

General Policy and Rules and Regulations of TCWD

CHAPTER 1: INTRODUCTION; GENERAL

Section 1.1 Introduction and Background

The Trabuco Canyon Water District ("District") is a county water district organized and existing pursuant to California Water Code Sections 30000 (the County Water District Law) and following and other applicable provisions of State law.

The District provides water service, and in some cases reclaimed water service, recycled water service and wastewater services, to applicants, customers and properties located within the District boundaries, subject to various terms and conditions necessary to provide service, conditioned upon receipt of all required fees and charges and compliance with all applicable Rules and Regulations, and other applicable requirements of the District, in accordance with these Rules and Regulations. The District's boundaries currently include the unincorporated territory of the County of Orange in the vicinity of Trabuco Canyon and a portion(s) of the Cities of Rancho Santa Margarita and Lake Forest. A map depicting the current boundaries of the District is attached as **Appendix A (Boundary Map)** to its Rules and Regulations.

The principal purposes of the District are to provide potable water service and facilitate in the provision of reclaimed water service, recycled water service, wastewater service and related functions and services to property owners and customers within the District's boundaries. The District also undertakes other actions, and provides other services on a limited basis to the extent authorized by State law. The District may, in the future, provide other services as authorized by State law and the actions of the Board.

The District neither determines nor intends to determine or precipitate land use decisions or the accomplishment of any plans of development of various owners of undeveloped property within the District. The District, subject to such land use decisions by others and subject to all provisions of law including, but not by way of limitation, the California Environmental Quality Act will exert all reasonable efforts to provide service to the extent, and upon the conditions, herein described.

The District's Mission Statement is attached as Appendix B (Mission Statement) to these Rules and Regulations. The Board reserves the privilege to amend the District's Mission Statement from time to time.

These Rules and Regulations represent a compilation of current District Rules and Regulations in effect as of 2004 with the addition of new rules, regulations and policies as adopted by the Board.

Section 1.2 Authority for Adoption

These Rules and Regulations have been adopted, and readopted, by the Board pursuant to the provisions of the County Water District Law (California Water Code Sections 30000 and following), including, but not limited to, California Water Code Sections, 31000, 31001, 31024 and 31025, for, among other things, the provision of services provided by the District to properties and customers located within the District boundaries and for the sale, distribution and use of potable water, reclaimed water, recycled water, wastewater services and the provision of various other and related services by the District.

The Board specifically reserves the right to amend, revise, rescind and add to these Rules and Regulations in its discretion. Amendments to these Rules and Regulations shall conform to Section 12.2 hereof unless otherwise specified by the Board.

Section 1.3 Definitions

In addition to the definitions elsewhere included in these Rules and Regulations, and unless the context otherwise requires, the following terms shall have the following meanings:

"Agricultural Consumer" means consumers entitled to water for agricultural developments at the irrigation rate or combined irrigation, domestic or recycled rates.

"Applicant" means any person, firm, corporation, association or agency who uses or desires to obtain service from District by means of its water or sewerage facilities.

"Approved by the District" means the Board of Directors or authority invested by the General Manager.

"Assessment District" means any of the Assessment Districts of the District heretofore established pursuant to The Municipal Improvement

Act of 1913, Streets and Highways Code Section 10000 et. seq., or subsequent acts wherein Assessment Districts are identified by State law.

"Board" means the Board of Directors of the Trabuco Canyon Water District.

"Boundaries" means the legal boundaries of the District, as they may be amended and revised from time to time.

"Business Day" means any day from Monday through Friday during the hours posted at the District Administrative Facility which is not a recognized holiday.

"Capacity Allocation" means the proportionate share of service which is allocated to a Consumer desiring to connect to the facilities of the District.

"Capacity Charge" means the charge to be paid by the Consumer desiring to connect to the facilities of the District as a proportionate share of the cost of the facilities needed to provide service to the entire District.

"Capital Improvement Charge" means the fee to cover the construction and design of backbone facilities and appurtenances serving more than one property owner as defined in the District's Master Plan. These facilities include the transmission pipelines from the regional water supply sources such as the Baker Pipeline and Allen-McColloch Pipeline, the water treatment plant, and backbone distribution pipelines belonging to the District.

"Community Facilities District" means any Community Facilities District heretofore established or to be established pursuant to the Mello-Roos Community Facilities Act of 1982 as amended, Government Code Section 53311 et. seq.

