepaid ¹⁰⁹

SFWPA will check accuracy of water user's meter at user's request. If meter is within 2% accurate, SFWPA will retain fee. If inaccuracy exceeds 2% fast, fee will be returned. Adjustments for any over-charge will be made on next billing, with adjustment not to exceed three (3) months.

System Capacity Charges¹¹⁰

On single-family residential parcels up to four acres in area, even if a meter size greater than a 5/8" standard residential meter is needed to satisfy the flow demands of a fire-suppression system, the amount of the System Capacity Charge applied shall be the same as for a 3/4" standard residential meter. If a larger meter is requested for fire-suppression systems in non-single-family-residential structures, or for purposes other than to satisfy the flow demands of a residential fire-suppression system, the System Capacity Charge for the requested meter size shall apply, regardless of the parcel area.

On single-family residential parcels between four and ten acres in area, the General Manager shall have discretion to apply the System Capacity Charge of a 3/4" standard residential meter where it is clear that the only purpose for a meter size greater than 3/4" is to satisfy the flow demands of a fire-suppression system, and not for other purposes (e.g., irrigation, commercial enterprises, manufacturing processes, etc.).

On single-family residential parcels greater in area than ten acres, the Board of Directors may consider individual requests from builders and/or property owners to apply the System Capacity Charge of a 3/4" standard residential meter where it is clear that the only purpose for a meter size greater than 3/4" is to satisfy the flow demands of a fire-suppression system.

Miners Ranch Treatment Plant:

<u>Meter Size</u>	<u>Capacity Charges</u>	<u>GPM</u>	<u>Plant Capacity</u>
3/4"	\$4,363	35	0.24%
1"	\$10,903	50	0.514%
1 1/2"	\$21,808	100	1.029%
2"	\$34,897	160	1.646%
3"	\$69,781	320	3.291%
4"	\$109,035	500	5.143%
6"	\$218,071	1,000	10.286%
8"	\$523,368	2,400	24.686%
10"	\$828,665	3,800	39.086%
12"	\$1,090,349	5,000	51.429%

Larger meters will require evaluation of peak flows needed for service. Applicant will be responsible for providing required data. Based on this information, SFWPA will determine the capacity charge.

The System Capacity Charge shall be paid prior to the physical connection of any service to the domestic water system. For meter sizes greater than 2", payment of the System Capacity Charge may be required at the time the application for service is approved and prior to construction of the structure for which service is requested.¹¹¹

Bangor Treatment Plant: \$4,363

The System Capacity Charge shall be paid prior to the physical connection of any service to the domestic water system. Connections to this system shall be limited to 5/8" residential meters only.¹¹²

108 Authorized 6/23/92; effective 7/1/92

109 Authorized 6/23/92; effective 7/1/92

110 Effective 10/1/91, amended 3/23/99 (increases annually in accordance with Engineering News Record's National Construction Cost Index), and 1/25/00; amended 4/24/12 regarding fire-suppression systems.

111 Paragraph added 6/26/01

112 Paragraph amended 9/23/03

Backflow Maintenance Charges¹¹³

Monthly Charges for maintenance and testing of backflow prevention devices shall be as follows:

<u>Size</u>	<u>Monthly Cost</u>
¾"	\$ 5.42
1"	\$ 8.11
1 ½"	\$ 10.85
2"	\$ 12.19
3"	\$ 27.11
4"	\$ 32.52
6"	\$ 47.42
8"	\$ 57.36
10"	\$ 66.54

Reduced Pressure Principle Detector Assemblies (RPDA) for fire systems will be charged for both the base assembly and the detector assembly. Example: 4" RPD would be charged \$30.64 for the base assembly and \$5.11 for the ¾" detector assembly.

¹¹³ Effective 7/28/94, amended 3/25/97 and 3/23/99 (increase annually in accordance with the Engineering News Record's National Construction Cost Index), and 1/25/2000