

FAIRFIELD-SUISUN SEWER DISTRICT
ORDINANCE NO. 2022-02

**APPLICATION OF SEWER SERVICE AND CAPACITY CHARGES TO FAIRFIELD-SUISUN
SEWER DISTRICT CUSTOMERS**

THE BOARD OF DIRECTORS OF THE FAIRFIELD-SUISUN SEWER DISTRICT DOES
ORDAIN AS FOLLOWS:

ARTICLE I. GENERAL PROVISIONS

1. Short Title. This Ordinance may be cited as the “Application of Sewer Service and Capacity Charges to Fairfield-Suisun Sewer District Customers Ordinance.”

- 1.1 Basis of Charges. The basis of the sewer service charges prescribed in this Ordinance is the establishment of a unit cost computed to represent the cost of the collection, treatment, and disposal of sewage from each customer class. Except for Residential and Case-by-Case customers, this unit shall be equal to 100 cubic feet of water use, as measured by water meter readings. In addition, a flat monthly Account Charge will be assessed to each account. Residential customers shall be billed on a flat monthly basis; Case-by-Case customers shall be billed on actual flows and loadings as well as the flat Account Charge.

The basis of Sewer Capacity Charges prescribed in this Ordinance is a unit of cost referred to as a “Equivalent Dwelling Unit” (EDU) computed to represent the cost of providing an incremental unit of capital capacity for treatment and disposal.

2. Definitions. Unless the context otherwise indicates, terms used herein have the following meanings:

- (a) “Accessory Dwelling Unit” or “ADU” shall have the same meaning provided in California Government Code section 65852.2, as it now reads or as amended, which currently reads as follows: an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.
 - (b) “Applicant” means any person, firm, corporation, association, governmental agency, or other entity that applies to the District for sewer connection.
 - (c) “Board” means the Board of Directors of the Fairfield-Suisun Sewer District.
 - (d) “BOD” means biochemical oxygen demand, which is a measure of the strength of sewage expressed in terms of the milligrams of oxygen required by microorganisms to render one liter of sewage inert.

- (e) “City” refers to either the City of Fairfield or the City of Suisun City, whichever has jurisdiction.
- (f) “Clerk” means the Clerk of the Fairfield-Suisun Sewer District.
- (g) “Customer” means any person, firm, corporation, association, governmental agency or other entity to which the services or facilities of the District are furnished.
- (h) “District” means the Fairfield-Suisun Sewer District.
- (i) “Equivalent Dwelling Unit” or “EDU” means the measure of the relative impact of a customer’s discharge on the services or facilities furnished by the District, compared to a single-family residential unit. One EDU is defined as a discharge of 178 gallons per day, with a BOD concentration of 306 milligrams per liter and a TSS concentration of 216 milligrams per liter.
- (j) “General Manager” means the General Manager of the Fairfield-Suisun Sewer District.
- (k) “Maximum Month” means the impact of a customer’s maximum daily average loading (flow, BOD, TSS) measured over thirty consecutive days within a twelve-month period.
- (l) “Multiple-family dwelling” means multiple dwelling units per parcel individually designed to provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Multiple-family dwellings include a Single-family dwelling with an Accessory Dwelling Unit.
- (m) “Sewer Capacity Charge” means a charge for new development which reflects the potential demand each new service connection could place on the wastewater system.
- (n) “Sewer connection” means the connection of a structure or project to a City or District sewer system.
- (o) “Sewer Service Charges” means fees, tolls, rates, rentals, or other charges for services and facilities furnished by District in connection with its wastewater system.
- (p) “Single-family dwelling” means one dwelling unit per parcel designed, improved, or used as a residential dwelling with one complete independent living facility, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

