

VALLEY OF THE MOON WATER DISTRICT CODES AND REGULATIONS



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SECTION 1 – GENERAL

The rules and regulations incorporated in this Code are hereby adopted establishing the terms and conditions under which water service will be supplied to the customers of the Valley of the Moon Water District.

SECTION 2 – APPLICATIONS AND PERMITS

2-1 EXISTING SERVICE

Application for water service through an existing service connection and meter shall be made on a form provided by the District and shall be signed by the party responsible for the payment of the bills who will be subject to the regulations of Section 4-4.

2-2 NEW SERVICES

The owner of each separate legal parcel of real property, or a duly authorized agent, desiring water service by the District shall make written application for said service on a form provided by the District specifying thereon the location of the property, the nature of the development to be served, the desired site and location of the service line, and address to which the bills are to be mailed. The application shall include a valid permit (grading, building, etc.) from the County of Sonoma.

In addition to the foregoing, any new service connections to a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure must measure water supplied to each individual residential unit in compliance with Water Code section 537. The applicant for any such service connection shall, in addition to the information described above, also provide information demonstrating exemption from, or the means of achieving compliance with the requirement to measure water supplied to each individual residential unit under, Water Code section 537.

After completion of the application and payment of the current application fees, District shall review said application. After approval of the type and service requested, District shall inform the applicant of the required service connection fees and capacity charges, per the then current Schedule of Fees and Charges (Section 8), and the cost of required on/off site improvements, if any. Concurrent with the payment of all fees, charges, improvement costs, receipt of bonds, etc. mutual execution of the agreement shall occur and remain valid for one year. Failure to complete the project within one year will subject the applicant to additional fee increases per the then current Schedule of Fees and Charges (Section 8).

No water facilities shall be constructed prior to mutual execution of an agreement for services.

2-3 LAND USE APPROVAL REQUIRED

An application for service to unimproved land shall not be considered complete or valid, or processed to completion by the District, unless the applicant presents to the District satisfactory documentation from the County of Sonoma, the public entity with land use jurisdiction within the District's territorial boundaries, which demonstrates that the applicant has obtained either (a) a development permit from the County within the meaning of Sonoma County Zoning Regulations section 26-02-140, as such section currently exists and as amended from time to time, which permit consists generally of a discretionary permit or approval, including, but not limited to, a subdivision, use permit, precise development plan, lot line adjustment, variance, design review and zoning permit; or (b) a ministerial building permit not accompanied by any other type of discretionary review or approval. As used in this section 2-3, "unimproved land" means land on which no improvements exist or land which, although improved to a degree, is being further

improved where such further improvement is the cause for augmented water service and requires a development permit or ministerial building permit from the County.”

2-4 APPLICATIONS FROM HOUSING DEVELOPMENTS THAT INCLUDE AFFORDABLE HOUSING UNITS

The District shall grant priority for the provision of water services to new housing developments that help meet the Sonoma County’s share of the regional housing need for lower income households as identified in the housing element of Sonoma County General Plan and any amendments to the housing element.

The District shall not deny or condition the approval of an application for services, or reduce the amount of the services applied for, if the proposed new development includes housing affordable to lower income households, unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the conditions listed below:

1. The District does not have “sufficient water supply” as defined in paragraph (2) of subdivision (a) of Government Code Section 66473.7, or is operating under a “water shortage emergency” as defined in Section 350 of the Water Code, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report.
2. The District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.
3. The applicant has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the District, including, but not limited to, the requirements of local, state, or federal laws and regulations or payment of a fee or charge imposed pursuant to Government Code Section 66013.

SECTION 3 – INSTALLATION OF FACILITIES

3-1 SYSTEM IMPROVEMENTS

No main extension shall be constructed or water service connection installed or any other applicable potable water system improvements built, unless applicant and District have executed an agreement per Section 2. All such agreements shall be approved by the Board of Directors, excluding single service lines 2” and under that can be executed at staff’s discretion.

3-2 SERVICE CONNECTIONS

- 3-2.1 **New Services:** Upon execution of the agreement and fees per Sections 2 & 8, the District will install, within forty (40) days, the service from the main to the meter, which generally will be located inside the curb line, if one is present, or in the public right of way just outside the boundary separating that right of way from the customer’s property. It is the applicant’s responsibility to install and maintain all facilities, including water lines and each submeter, as that term is defined in Water Code section 517, located downstream from the meter.
- 3-2.2 **Extensions of Service Connections:** No existing service connection shall be extended to serve additional residential, commercial, or industrial structures without obtaining the required Sonoma County building permit and payment of all applicable fees.

- 3-2.3 **Increasing Size of Service:** When the water demands of a customer exceed the capacity of the water service line or meter in use, a larger service line and/or meter will be installed and the customer shall pay all upsizing fees (service line, meter, additional capacity charges, etc.). Upon payment of fees, the upsized facilities will be installed by the District. Failure to pay the fees will result in a lien placed upon the customer's residence or business, at which time the District will perform the upsized work.
- 3-2.4 **Rearrangement of Service:** If an applicant, after installation by the District of the required service at the requested location, desires a change in the location or arrangement or size of meter or service pipes, the applicant must bear all costs of such changes per the Schedule of Fees and Charges.
- 3-2.5 **Billings for Service:** District shall render a separate billing for each service connection.
- 3-2.6 **Responsibility for Payment of Charges:** Any applicant for service or a successor in interest shall be directly liable for all charges for all service furnished through any connection or meter, provided that a subsequent tenant shall not, in the absence of special circumstances, be liable for nonpayment of charges by a previous tenant. The District may, however, require that service to subsequent tenants be furnished on the account of the landlord or property owner, who shall be liable for charges not paid by a previous tenant.
- 3-2.7 **Damaging of District's Facilities:** If damage occurs to a meter or service pipe or other property of the District, the responsible party shall be required to pay the actual cost of repairing the damage, and if payment is not made promptly after proper notification, District will discontinue water service to service address of damaged facilities until the claim is paid plus applicable reconnection charges per Schedule of Fees and Charges.
- 3-2.8 **Low Pressure/Volume Agreement:** If the District determines there is a possibility of low pressure/volume in a service off District's mains due to elevation, size of main, or other circumstances, the applicant will be required to sign a low pressure/volume agreement before water service is provided by District

Ordinance No. 1004: Low pressure shall be defined as 30 psi for purposes of the requirement of a Low Pressure/Volume Agreement (Agreement). An Agreement is required to be executed by the title holder of the property at the time application for service is made, or such time as District staff determines that the pressure serving the property may drop to 30 psi. Maps indicating the known low pressure/volume areas in the District shall be used by staff to determine the Agreement requirement and are made a part of this section by reference. The maps will be periodically updated by staff to remain current and such updating will not require a modification to this code section. The Agreement shall be recorded, and automatically transfer to a new owner if title to the property changes.