- (q) "TSS" means total suspended solids, a measure of strength of sewage expressed in terms of the quantity of solid material measured in milligrams within a liter of sewage.
- (r) "Wastewater Discharge Permit" means a control mechanism issued to any customer discharging to the sewer system that the District determines needs a permit to regulate the discharge of toxic, organic, or hydraulic loading to the District's sewer system and treatment plant.
3. Severability. The Board hereby declares that if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid by court order, the remainder of this Ordinance, or the application of any provision held invalid to other persons or circumstances shall not be affected.
4. Authority. The Board finds that the imposition of fees and charges that have been adopted pursuant to Ordinance No. 2022-02 as amended have been authorized by the Fairfield-Suisun Sewer District Act, as amended.
5. Intent. 05-01, as amended, is repealed and replaced in its entirety with this Ordinance 2022-02.

ARTICLE II. SEWER SERVICE CHARGES

6. Sewer Service Charges.

6.1. Customer Classes. Customer classes for Sewer Service Charges are defined as follows

Residential	Single-family dwellings and Multiple-family dwellings.
Regular Strength	Offices, retail stores, hotels, motels, schools, churches, hospitals, nursing homes, laundromats, dry cleaning, establishments, bars without food service, car washes, other commercial or industrial customers not treated as High Strength or as Case-by-Case.
High Strength	Commercial laundries, restaurants, service stations with holding tank dumping facilities, bakeries and food processing facilities, other commercial or industrial customers with concentrations greater than 306 milligrams per liter BOD or 216 milligrams TSS, but less than the concentrations specified for Case-by-Case.
Case-by-Case	All commercial or industrial customers other than those specified as Regular Strength or High Strength with flows greater than 0.010 million gallons per day (MGD), or with concentrations greater than 650 mg/l BOD or 1,000 mg/l TSS; all intermittent customers; and any commercial or industrial customer requesting and paying the full cost of metering and testing.

6.2. Sewer Service Charge Adjustment. The Board may adjust sewer service charges at any time by projecting expenditures for District operation and maintenance, capital projects, adequate funding of reserves, and maintaining the legally-required debt service coverage ratio, and setting charges to generate sufficient revenue. All notification requirements of State law will be followed.

6.3. Regulatory Compliance Fee. A fee is hereby established for those customers holding a District Wastewater Discharge Permit. This fee shall increase 4% annually on July 1.

6.4. Short-Term Discharge Fees. These fees shall apply to direct temporary discharges from a point of discharge for which a District Sewer Capacity Charge is inapplicable or for which Sewer Capacity Charges sufficient to address the temporary discharge have not been paid, including, but not limited to, temporary discharges of groundwater. Discharge may not occur without a permit and may not continue for more than one year from the effective date of permit absent approval by the General Manager or their designee. If the discharge period does continue beyond one year, discharger will be assessed applicable and then-current Sewer Service Charges and Capacity Charges. The decision to accept any such temporary discharge and any and all requirements pertaining to the acceptance of such temporary discharge, Sewer Service Charges, and Capacity Charges shall be based on an evaluation of the effect on capacity, compliance with regulations, and any other factors that could affect the overall operations of the District. Such discharges shall fully comply with all federal, state and local laws, regulations and orders, including but not limited to the District's Wastewater Discharge Ordinance in effect at the time of such discharge. This fee shall increase 4% annually on July 1.

ARTICLE III. BILLING AND COLLECTING

7. Billing. The regular billing period will be that period which coincides with the customer's water billing period. Special billing periods may be established administratively as required for special circumstances.
8. Opening and Closing Bills. Service for a period of less than the regular billing period shall be billed on the basis of actual number of days of service.
9. Billing Time. Bills for sewer service shall be rendered at the end of each billing period and are payable upon presentation, except as otherwise provided.
10. Penalties and Interest. All bills, other than those to be collected on the tax rolls on which general District taxes are collected, that are not paid on or before 30 days from the billing date indicated on the bill shall be delinquent. A basic penalty of ten percent (10%) of the bill or amount due plus an additional penalty of not exceeding one and one-half percent (1½%) per month shall accrue for the period of delinquency and be collected as a part of the principal thereof. Bills to be collected on the tax rolls that are not paid shall be delinquent and shall be subject to penalties as provided by state law.
11. Timely Data Provision. Case-by-Case Commercial/Industrial customers will be required to provide discharge data to the District in a timely fashion. By the 15th of each calendar month, Commercial/Industrial customers designated as Case-by-Case must provide