3-3 WATER MAIN EXTENSIONS

An applicant for water service to individual units of multi-service development must install the required water main extensions and service connections and/or other storage or conveyance facilities as may be deemed necessary by District. Such an applicant must provide District with a set of plans for the project and when said plans have been approved by District, the applicant will be required to pay District an Agreement Preparation Fee per the Schedule of Fees and Charges.

Before work can begin on the water facilities for such a development, a water main extension agreement must be executed, and all required legal documents as outlined in said agreement must be provided to District. All work on the water facilities shall be constructed under District supervision and specifications. Upon completion of the work, the actual costs of engineering, inspection and overhead will be determined by District and charged to the applicant.

The formal acceptance by District of any facilities so installed and rendering of water service shall be contingent upon the receipt of all charges and the satisfaction of all conditions of the agreement.

3-3.1 Ordinance No. 1002: Main Extension and Service for Individual Customers:

Upon payment of all applicable fees, a Main Extension Agreement will be executed for extension of the main, from the existing facilities across the applicant's complete property frontage. Installation of the main and service must be completed within the time determined by the District, and in accordance with the District's Standard Plans.

3-4 OWNERSHIP OF FACILITIES

All distribution, storage, and pumping facilities installed by the applicant for the District shall become District property upon acceptance by District staff and formal acceptance by a Resolution of the Board of Directors. Maintenance and repair of damaged or broken facilities prior to acceptance of such facilities by District shall remain the responsibility of the applicant. Formal acceptance of improvements installed by others shall not relieve the applicant from liability for damages because of a failure of such improvements due to faulty material, poor workmanship or negligence of applicant.

3-5 WATER MAIN EXTENSION AGREEMENTS

All water main extension agreements are subject to final approval of the District Board and shall be signed by the President and Secretary of the Board or such person designated to act on their behalf in their absence.

3-6 REIMBURSEMENT PROVISIONS

3-6.1 Reimbursement for Over-sizing: In order to promote orderly development of the District's water system, an applicant may be required to install or to finance the installation of on-site and/or off-site facilities with a capacity in excess of that required for applicant's development. In such case, the District will enter into a water main extension agreement for the purpose of refunding to the applicant costs incurred in connection with the over-sizing in accordance with the District's Water Master Plan. District will refund to applicant the difference in actual main size required for the applicant's installation of on-site and/or off-site water facilities based on the material costs between the actual main size required for the application and the actual main size as stated in the District's Water Master Plan.

3-6.2 Reimbursement for Main Extension: An applicant who extends a main or finances the extension of a main by the District shall be entitled to recover a portion of the cost from connection fees or capacity charges paid by future customers directly connecting to the extended mains. The water main extension agreement will include the time period during which the applicant shall be eligible to receive such reimbursement and the proportionate share of the original installation cost that may be refunded. This amount shall be the total cost of main installation and appurtenances minus the applicant's reasonable share of such installation. Applicant's reasonable share is typically determined by multiplying the frontage of the applicant's property times half the per foot cost of the main installation for 6" and 8" mains. Notwithstanding the foregoing, for

installation of mains 10" and larger, applicant's reasonable share shall be limited to the front footage of his property times half the estimated cost per foot of a similar 8" main installation.

Included in the water main extension agreement shall be the period during which the refunds shall be made and that share of the original installation cost which shall be refunded to the applicant based on his total cost minus the prorata share of the facilities for applicant's development.

SECTION 4 – WATER SUPPLY AND RELATED SERVICES

4-1 DEPOSITS

The District has authority to require deposits under the following scenarios:

- Installation of hydrant water meter
- Temporary water service
- Two or more bounced checks in 24 months
- Two or more 48 hour door tag notices in 12 months
- Other scenarios that require the District to protect itself from loss

4-2 DISCONTINUANCE OF SERVICE FOR NON-PAYMENT

If a customer allows a water bill to become delinquent, District shall mail a past due notice allowing a minimum of 14 additional days for full payment, if the customer fails to comply, a 48 hour door tag notice will be delivered to the service address and adhered to a public location (gate, front door or garage door). Should full payment not be received within 48 hours of delivery of the door tag, the District will discontinue service and refuse to furnish further service until any unpaid balance due from such customer is paid in full.

4-3 TERMINATION OF SERVICE

When premises are vacated, the bi-monthly service charge shall continue to accrue until a new customer is assigned to the account, or the current customer pays the District for the permanent removal of the meter and service line. If a tenant vacates the premises, the landlord will be deemed to be the current customer unless and until a new tenant moves in.

4-4 BILLINGS

4-4.1 **Bi-Monthly Charges:** Meters will normally be read every two months on approximately the same day of the month. A bill will be issued showing the date on which the meter was last read, the past and current meter readings, the amount of water used, the two month service charge, quantity charge, any billings in arrears, and any other applicable charges per the current Schedule of Fees and Charges.

4-4.2 **Mailing of Bills:** Water bills will be mailed to the customer at the mailing address provided to the District by the customer. Customers have an option to opt-out of paper bills and may sign up to receive e-bills.

4-4.3 **Period for Payment:** Bills for water service are due when rendered and will become delinquent twenty-one (21) days after date mailed. If payment is not made within the twenty-one (21) day period, the account will be considered delinquent and subject to Section 4-1.

- 4-4.4 **Returned Check:** If payment of deposit or for services rendered by the District is made by check by a customer and is later returned by the District's bank for any reason, a check return service charge will be assessed by District per Schedule of Fees and Charges. If, after proper notification by the District, payment of the deposit or services, including the returned check service charge, is not made in cash at the District office within twenty-four (24) hours, service is subject to termination.
- 4-4.5 **Disputed Bills:** Requests for investigation of disputed bills should be filed in writing with the District for consideration within five (5) days of the receipt of the bill. If District determines that an investigation is warranted, customer's service will not be terminated until its completion and customer has been notified of District's decision. Customer will then be given an opportunity to pay the bill to avoid termination of service.
- 4-4.6 **Estimated Bills:** If a meter fails to register correctly, the bill will be based on an estimate of the amount of water used, which shall take into account the normal seasonal demand of such service, and any other factors that may assist the District in determining in its discretion an appropriate charge for water service.
- 4-4.7 **Method of Determining Closing Bills:** When a customer requests that an account be closed, the meter will be read and a "closing bill" prepared on the basis of water used during the billing period plus a pro-ration of the monthly service charge on the basis of service rendered.

4-5 METERS

- 4-5.1 **Ownership of Meters:** District is sole owner of any and all meters through which District serves water. Except as expressly stated, this Code, including the previous sentence, does not apply to a submeter, as that term is defined in Water Code section 517, which is installed to measure the quantity of water supplied to an individual residential dwelling unit located within a newly constructed multiunit residential structure or newly constructed mixed-use residential and commercial structure. The term "meter" as used in this Code shall not be deemed to apply to any submeter downstream of the District's meter. No person other than a qualified District employee shall set, remove, turn on or off, or in any way tamper with any water meter within the District. Any such person doing so shall be subject to penalties as outlined in the Schedule of Fees and Charges.
- 4-5.2 **Meter Testing:** A customer questioning the accuracy of a meter may deposit with the District a meter test fee per current Schedule of Fees and Charges, after which the District will have the meter accurately tested. If the test shows the meter to be registering more than 2% in excess of the actual quantity of water passing through it, District will return the deposit, adjust the overcharge resulting from inaccuracy of the meter, and set another meter at the service, provided that such adjustment will be made to cover no more than a period of six (6) months immediately preceding the date of the test. If the meter proves to be accurate within 2%, the deposit will be retained by the District.

4-6 UNAUTHORIZED WATER USE

Theft of water and remedies shall be governed by California Penal Code Sections: 498, 592, 607, 624 and 625.

- 4-6.1 **Liability for Service:** Any party using water without having made application to the District for water service and without having paid the applicable charges shall be held liable for the service from and after the date of the last recorded meter

reading. If proper application for service is not made upon notification to do so, and if accumulated charges for services are not paid within 48 hours, water service will be terminated immediately and all consumption will be considered theft of water subject to California Penal Code.

- 4-6.2 **Penalties for Unauthorized Water Use:** The District may collect from the responsible party penalties in addition to the applicable rates and/or estimated quantity charges as indicated in the Schedule of Fees and Charges for unauthorized water use.

4-7 ACCESS TO PREMISES

As a condition of continual water service, employees of the District shall be given access to customers' premises during regular working hours for the purpose of inspecting water facilities for compliance with the requirements of the District.

4-8 ACCEPTANCE OF WATER SERVICE PROVIDED

As a condition of new or continuing service by District, applicants and customers shall accept whatever water volume at whatever pressure may be available in accordance with the laws of the State of California. If an applicant or customer desires to limit the pressure furnished to the premises served, a proper pressure-reducing device should be installed at the sole expense of the applicant or customer. If an applicant or customer depends on a continuous supply of water, emergency storage should be provided by the applicant or customer at its sole expense.

District reserves the right to shut off water at any and all times for the purpose of making repairs, extensions, or alterations, and except in emergency conditions, due notice will be given to all customers affected.

4-9 RELOCATION OF DISTRICT'S FACILITIES

District will not bear the cost of any relocation or alteration of its facilities made necessary by improvements undertaken by any party other than the County of Sonoma. In instances where the District's rights are paramount to the County's right, the District will not bear the cost of any relocation or alteration of its facilities made necessary by improvements undertaken by the County. Any other party requesting relocation or alteration of facilities shall provide District the fees as shown in the Schedule of Fees and Charges, and shall furnish District with such plans, specifications, surveys, drawings, and time schedules related to the requested work necessary to accomplish a convenient and efficient relocation or alteration of District's facilities.

4-10 INTERRUPTIBLE SURPLUS WATER SERVICE

- 4-10.1 **Eligibility for Interruptible Surplus Water Service:** The District shall furnish Interruptible Surplus Water to individual customers for the following purposes only:

- (a) irrigation of land used for the commercial production of food or fiber;
- (b) replenishment of surface water supply reservoirs or recreational lakes;
- (c) replenishment of groundwater basins.

- 4-10.2 **Conditions Under Which Interruptible Surplus Water May Be Furnished:**

- (a) Interruptible Surplus Water shall be delivered only from a separate metered service connection. The minimum connection size shall be 3-inches in diameter.
- (b) Deliveries of Interruptible Surplus Water shall be interrupted at any time it is determined to be necessary in the sole opinion of the District in order to satisfy the demands of its non-interruptible service customers; or for water system maintenance, repair, or planned or unplanned outages of any

nature whatsoever including but not limited to a perceived, threatened or actual water shortage emergency.

- 4-10.3 **Incidental Use Served Through an Interruptible Surplus Water Connection:** The District may, at its sole discretion, serve water through an Interruptible Surplus Water Connection for purposes that would normally be classified as non-interruptible. Such service shall only be considered provided: no other reasonable source of potable water is available, private storage is built by the applicant to accommodate emergency needs during periods of service interruption, and said use is truly incidental. An example of an incidental use would be water for a farm house once served by a private well which becomes contaminated. Such uses shall require installation of separate meters and the District's normal rates (including the outside district water rate if applicable) and rates, fees, and charges (including connection fees and capacity charges) shall apply to the incidental use even though said incidental use is subject to interruption.

SECTION 5 – FIRE PROTECTION FACILITIES SERVICE AND SUPPLY

5-1 FIRE LINE SERVICE

The words “fire line service” as used in these regulations means a service to provide water to privately owned sprinkler systems, hydrants, or other firefighting appurtenances for protection against fire.

Applications for fire line service shall be made to the District on forms provided by the District.

The applicant or customer shall pay to the District in the manner provided by Section 3-2 of this Code, the applicable fees for installing the water lines to the fire protection facilities, without limitations, and the District reserves the right to install detector check valves and meters to list for unauthorized consumptions.

The customer shall pay to District a monthly service charge for fire line services, which charge shall vary with the size of the pipeline rendering such service per the current Schedule of Fees and Charges.