discharge flow, BOD, and TSS data, as required, to the District for the prior calendar month. This data will be used for billing purposes. If the data is not provided as required, an estimated bill will be calculated by adding 15% to the highest bill in the past twelve calendar months. Once the required data is provided to the District, the account balance can be trued up, minus an administrative fee of 10% of the corrected bill amount.

12. Collection by Suit. As an alternative to any of the other procedures herein provided, the District may collect unpaid charges by suit, in which event it shall have judgement for the cost of suit and reasonable attorney's fees.

ARTICLE IV. COLLECTION WITH OTHER UTILITY CHARGES

13. Other Utility Charges. The Board of the District may provide by contract for the collection of its Sewer Service Charges with the rates for the services, facilities, and water of the water system or other utility service furnished by the City of Fairfield and/or the City of Suisun City. The Sewer Service Charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.
14. Discontinuing Service. If all or any part of the bill on which any Sewer Service Charge is collected is not paid, the District or either of the cities may discontinue its utility service until such bill is paid.
15. Compensation. The contract shall provide for the payment of a reasonable collection charge to the city involved in the collection of Sewer Service Charges.
16. Billing and Collecting Delinquencies on Tax Roll. In the absence of any agreement with the cities to collect such charges, and as an alternative procedure thereto, the District may provide for the collection of all charges that have not been paid at the time for fixing its tax rate upon the tax roll on which District taxes may be collected and in the same manner provided by law therefor.
17. Other Remedies. The District may provide otherwise for the collection of charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines.

ARTICLE V. USE OF TAX ROLL

18. Procedure. When the District elects to use the tax roll on which general District taxes are collected for the collection of current or delinquent charges, collection shall be made in the manner as now or hereafter provided in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code, or in Section 63 of the Fairfield-Suisun Sewer District Act.
19. Alternative. The powers authorized by this article shall be alternative to all other powers of the District and alternative to procedures adopted by the Board thereof for the collection of such charges.
20. Report. If the District elects to collect all or some of the charges on the tax roll using the procedure set forth in the Health and Safety Code, a written report shall be prepared and filed with the Clerk which shall contain a description of each parcel of real property

receiving such services and facilities and the amount of the charge for each parcel, computed in conformity with the charges prescribed by this Ordinance.

21. Notice. The Clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing in The Daily Republic, a newspaper of general circulation, printed and published within the District's boundaries. Prior to such election for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any parcel of real property described in the report is assessed in the last equalized assessment roll on which general District taxes may be collected available on the date the report is prepared, at the address shown on said roll or as known to the Clerk.
22. Hearing. At the time of hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.
23. Final Determination of Charges. Upon the conclusion of the hearing on the report, the Board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.
24. Filing of Report with County Auditor. On or before the 10th day of August in each year following the final determination of the Board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over their signature that it has been finally adopted the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.
25. Parcels Outside the District. Where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the District for the purpose of collecting such charges.
26. Parcels Not on Roll. If the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges as shown on the report.
27. Lien. The amount of charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as provided by state law. The Tax Collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.
28. Tax Bill. Thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the District, if any, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.
29. Collection. All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

30. Compensation of County. The Tax Collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the Board of the District. The compensation shall not exceed one percent (1%) of all money collected.