5-2 FIRE HYDRANTS

- 5-2.1 **Installation and Maintenance:** Installation will be performed by the District or the requesting party's contractor under agreement with the District at the expense of the requesting party. The District will maintain the interior components of fire hydrants within its service area and the Fire Departments/Authority will maintain the exterior paint in accordance with each respective agreement covering same.

- Valley of the Moon Fire District – Resolution No. 011108
- Glen Ellen Fire District – Resolution No. 011109
- City of Sonoma – Resolution No. 011110

- 5-2.2 **Water Supply Through Fire Hydrants:** If water supply service through fire hydrants is desired for purposes other than firefighting, the party requesting the service must first complete the District's agreement and pay all applicable fees and deposits for such service in accordance with the current Schedule of Fees and Charges (Section 8). District will give notice to the Fire Department or Fire Authority, which has jurisdiction over the area in which the hydrant is located.

Distribution of such water service and control of same shall be solely that of the Water District.

SECTION 6 – CROSS CONNECTION CONTROL

PURPOSE

The purpose of these regulations are: (1) to protect the public water supply against actual or potential cross connections by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and sources of contamination; and (4) to prevent the making of cross-connections in the future.

These regulations are adopted pursuant to the State of California Administrative Code, Title 17, Section 7583 to 7605, Public Health, entitled: "Regulations Relating to Cross-Connections".

It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District and any other source of water supply; or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the District and/or the service of water pipes or fixtures of any consumer of the District.

6-1 DEFINITIONS

- A. **Air-Gap Separation:** The term "air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.
- B. **Approved Backflow Prevention Device:** The term "approved backflow prevention device" shall mean devices that have passed laboratory and field evaluation tests performed by a recognized testing organization that has demonstrated their competency to perform such tests to the Division of Drinking Water.
- C. **Approved Water Supply:** The term "approved water supply" means any water supply whose potability is regulated by a State or local health agency.
- D. **Auxiliary Supply:** The term "auxiliary supply" means any water supply on or available to the premises other than the approved water supply; this shall include all water storage tanks or vessels of any kind with piping or pumps maintained for the purpose of fire suppression, irrigation or any other reason.
- E. **AWWA Standard:** The term "AWWA Standard" means an official standard developed and approved by the American Water Works Association (AWWA).
- F. **Division of Drinking Water (DDW):** The Division of the State Water Resources Control Board that regulates public drinking water systems.
- G. **Backflow:** The term "backflow" shall mean a flow condition, caused by a differential in pressure that causes the flow of water or other liquids, gasses, mixtures or substances into the distributing pipes of a potable water supply from any source or sources other than an approved water supply source. Back-siphonage and backpressure cause backflow.
- H. **Contamination:** The term "contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health or which may impair the usefulness or quality of water.

- I. **Cross-Connection:** The term “cross-connection” as used in these regulations means any unprotected actual or potential connection between a potable water system used to supply water for drinking and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.
- J. **Cross Connection Control Specialist:** An individual who holds a valid certificate as a cross-connection control specialist as issued by CA-NV Section AWWA, or equivalent organization as recognized by DDW and has been designated as the Valley of the Moon Water District’s Cross-Connection Control Specialist by the District.
- K. **Double Check Valve Assembly:** The term “double check valve assembly” means an assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.
- L. **Person:** The term “person” means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.
- M. **Premise:** The term “premise” means any and all areas on a customer’s property which are served or have the potential to be served by the public water system.
- N. **Public Water System:** The term “public water system” means the District’s water distribution, treatment and storage system.
- O. **Recycled or Reclaimed Water:** The terms “recycled water” or “reclaimed water” means a wastewater which as a result of treatment is suitable for uses other than potable use.
- P. **Reduced Pressure Principle Backflow Prevention Device:** The term “reduced pressure principle backflow prevention device” means a device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly, and equipped with necessary test cocks for testing.
- Q. **Service Connection:** The term “service connection” refers to the point of connection of a user’s piping to the water supplier’s facilities, which will be the first fitting on the customer’s side of the meter unless the District determines otherwise with regard to a particular connection.
- R. **Water Supplier:** The term “water supplier” means the person who owns or operates the approved water supply system.
- S. **Water User:** The term “water user” means any person obtaining water from an approved water supply system.
- T. **Health Agency:** The term “health agency” means the Division of Drinking Water or another health agency to whom authority over drinking water has been delegated by the Division of Drinking Water.

6-2 CROSS CONNECTION PROTECTION REQUIREMENTS

A. General Provisions:

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention device by and at his/her expense as a condition for continuing potable water service or before a new potable water service will be approved.
3. Wherever backflow protection has been found necessary on a water service line entering a water user’s premises, then any and all water service lines from the District’s main entering such premises, buildings, or structures shall be protected by an approved backflow prevention device. The type of device to be installed will be in accordance with the requirements of these regulations.

B. Where Protection is Required:

1. Each service connection from the District water system for supplying water to the premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by District, and is approved by the Public Health agency having jurisdiction.
2. Each service connection from the district water system for supplying water to any premises on which any substances is handled in such fashion as may allow its entry into the public water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process water and waters originating from the public water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention devices shall be installed on the service connection to any premises having (a) internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the health agency and the District; 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 impractical or impossible to ascertain whether or not cross-connections exist.
4. Any structure where the fire sprinkler system shares a common inlet with the potable water system.
5. If a situation arises that these guidelines do not cover, the Cross Connection Control Specialist shall exercise good judgment and refer to the University of Southern California's *Manual of Cross-Connection Control Tenth Edition*, California Administrative Code, Title 17 Section 7583 to 7605, Public Health, entitled: "Regulations Relating to Cross-Connections" or the District's DDW representative as appropriate.

C. Type of Protection Required:

1. The type of protection that shall be provided to prevent backflow into the approved water supply system shall be commensurate with the degree of hazard existing on the consumer's premises. Types of protective devices that may be required based on the judgment of the Cross Connection Control Specialist and the requirements (listed in order of increased levels of protection) include: Double Check Valve Assembly (DC), Reduced Pressure Principle Backflow Prevention Device (RP), and Air-Gap Separation (AG). The water user may choose a higher level of protection than required by district. Minimum types of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations not covered in Table 1 shall be evaluated on a case by case basis, and the appropriate backflow protection shall be determined by the District or the health agency.