ARTICLE VI. DISCONNECTION

31. Connections Mandatory. All buildings within the District inhabited or used by human beings which are not more than 200 feet from the sewer system of the District, including those facilities owned and operated by the City of Fairfield and/or the City of Suisun City, or any extension hereafter made thereto, and in which any sewage is produced, shall be connected to the sewer system of the District not less than thirty (30) days from the time when such connection can be made.
32. Disconnection. As an alternative method of collecting District charges, the District after notice and hearing may cause disconnection of any premises from the sewer system if the customer fails to pay any charges for his/her premises after they shall have become delinquent. The District shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such customer shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and premises are reconnected to the sewer system, the District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

ARTICLE VII. SEWER CAPACITY CHARGES

33. Sewer Capacity Charges. Sewer Capacity Charges are based on the number of EDUs calculated for each new connection to the District's sewer system. The assignment of EDUs will be calculated by the District to assess the relative impact of a new connection on the District's facilities. EDU calculations are shown in Exhibit "A". Sewer Capacity Charges shall increase annually on July 1 by no more than the Engineering News/Record Construction Cost Index for the San Francisco area based on the change from April for the second prior calendar year to April for the prior calendar year.
34. Time for Payment. Sewer Capacity Charges shall be due and payable at the time of issuance of a building permit by the City department having jurisdiction thereof. No connection shall be made to the District's facilities without the prior payment of the applicable Sewer Capacity Charges unless the District allows another milestone in writing, but no later than the issuance of a Certificate of Occupancy; unless the District has approved a written agreement for the payment of Sewer Capacity Charges in installments over a period of time. The owner(s) of the parcel(s) on which premises which have been connected to the sewer system shall be responsible for the payment of a Sewer Capacity Charge which has not been paid when due as set forth in this Section or Section 38 or Section 40 hereof, or for which a payment has not been made pursuant to an agreement to pay Sewer Capacity Charges over time, whether or not such agreement was entered

into pursuant to Section 39 or Section 39.2, or whether or not such an agreement is alleged or determined to be invalid, and shall be responsible for the payment of unpaid capacity surcharges imposed pursuant to Section 39.1.

In the event that the building for which a Sewer Capacity Charge has been paid is not under construction within 180 days of issuance of the building permit, or in the event construction stops for 180 days, the Sewer Capacity Charge paid shall lapse and the full amount of Sewer Capacity Charge in effect at the commencement or recommencement of construction shall be required. The District shall grant a credit on such Sewer Capacity Charge in the amount of the previously paid Sewer Capacity Charge.

35. To Whom Paid. Sewer Capacity Charges shall be paid to and collected by the Building Inspector of the City within which the premises are located, or by such other official as the city or District may designate.
36. Event of Nonpayment. If, for any reason, connection shall have been made in violation of Section 34 hereof, or if payment is not made, pursuant to the requirements of Section 38, Section 39.1 or Section 40 hereof, or if payment is not made pursuant to an agreement to pay Sewer Capacity Charges over time, whether or not such agreement was entered into pursuant to Section 39 or Section 39.2, or whether or not such an agreement is alleged or determined to be invalid, the District may employ any remedies available to it at law or in equity, including placing a lien against the parcel(s) of land to which the connection at issue was made. Additionally, after notice and hearing, the District may cause disconnection of premises for which a Sewer Capacity Charge or a payment on a Sewer Capacity Charge, as set forth above, has not been paid.

Before any reconnection is made, the customer or owner(s) of the premises or parcel(s) of which the premises are a part shall deposit with the District the cost, as estimated by the District, of disconnection and reconnection, along with the entire balance of any Sewer Capacity Charge due, along with any applicable interest which is due.

37. Verification of EDUs. The District reserves the right to audit a customer's water use and effluent quality or number of physical living units or tenant spaces for the purpose of verifying that customer's assigned EDUs. If the District finds that a customer is utilizing more EDUs than have been purchased for the premises, the District may charge the customer or parcel owner for the additional EDUs required to accommodate the actual usage. This additional Sewer Capacity Charge shall be calculated on the basis of the Sewer Capacity Charge in effect at the time of the verification times the increase in the number of EDUs.
38. Capacity Charge on Rebuilding, Remodeling, or Expansion of Existing Structures. In the event of any expansion, remodeling or rebuilding of any building, structure, or premises in a manner which increases the number of EDUs assigned to the customer under Section 33, an additional capacity charge shall be due at the time of issuance of the building permit. This additional capacity charge shall be calculated on the basis of the Sewer Capacity Charge in effect at the time of the building permit issuance times the increase in the number of EDUs.