TABLE 1

TYPE OF BACKFLOW PROTECTION REQUIRED

<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Prevention</u>
(a) Sewage and hazardous Substances:	
(1) Premises where the public water system is used to supplement the recycled or reclaimed water supply.	
(2) Premises where there are wastewater pumping and/or treatment plants and there is no interconnection with the potable water system. This includes a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG only if approved in writing by both the health agency and the District.	

- (3) Premises where reclaimed water is used and there is no interconnection with the potable water system. An RP may be provided in lieu of an AG only if approved in writing by both the health agency and the District.
 - (4) Premises where hazardous substances may enter a potable water system, including a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG only if approved in writing by both the health agency and the District.
 - (5) Premises where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be injected.
- (b) Auxiliary Water Supplies:
- (1) Premises where there is an unapproved auxiliary water supply, which is interconnected with the public water system. An RP or DC may be provided in lieu of an AG only if approved in writing by both the health agency and the District.
- (c) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP only if approved in writing by both the health agency and the District. Fire Protection Systems:
- (1) Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).
 - (2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG only if approved in writing by both the health agency and the District.
 - (3) Premises where the fire system is supplied from the public water system and where either storage tanks or fire pumps, which take suction from the private reservoirs or tanks, are used.

6-3 BACKFLOW PREVENTION DEVICES

A. Approved Backflow Prevention Devices:

- 1. Only backflow prevention devices which have been approved by the District shall be acceptable for installation by a water user connected to the District's potable water system.
- 2. The District will provide, upon request, to any affected customer a list of approved backflow prevention devices.

B. Backflow Prevention Device Installation:

- 1. Backflow prevention devices shall be installed according to District standard plans and in a manner prescribed in Section 7603, Title 17 of the California Administrative Code. Location of the devices should be as close as practical to District's water meter. The District shall have the final authority in determining the required location of a backflow prevention device.
 - a. Air-Gap Separation (AG): The air-gap separation shall be located on the user's side of and as close to District's water meter as is practical. All piping from the service connection to the receiving tank shall be above grade and be 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 water inlet, but in no case less than one (1) inch above the overflow rim of the receiving tank.
 - b. Reduced Pressure Principle Backflow Prevention Device (RP): The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to District's water meter as is practical. The device shall be

installed a minimum of twelve inches (12") above grade and not more than thirty-six inches (36") above grade measured from the bottom of the device and with a minimum of twelve inches (12") side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water may not be supplied from any point between the meter and the RP device unless the water supply is protected in a manner approved by the District.

c. Double check Valve Assembly (DC): The approved double check valve assembly shall be located as close as practical to the user's connection, and in a manner where it is readily accessible for testing and maintenance. If a double check valve assembly is put below grade, it must be installed in a vault such that there is a minimum of six inches (6") of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches (3") clearance between the other side of the device and the side of the vault. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the device. Vaults, which do not have an integrated bottom, must be placed on a three-inch (3") layer of gravel.

C. Backflow Prevention Device Testing and Maintenance:

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person who has demonstrated to the District their competency in testing of these devices as described in Section 6-6 below. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The district may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the District shall be filed with the District each time a device is tested, relocated, or repaired. These devices shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.
2. If a Double Check Valve Assembly that is being used for any reason other than protection from a fire system fails and it needs to be replaced, it shall be replaced with a properly installed Reduced Pressure Principle Backflow Prevention Device.
3. The District will supply affected water users with a list of persons acceptable to the District to test backflow prevention devices. The district will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms, which must be filled out each time a device is tested or repaired.
4. Upon request, the District at its discretion, may test a customer's backflow prevention device to fulfill the requirements of these regulations. The customer will be charged for the test and any maintenance found necessary to keep the device in working order.

D. Backflow Prevention Device Removal:

1. Approval must be obtained from the District before a backflow prevention device is removed, relocated, or replaced.
 - a. Removal: The use of a device may be discontinued and the device removed from service only upon a determination by the District in its sole discretion,

based on presentation of sufficient evidence to the District to enable it to verify that a hazard no longer exists or is not likely to be created in the future.

- b. Relocation: A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A re-test will be required following the relocation of the device.
- c. Repair: A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with a fully functioning backflow protection device approved by the District. A re-test will be required following the repair of the device.
- d. Replacement: A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the District and must be commensurate with the degree of hazard involved.

6-4 ADMINISTRATIVE PROCEDURES

A. Water System Survey:

1. The Valley of the Moon Water District shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the District upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be initiated.
2. The District may require an on-premise inspection to evaluate cross-connection hazards. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the District considers necessary.
3. The District may, at its discretion, require a re-inspection for cross-connection hazards of any premises to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer that cannot or will not allow an on-premise inspection of their piping system shall be required to install the backflow prevention device the District considers necessary.

B. Customer Notification – Device Installation:

1. The District will notify the water user of the survey findings, listing corrective action to be taken, if required. A period of 60 days will be given to complete all corrective action required, including installation of backflow prevention devices.
2. A second notice will be sent to each water user that does not take the required corrective action prescribed in the first notice within the 60 day period allowed. The second notice will give the water user a two week period to take the required corrective action. If no action is taken within the two-week period, a 48 hour shut off notice door tag will be delivered, at the completion of the 48 hour period the District may terminate water service to the affected water user until subject device is tested and the completed and approved test form is received by the District.

C. Customer Notification – Testing and Maintenance:

1. The District will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written

notice shall give the water user 60 days to have the device tested and to submit to the District an approved and completed form reflecting the results of said test.

2. A second notice shall be sent to each water user that does not have his/her backflow prevention device tested as prescribed in the first notice within the 60 days period allowed. The second notice will give the water user a two week period to have his/her backflow prevention device tested. If no action is taken within the two week period, a 48 hour shut off notice door tag will be delivered, at the completion of the 48 hour period the District may terminate water service to the affected water user until the subject device is tested and the completed and approved test form is received by the District.

6-5 WATER SERVICE TERMINATION

A. General

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

B. Basis for Termination:

Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

1. Refusal to install a required backflow prevention device.
2. Refusal to test a backflow prevention device.
3. Refusal to repair a faulty backflow prevention device.
4. Refusal to replace a faulty backflow prevention device.
5. Direct or indirect connection between the public water system and a sewer line.
6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
7. Unprotected direct or indirect connection between the public water system and an auxiliary water system.
8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures:

1. For conditions 1,2,3, and 4, the District will take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service; and
 - b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the District.

6-6 REQUIREMENTS FOR BACKFLOW PREVENTION DEVICE TESTER

Each proposed backflow prevention device tester shall file with the District a valid certification from the American Water Works Association (AWWA), California-Nevada Section, from a County certification program, or have equivalent training in the opinion of the District and the Health Department.

The District may rescind its approval of, and refuse to accept work performed by, any tester whom the District determines has improperly performed testing, repairs, and/or reporting, or whose certification has been revoked, suspended, or not renewed by the certifying authority.

6-7 SEVERABILITY

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of these regulations, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these regulations or any part thereof. The District Board of Directors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

SECTION 7 – MISCELLANEOUS

7-1 PLUMBERS DEPOSITS

A licensed plumber may deposit with District the amount shown in the Schedule of Fees and Charges a security bond as guarantee of payment for any damages done to District's facilities during the course of said plumber's work in making repairs to or installation of any water facilities within the District. Upon receipt of said security bond, District will waive the requirement that only a District employee can turn a District water meter/service on or off as to that plumber, but only during the period that the bond is in effect. In addition to the deposit, an agreement covering these stipulations must also be signed by the plumber, and the plumber's signature must be notarized.

SECTION 8 – SCHEDULE OF FEES AND CHARGES

8-1 GENERAL

District charges are divided into two groups; rates and miscellaneous charges associated with providing water service and conducting the day-to-day business of the District; and, connection fees and capacity charges.

8-2 MISCELLANEOUS FEES/CHARGES

8-2.1	Public Copies of District Documents	\$ 0.16 per page \$ 0.32 per two-sided copy
8-2.2	Permit Application Processing Fee	\$ 183.00
A.	Onsite Water Audits	\$ 94.00 per hour
8-2.3	Project Inspection Fees	Actual cost to District
8-2.4	Plan Review Fee	Actual cost to District
8-2.5	Agreement Preparation Fee	\$ 477.00
8-2.6	Meter Testing Fee At the request of a customer: fee refunded if meter is faulty. Forfeited if meter is within 2% accuracy	\$ 257.00
8-2.7	Fire Flow Test (Calculation)	Actual cost to District
8-2.8	Set Pressure Recorder	\$ 226.00
8-2.9	Start of Service	\$ 23.00

- 8-2.10 Construction Meter Deposit \$ 330.00
+ installation fee \$ 95.00
Water Rate/Service Charge Reg. Rate
- 8-2.11 Hydrant Meter Deposit \$ 1,742.00
+ installation fee \$ 138.00
+ Water Rate-Commercial rate per Section 8.-2.18 \$ 9.05
+ Bi-monthly Service Charge (one week minimum) \$ 537.14
- 8-2.12 Return check Handling Fee \$ 37.00
- 8-2.13 Unauthorized Turn on @ existing metered service \$ 290.00
Location Lock replacement & locking device
- 8-2.14 Unauthorized hook-up to unmetered service \$ 477.00 + estimated wtr usage
@ 1 ½ x reg. rate
- 8-2.15 Unauthorized use of fire hydrant \$1,202.00 + estimated wtr usage
@ 1 ½ x reg. rate
- 8-2.16 Notice Delivery/Reconnection/After Hours Fee
- A. Notice Delivery Fee (includes: Cut off Notices, \$ 18.00
Backflow Test, Misc. Delivery)
- B. Failure to sign up \$ 75.00
- C. Turn off due to Non Payment of bill \$ 75.00
- D. After-Hours Service Charge \$ 232.00
(to be added to all other applicable charges)
- E. Unable to access meter \$ 18.00
- F. Meter tampering (i.e. damage to meter register, \$ 94.00 plus materials
Wires, endpoints, etc.)
- G. Customer service request for same issue \$ 85.00
(1st visit no charge)
- 8-2.17 Commercial / Industrial / MFR 4+ Units Rate \$ 6.22 per 1000 gallons
Institutional \$ 6.20 per 1000 gallons
Irrigation Rate \$ 7.06 per 1000 gallons
- Single Family Residential / MFR 2 or 3 Units 0-4 \$ 4.10 per 1000 gallons
Tiered Rates – usage per billing period > 4 \$ 7.15 per 1000 gallons
- 8-2.18 Outside District Water Usage Rate 2.5 Times the Volumetric rates per Section 8-2.17 and
service charges per Section 8-2.19.

8-2.19 Bi-Monthly Service Charges (Effective 08/01/2019)

Meter Size	Residential	Non-Resid.	Fire Line
5/8"	\$ 26.11	\$ 42.78	NA
3/4"	\$ 37.49	\$ 62.51	NA
1"	\$ 60.26	\$ 101.95	NA
1 1/2"	\$ 117.19	\$ 200.57	NA
2"	\$ 185.49	\$ 318.91	\$ 17.39
3"	\$ 634.48	\$ 634.48	\$ 34.09
4"	NA	\$ 989.49	\$ 64.83
6"	NA	\$ 1,975.65	\$ 143.90
8"	NA	NA	\$ 249.32
10"	NA	NA	\$ 372.31
12"	NA	NA	\$ 468.94

8-2.19(a) Resolution No. 180402 Effective July 1, 2018 residential water meters that are 1 ½" or smaller and have a joint domestic and fire flow line, will have their Bi-Monthly Service Charge based on the sites two year, peak bi-monthly water demands. Peak bi-monthly demands at 30,000 gallons or less will be billed at the current 5/8" service charge, peak bi-monthly demands between 30,001 and 43,000 will be billed at the current ¾" service charge, peak bi-monthly demands between 43,001 and 131,000 will be billed at the current 1" service charge.

8-2.20 AMI Opt-out meter reading fee \$20/bimonthly

8-2.21 Interruptible Surplus Water Rate Volumetric rates per Irrigation Rate in Section 8-2.17 and service charges per Section 8-2.19.

8-3 CONNECTION FEES AND CAPACITY CHARGES

The connection charge for a new service connection shall be the sum of the meter and service line charge plus the capacity charge.

8-3.1 Front Footage Removed with the 2017 Rate Study.