39. Special Circumstances. When premises are connected to the District's sewer system and the charges established in this Article VII are not adequate or appropriate due to special circumstances, including unusual wastewater characteristics, the District may enter into an agreement with the owner(s) of such premises and/or the parcel(s) of which such premises are a part, establishing appropriate charges for such premises, which shall be in lieu of the charges prescribed and established by Section 33 of this Ordinance. The District or the General Manager may also enter into an agreement with the owner(s) of premises subject to a Sewer Capacity Charge and/or the parcel(s) of which such premises are a part, providing for payment of Sewer Capacity Charges at a time or times different than provided for in Section 34 of this Ordinance, with appropriate reporting back to the Executive Committee of the Board. Such an agreement may provide for payment of a Sewer Capacity Charge in installments over a period not to exceed that provided in California Health and Safety Code Section 5474 and as such Section may be amended or superseded, from the date of the agreement, and for payment of interest on the unpaid balance of the charge at a rate of interest of not more than that provided in California Health and Safety Code Section 5474 and as such Section may be amended or superseded. An agreement for payment of a Sewer Capacity Charge in installments may also provide for making the unpaid Sewer Capacity Charge installments and interest a lien against the parcel(s) of which the premises subject to the Sewer Capacity Charge are a part, following notice and hearing as provided by state law. Sections 35, 36, and 37 of this Ordinance shall be applicable to charges established by any such agreement.

39.1. Special Circumstances: Capacity Surcharges.

- A. When premises are connected to the District's sewer system and the charges established in this Article VII have not been fully paid, the District may, at its discretion, enter into a capacity surcharge agreement with the owner of the premises and/or of the parcel(s) of which such premises are a part, requiring the customer to pay a capacity surcharge on unpaid or underpaid Sewer Capacity Charges during each billing period while the agreement is in effect. Such agreement shall provide for interest payment to the District on the unpaid or underpaid Sewer Capacity Charges, not to exceed the interest rate set forth in California Health & Safety Code Section 5474, and as such Section may be amended or superseded. The capacity surcharge agreement shall also provide a deadline for all unpaid or underpaid Sewer Capacity Charges to be paid in full.
- B. When premises are connected to the District's sewer system and the charges established in this Article VII have not been fully paid, and in the absence of a capacity surcharge agreement as set forth in Subsection A, the District may, at its discretion, bill the owner of the premises and/or of the parcel(s) of which such premises are a part for a capacity surcharge. This billing for capacity surcharge shall not in any manner affect the District's remedies for nonpayment set forth in Section 36, or otherwise available to the District at law or in equity. Before applying such a capacity surcharge, the District shall notify the owner of the premises, and of the parcel(s) of which such premises are a part, of the amount due the District for unpaid or underpaid Sewer Capacity Charges. The owner of the premises or parcel(s) may pay this amount in lieu of making capacity surcharge payments as long as payments for billed capacity surcharge are current. The amount of the capacity surcharge shall be an interest rate on the

unpaid or underpaid Sewer Capacity Charges not to exceed that set forth in California Health & Safety Code Section 5474 and as such Section may be amended or superseded, based upon current Sewer Capacity Charge rates during the billing period(s) when such unpaid or underpaid Sewer Capacity Charges remain unpaid.

39.2. Special Circumstances: Occupied Residential Property.

- A. When an existing residential property, having been occupied for at least four years prior to the application for sewer capacity, is to pay Sewer Capacity Charges, the Board or the General Manager may allow the payment of Sewer Capacity Charges at a time other than that specified in Section 34. In such case, the District or the General Manager may enter into a written agreement with the owner(s) of the premises which are connected and/or the owner(s) of the parcel(s) of which such premises are a part to provide for payment of the Sewer Capacity Charges at the time or times provided in the agreement, provided that such time or times shall not exceed that allowed in California Health and Safety Code Section 5474 and as such Section may be amended or superseded, from the date of the agreement, and that the rate of interest on the unpaid balance shall not exceed that provided in California Health and Safety Code Section 5474 and as such Section may be amended or superseded, with appropriate reporting back to the Executive Committee of the Board.
- B. If, however, the District requires connection pursuant to Section 31 of this Ordinance, and premises to be connected were not previously required to connect because of an error of the District or its agents, the Sewer Capacity Charge shall be that which would have been charged when the connection should have been initially required. The time of payment shall be the time of connection, unless otherwise provided by agreement made pursuant to this Ordinance.

39.3. Special Circumstances: Appeal of Capacity Charges. The owner or occupants of any premises who, by reason of special circumstances, including unusual wastewater characteristics, finds that any other provision of Article VII is unjust, inequitable, or inappropriate as applied to the particular premises, may make a written application to the Board, stating the circumstances and requesting a different basis of charges for Sewer Capacity Charges to the premises or appropriate relief from the provision complained of. If such application be approved, the Board may by resolution fix and establish fair and equitable charges for such premises or grant such appropriate relief to be effective as of the date of such application or as otherwise determined by the Board. The Board may, on its own motion, determine that by reason of special circumstances the foregoing Sewer Capacity Charge or any other provisions of Article VII are unjust, inequitable or inappropriate as applied to particular premises and may by resolution fix and establish fair and equitable charges for such premises or grant such relief as may be appropriate. Such relief may be granted administratively pursuant to standards and guidelines to be adopted by the Board by resolution.

40. Change of Use. Any change of use or operations, except as provided in Section 38, which for any reason increases the EDUs assigned to a customer as detailed in Section 33, shall result in an additional Sewer Capacity Charge becoming due and payable. The District will recalculate the number of EDUs used by the customer based on the change of use or operations.

This additional Sewer Capacity Charge shall be calculated on the basis of the Sewer Capacity Charge in effect at the time of the change of use or operations times the increase in the number of EDUs. The customer is responsible for paying the additional Sewer Capacity Charge resulting from change of use or operations, regardless of when such change of use or operations occurred.

41. Rancho Solano Development. Capacity Charges for the Rancho Solano development shall be as specified in Section 33 plus an additional development-specific capacity charge. Beginning March 1, 1987, the additional development-specific capacity charge is \$600 per EDU. This charge automatically increases or decreases on July 1 of each year by the Engineering News/Record Construction Cost Index for the San Francisco area based on the change from April for the second prior calendar year to April for the prior calendar year.


42. Lawler Ranch Development. Capacity Charges for the Lawler Ranch development shall be as specified in Section 33 plus an additional development-specific capacity charge. Beginning March 1, 1988, the additional development-specific capacity charge is \$100 per EDU. This charge automatically increases or decreases on July 1 of each year by the Engineering News/Record Construction Cost Index for the San Francisco area based on the change from April for the second prior calendar year to April for the prior calendar year.

43. North Cordelia Sub-basin A Development. Capacity Charges for development within specific parcels within the North Cordelia Sub-basin A development shall be as specified in Section 33 plus an additional development-specific capacity charge. Beginning March 1, 1992, the additional development-specific capacity charge is \$260 per EDU. This charge automatically increases or decreases on July 1 of each year (beginning March 1, 1996) by the Engineering News/Record Construction Cost Index for the San Francisco area based on the change from April for the second prior calendar year to April for the prior calendar year.