8-3.2 Meter and Service Line Charge (excludes the cost of paving)

Meter Size	Service Line Size	Meter Charge	Service Line Charge	Meter and Service Line Charge
5/8"	1"	\$367	NA	\$4,640
3/4"	1"	\$380	NA	\$4,853
1"	1"	\$439	\$4,473	\$4,912
1-1/2"	1-1/2"	\$703	\$5,144	\$5,847
2"	2"	\$866	\$5,657	\$6,523
3"	3"	\$2,795	**	\$2,795 plus service line
4"	4"	\$4,209	**	\$4,209 plus service line
6"	6"	\$5,454	**	\$5,454 plus service line
FSA	all sizes	*	**	*/**

FSA	Fire Service Assembly
*	To be estimated at time of application for service. Applicant shall pay actual cost.
**	Applicant to pay actual costs.

8-3.3 Capacity Charge

The capacity charge shall be calculated in terms of the demand of a Unit of Capacity. unit of capacity is defined as the water demand for the average day of the maximum month for a typical single family detached home served by the District. The value of a Unit of Capacity has been determined by the District to be 490 gallons per day. Capacity charges for residential customers and commercial, institutional and industrial customers are calculated as shown below. Note, if at any time a customer's use exceeds the estimate used in determining the capacity charge, the District may require that the customer pay an additional capacity charge at the rate then in effect for each Unit of Capacity of such excess

8-3.3 (a) Residential Customers

For residential customers, the capacity charge is as follows.

Meter Size	Capacity Fee per Meter
5/8 inch	\$11,506
¾ inch	\$17,259
1 inch	\$28,765
1 ½ inch	\$ 57,729
2 inch	\$ 92,048
3 inch	\$184,095
4 inch	\$287,649
6 inch	\$575,298
8 inch	\$920,477

8-3.3 (b) Commercial, Institutional and Industrial Customers

For Commercial, Institutional and Industrial customers, the capacity charge is as follows.

Meter Size	Capacity Fee per Meter
5/8 inch	\$11,506
¾ inch	\$17,259
1 inch	\$28,765
1 ½ inch	\$ 57,729
2 inch	\$ 92,048
3 inch	\$184,095
4 inch	\$287,649
6 inch	\$575,298
8 inch	\$920,477

8-4 **ESCALATION OF CHARGES**

To account for devaluation of the dollar, the amount of the fees and charges set forth in Section 8 above shall be adjusted as follows:

To account for inflation, escalation of charges are authorized and incorporated in the values shown in the Section as follows:

1. Applicable to Section 8-2 Charges: On July 1 of each year, charges contained in Section 8-2 shall be escalated in proportion to the annual increase in the Consumer Price Index (CPI) published by the State of California, Department of Industrial Relations, Division of labor and Statistics and Research and calculated for the City of San Francisco, Oakland and San Jose, all urban customers. Resulting values shall be rounded to the nearest whole dollar. Said escalation shall not be applied to Items 18, 19, 20, 21, 22 and 23.
2. Applicable to Section 8-3 Charges: On July 1 of each year commencing with July 1, 2010, charges contained in Section 8-3 shall be escalated in proportion to the annual increase in the engineering News Record construction Cost Index (CCI)

reported for each March in the engineering News Record magazine for the City of San Francisco. Resulting values shall be rounded to the nearest whole dollar.

SECTION 9 – PROPERTY-SIDE LEAKS

Customers are responsible for the water service piping and fittings attached to the water system beginning at the meter nut on the customer's side of the meter. All leaks in the customer's water service piping and fittings are the customer's responsibility and must be repaired by the customer solely at his/her expense.

A "property-side leak" is any loss of water due to deterioration or disconnection of the customer's water service piping, fittings or equipment, whether known or unknown to the customer, and said loss emanates from the first meter nut on the customers side of the meter serving the customers property.

No adjustment or credit will be applied to the water bill for property-side leaks, damage, deterioration or other factors beyond the control of the District, except as indicated under "Adjustment of Billing".

SECTION 10 – ADJUSTMENT OF BILLING

The General Manager or another person delegated the responsibility for adjusting water billings, may adjust the water usage portion (excluding service charge), on a customer's bill when the following requirements are met:

1. Customer shall notify District, in writing, of water loss from a property side leak within thirty days from the billing date for the period in which the water loss occurred. The water loss adjustment shall be limited to one adjustment in a thirty-six month period per customer, and the adjustment shall be made for a single billing period only.
2. The District determines that there is a property side leak and the approximate rate of leakage by observing conditions at the property and meter operation.
3. There must be evidence that excessive use of water was not due to the customer's willful or neglectful acts, or failure of due diligence on the part of the consumer.
4. Customer must permanently fix the leak within 72 hours of the leak becoming known.
5. Leaks caused by a customer's contractor or service provider are not eligible for an adjustment.
6. The District determines that the bill is excessive in that it does not truly reflect the amount of water that has been beneficially used by the customer.
7. Customer's water usage is 33% higher than typical for that billing period.
8. The District shall require repair bills or other appropriate documentation substantiating the repair of the property side leak prior to approving a claim for adjustment.
9. For leaks in excess of 50,000 gallons, the customer shall submit a claim through their homeowners insurance prior to submitting a District leak adjustment application.
10. Customer shall submit a District leak adjustment form and appropriate documentation. Documentation must include one or more of the following: receipt for parts used or picture clearly showing what repair was made.
11. The District must be satisfied that the leak problems that resulted in a request for an adjustment have been properly repaired or resolved. District will dispatch a representative to the property to verify no further leaks exist. A determination of whether an adjustment is granted shall be made by the General Manager or his designee, and shall be final. In making the determination, the District will consider all circumstances surrounding the request.

The adjustment shall be calculated as follows:

The customer's average bill will be calculated based on usage over the immediately preceding three year period using the same three billing periods from each year. If such records of usage do not exist, the District will average available water usage history. Any usage during the period in question, which is over the calculated average, will be considered to be caused by the leak and called "overage".

Bill Adjustment = Overage x (Rate of District's Tier 2 water per 1,000 gallons - Rate of District's Tier 1 water per 1,000 gallons)

In the event of an emergency scenario (fire, earthquake, etc.) where excessive water use occurred through no fault of the customer, the District may grant an adjustment of the water bill.

SECTION 11 – PUBLIC ACCESS TO DISTRICT RECORDS AND APPLICABLE CHARGES

It is the policy of Valley of the Moon Water District to provide the public with access to all District records, excepting only those that are exempt from disclosure by law.