Only portions of parcels with Assessor Parcel Numbers 0027-370-07, 0027-370-12, 0027-090-23, and 0148-180-03 are tributary to Sub-basin A. At such time as final development maps are available, evaluation shall be made by the General Manager to identify lot numbers or subdivisions tributary to the Sub-basin A trunk sewers. Those lot numbers and subdivisions determined as tributary to Sub-basin A shall be subject to the capacity charges defined in this Section.

44. Posting. This Ordinance shall be published one time pursuant to Section 6061 of the Government Code and shall take effect upon expiration of the week of such publication.

PASSED AND ADOPTED this 27th day of June 2022, by the following vote:

		Day-Hernandez-Hudson-Panduro-Price
AYES:	Directors	<u>Timm-Tonnesen-Williams-Vaccaro</u>
NOES:	Directors	<u>None</u>
ABSTAIN:	Directors	<u>None</u>
ABSENT:	Directors	<u>Williams</u>
		
		President

ATTEST: Jalyssa Sinton
District Clerk

Exhibit A – Sewer Capacity Charges

EXHIBIT A SEWER CAPACITY CHARGES

A.1. EDU Calculation Methods

The District will utilize one of the following two methods for determination of a customer's EDUs to be used in the calculation of a Sewer Capacity Charge:

1. Where applicable, the Customer Class Table (Table A1) may be used to determine the Equivalent Dwelling Unit (EDUs) used in the calculation of a Sewer Capacity Charge based on the Applicant's customer class. EDU calculation for parcels with mixed-use (more than one customer class) shall be the summation of the EDUs calculated for each customer class on that parcel.
2. Applicants in non-residential customer classes may provide data on their anticipated daily flow, BOD, and TSS (based on the Maximum Month in a year) to be utilized in the "Engineering Calculation" method detailed below. The assumptions made about Q_{daily} , BOD_{daily} , and TSS_{daily} (defined in Section A.4) shall be based on historical operational data at another location, a similar facility with a justifiably similar process, or calculations prepared in the design of the facility. All assumptions shall be agreed to by both the Applicant and the District. This method must be used for Applicants meeting the following conditions:
 - Applicants who will discharge flows greater than 0.01 MGD (10,000 gallons per day); and/or
 - Applicants who will discharge concentrations greater than 650 milligrams of BOD per liter of wastewater, or 1,000 milligrams of TSS per liter of wastewater.

A.2. General Provisions

Minimum EDUs. Any parcel (existing or created) that is connected to the District's sewer system shall own a minimum of one EDU.

EDU Definition. As specified in Section 2, Paragraph (i) of this Ordinance, one EDU shall be defined as:

- $Q_{\text{edu}} = 178$ gallons/day
- $BOD_{\text{edu}} = 306$ milligrams/liter
- $TSS_{\text{edu}} = 216$ milligrams/liter

EDU Verification. The District reserves the right to verify the flow and load discharged by the applicant at any time, and to adjust the Sewer Capacity Charge accordingly, as detailed in Section 37 of this Ordinance.

A.3. EDU Calculation Method 1—Customer Class Table

The District has evaluated the average EDU density for various common customer classes within the District's service area. EDU estimates are based on number of dwellings, number of living units, gross square feet, fixtures, attendance, etc., as shown in Table A1. EDU calculation for parcels with mixed-use (more than one customer class), shall be the summation of the EDUs calculated for each customer class on that parcel.

The total Sewer Capacity Charge shall be the total number of EDUs calculated based on the Customer Class Table multiplied by the current Sewer Capacity Charge per EDU.