It is also the policy of the Board that access to records not disrupt the normal course of business, and that all photocopy costs will be charged at the rate specified in Section 8-2.1 and shall be borne by person(s) requesting such review or copies.

The Public Records Act provides that all reasonable efforts shall be made to disclose to the public all records pertain to public business that are not exempt from disclosure. The Act allows up to ten (10) days to determine whether records responsive to the request exist and are subject to disclosure. The District encourages the avoidance of casual or indiscriminate demands to explore public records, which can lead to interruption of District business at a cost to the ratepayers, keeping in mind that records are stored under several systems of filing and can require considerable amounts of staff time to locate and copy. Maintaining the integrity of District records is important.

All persons seeking access to records of the District must do so in writing, stating as concisely as possible the records sought for review. All requests will be reviewed by the General Manager for assignment to a staff member. Person(s) requesting information will be notified when the records have been assembled. Original records will not be allowed to leave District premises and the reviewer will not be permitted to separate or re-arrange the records. Records must be reviewed within five (5) working days of such notice, unless other prior arrangements have been made with District staff. At the end of five (5) working days, or the agreed period, records will be returned to their original location(s), unless prior arrangements have been made.

Copies will be furnished, upon request, at a charge set forth in Schedule of Fees and Charges.

Records or copies will be provided as soon as reasonably possible during regular business hours.

Copies of agendas and minutes of all regular, special and committee meetings will be provided at no charge. 72 hours prior to a Board meeting a full packet of Board meeting materials is available in the District office foyer or via the website (www.vomwd.org).

SECTION 12 – WATER WASTE PROHIBITIONS

A. Purpose. The purpose of this Section is to promote water conservation and the efficient use of potable water furnished by the Valley of the Moon Water District by eliminating intentional or unintentional water waste when a reasonable alternative solution is available, and by prohibiting use of equipment that is wasteful.

B. Nonessential Uses. No customer of the Valley of the Moon Water District shall use or permit the use of potable water from the Valley of the Moon Water District for residential, commercial, institutional, industrial, agricultural, or other purpose for the following nonessential uses:

1. Irrigating ornamental turf with potable water on public street medians;
2. The washing of sidewalks, walkways, driveways, parking lots and other hard-surfaced areas by direct hosing, except as may be necessary to properly dispose of flammable or other dangerous liquids or substances, wash away spills that present a trip and fall hazard, or to prevent or eliminate materials dangerous to the public health and safety;
3. The escape of water through breaks or leaks within the customer's plumbing or private distribution system for any substantial period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of seventy-two (72) hours after the customer discovers such a break or leak or receives notice from the Valley of the Moon Water District, is a reasonable time within which to correct such break or leak or, at a minimum, to stop the flow of water from such break or leak;
4. Irrigation in a manner or to an extent that allows excessive runoff of water or unreasonable over-spray of the areas being watered. Every customer is deemed to have his water system under control at all times, to know the manner and extent of his water use and any run off, and to employ available alternatives to apply irrigation water in a reasonably efficient manner;
5. Washing cars, boats, trailers or other vehicles and machinery directly with a hose not equipped with a shutoff nozzle;
6. Water for non-recycling decorative water fountains;
7. Water for single pass evaporative cooling systems for air conditioning in all connections installed after June 6, 2000 unless required for health or safety reasons;
8. Water for new non-recirculating conveyor car wash systems;
9. Water for new non-recirculating industrial clothes wash systems;
10. Irrigating outdoors during and within 48 hours following measurable rainfall;
11. Restaurants serving water except upon customer request; and
12. Hotels and motels not offering and promoting an opt-out program for towel and linen service.

C. Exempt Water Uses. All water use associated with the operation and maintenance of fire suppression equipment or employed by the Valley of the Moon Water District for water quality flushing and sanitation purposes shall be exempt from the provisions of this section. Use of water supplied by a private well or from recycled or reclaimed wastewater, gray water or rainwater utilization system is also exempt.

D. Variances. Any customer of the Valley of the Moon Water District may make written application for a variance. Said application shall describe in detail why applicant believes a variance is justified.

1. The General Manager of the District may grant variances for use of water otherwise prohibited by this section upon finding and determining that failure to do so would cause an emergency condition affecting the health, sanitation, fire protection or safety of the applicant or public; or, cause an unnecessary and undue hardship on applicant or public, including but not limited to, adverse economic impacts, such as loss of production or jobs.
2. The decision of the General Manager of the District may be appealed to the Board of Directors by submitting a written appeal to the District within fifteen (15) calendar days of the date of the decision. Upon granting any appeal, the Board of Directors may impose any conditions it determines to be just and proper. Variances granted by the Board of Directors shall be prepared in writing and the Board of Directors may require the variance be recorded at applicant's expense.

E. Enforcement and Fees. Depending on the extent of the water waste the District may, after written notification to customer and a reasonable time to correct the violation as determined by the District in its sole discretion, take some or all of the following actions. Penalties, fees and charges noted below shall be established by resolution of the District. The penalties listed in Sections E3, E4 and E5 below will be applied only during acute emergencies as determined and publicly announced by the General Manager, and/or a Stage 2 or equivalent water shortage condition declared by the Board.

1. Written notice to the customer of the water waste violation including a specified period of time to correct the violation.
2. Personal contact with the customer at the address of the water service. If personal contact is unsuccessful, written notice of the violation including a date that the violation is to be corrected may be left on the premises, with a copy of the notice sent by certified mail to the customer.
3. The District may install a flow-restricting device on the service line.
4. The District may levy a water waste penalty to the customer.

District Action	Administrative Penalty
Hang door tag notifying customer of water waste issue	No Penalty
Issue 1 st letter to customer notifying them of water waste issue (14 days to comply)	No Penalty
Courtesy call to customer to discuss resolution of water waste issue	No Penalty
Issue 2 nd letter and/or hang 2 nd door tag for same water waste issue (7 days to comply)	\$25
Issue 3 rd letter and/or hang 3 rd door tag for same water waste issue (7 days to comply)	\$50
Install flow restrictor if domestic water or turn off if dedicated irrigation meter	\$125
Continued water waste with a flow restrictor in place	\$250

5. The District may terminate water service and bill the customer the charge for termination of water service. Except in cases of extreme emergency as determined by the General Manager of the District in his or her sole discretion, service shall not be reinstated until verified by the District that the violation has been corrected and all charges and penalties have been paid.