A.4. EDU Calculation Method 2—Engineering Calculation

The following formula shall be used to calculate the EDUs that shall be purchased for a parcel:

$$EDU = \left(\frac{Q_{daily}}{Q_{edu}} \right) \times \left[0.76 + 0.19 \times \left(\frac{BOD_{daily}}{BOD_{edu}} \right) + 0.05 \times \left(\frac{TSS_{daily}}{TSS_{edu}} \right) \right]$$

Where:

- Q_{daily} = average daily sewer flow in the maximum discharge month, measured in gallons per day;
- BOD_{daily} = average daily BOD concentration discharged (based on the highest single month of discharge in a year) to the District's sewers, measured in milligrams BOD per liter of wastewater;
- TSS_{daily} = average daily TSS concentration discharged (based on the highest single month of discharge in a year) to the District's sewers, measured in milligrams TSS per liter of wastewater; and
- Q_{edu} , BOD_{edu} , and TSS_{edu} from the EDU definition, above.

The total Sewer Capacity Charge shall be the number of EDUs calculated by the Engineering Calculation multiplied by the current Sewer Capacity Charge per EDU, as defined in Section A.1 of this Exhibit.

Table A1: EDUs by Customer Class

Customer Class	Assigned Equivalent Dwelling Units (EDUs)
Residential	
Single-Family Dwelling	1.00 EDU per dwelling
Multiple-Family with units > or = 1,200 sq. ft.	1.00 EDU per unit
Multiple-Family with units <1,200 sq. ft.	0.60 EDU per unit
Accessory Dwelling Unit (within an existing single-family dwelling or existing accessory structure)	None
Accessory Dwelling Unit (new detached ADU up to 1,200 sq. ft.; new attached ADU sized 500-1,200 sq. ft. with new single-family dwelling)	0.60 EDU per unit
Commercial	
Auto Body / Painting, Dealerships, Repair, Service Stations	0.50 EDU / 1,000 sq. ft. of gross floor area
Bakeries	1.50 EDU / 1,000 sq. ft. of gross floor area
Barbers, Beauty Shops, Hair Salons	0.40 EDU / 1,000 sq. ft. of gross floor area
Bars, Wine Tasting, Beer Tasting (no food service)	1.00 EDU / 1,000 sq. ft. of gross floor area
Car Wash	3.00 EDU / 1,000 sq. ft. of gross floor area
Churches	0.30 EDU / 1,000 sq. ft. of gross floor area
Dry Cleaners	0.25 EDU / 1,000 sq. ft. of gross floor area
Grocery (no bakery, deli, or food prepared on-site)	0.60 EDU / 1,000 sq. ft. of gross floor area
Grocery (with bakery, deli, or food prepared on-site)	0.90 EDU / 1,000 sq. ft. of gross floor area
Laundry – Self Service	0.50 EDU / washing machine
Laundry – Commercial	4.00 EDU / 1,000 sq. ft. of gross floor area
Gym, Health Clubs, Tanning Salons	1.20 EDU / 1,000 sq. ft. of gross floor area
Hotel / Motel	0.50 EDU / sleeping room or unit
Hospital	1.00 EDU / bed
Medical, Dental, and Massage Therapy Office	0.60 EDU / 1,000 sq. ft. of gross floor area
Office Buildings	0.30 EDU / 1,000 sq. ft. of gross floor area
Parks – Public, Private, and Community	1.00 EDU / restroom building
Restaurants	3.00 EDU / 1,000 sq. ft. of gross floor area
Retail	0.30 EDU / 1,000 sq. ft. of gross floor area
Schools	0.50 EDU / 1,000 sq. ft. of gross floor area
Theaters, Halls, Lodges, Auditoriums	0.30 EDU / 1,000 sq. ft. of gross floor area
Warehouses	0.05 EDU / 1,000 sq. ft. of gross floor area

Sewer Capacity Charge = Rate for Single Family Dwelling EDU x square feet ÷ 1,000 x Assigned EDUs
OR

Sewer Capacity Charge = Rate for Single Family Dwelling EDU x Assigned EDUs per unit

For Other Commercial Units with uses that are not included in the above table, the General Manager shall assign an EDU factor per 1,000 SF based on their best professional judgement, an estimate of loading from the facility, the characteristics of the intended use and/or a comparison of similar types of use.