"Connection Charge" means a charge imposed by the District for obtaining water, sewer, or reclaimed water service from the District. The charge in no event shall be less than or on conditions other than as specified by the District or as required by any and all applicable Federal, State, or local statutes, regulations, ordinances, contracts, or other requirements. Connection charges are set forth in Appendix D to these Rules and Regulations.

"Connection Permit" means a permit issued by the District once an Applicant's application for service has been approved.

"Consumer" means any person, firm, corporation, association or agency within the boundaries of the District who uses or is entitled to use water from the District's system or who has made application for connection thereto.

"Cost of the Line" means the entire cost of constructing water distribution mains or sewer lines of the District and shall include, but not by way of limitation, actual construction, right-of-way, engineering and legal costs, and any administrative expenses of the District in accomplishing the construction, completion, and installation of the facility or facilities in question.

"County" means the County of Orange.

"Developer" means any person, firm, corporation or agency that owns land within the District, seeks to acquire or has the lawful use of land within the District for the purpose of constructing residential or commercial structures or seeks to connect to the District's water, wastewater, reclaimed or recycled systems.

"Development Agreement" means any Agreement for Construction, On-Site and Off-Site Agreements, or Sub-Division Improvement Agreement.

"Director" means an elected member of the Board who represents and acts for the community as a whole.

"District" means the Trabuco Canyon Water District.

"District Ad Hoc Committee" means a committee formed by the Board to undertake special assignments on behalf of the Board for a specified term.

"District Standing Committee" means a committee of long-term standing with continuing subject matter jurisdiction assigned by the Board.

"District's Consultants" means entities whose professional services are engaged by the District to provide assistance to the District in carrying out its services.

“District Contractors” means entities whose contractual services are engaged by the District to provide specified tasks and a quantified amount of assistance to the District in carrying out its services.

"District Staff" means the General Manager and employees of the District.

"District Transmission Lines" means those parts of the District's water system constructed by funds provided by the overall District or by funds provided by others or capacity in joint facilities the cost of which has been or is borne in this manner.

"Domestic Sewage" means the water-borne wastes derived from the ordinary living processes which are of such volume and character as to permit satisfactory disposal by the District's facilities except any such liquid or such substances as are hereinafter precluded from being delivered or deposited in any facilities of District.

"Dwelling Unit" means one or more rooms in a structure, including a kitchen, designed or used for occupancy by one family for living and sleeping purposes, and including a mobile home when such mobile home bears an insignia of approval issued by the California Department of Housing and Community Development or a housing seal number from the Federal Department of Housing and Urban Development (HUD).

"Engineer" means the duly qualified, registered Engineer appointed to act for the District.

“Equivalent Dwelling Unit” means a unite of measured used to calculate the amount of water use based on a typical District residential dwelling unit's water use. The District's Master Plan determines the amount of water for each Equivalent Dwelling Unit.

"Facilities" means the facilities under the control of the District including, but not limited to water, sewer, and reclaimed water pipelines, reservoirs, pumping stations, fire hydrants, manholes, valves, connections, treatment facilities and other appurtenances and property.

"General Manager" shall mean the duly appointed and serving General Manager of the District (or Interim General Manager, as may be applicable), or, in appropriate instances the designee of such General Manager acting within the course and scope of their

designated authority.

"In-Lieu Water Storage Charge" means the fee to cover the cost of providing five average days of storage for operational, emergency, and fire protection purposes. Larger developers may, at their option, provide a site and construct, to TCWD's standards, adequate storage to serve their project with the District having the option to oversize a reservoir from other storage fees to serve adjacent developments.

"Isolated Consumer" means a Consumer who is separate from and less accessible than other Consumers within the District.

"Irrigation Rate" means the fee imposed to Consumers for irrigation of parks, greenbelts, landscape areas, and agricultural developments.

"Lateral Connection" means the point of connection of the consumer's lateral sewer to the main sewer of District.

"Lateral Sewer" means the line from the lateral connection on the District's main sewer to the building or improvements of the Applicant, owner, or consumer.

"Main Sewer" means extensions from the trunk sewer system constructed and dedicated to the District by a Developer or Property Owner.

"Main Sewer Charge" means a charge imposed by the District for the Developer's share of the cost of a trunk sewer which also serves as the main sewer and is utilized to serve a tract.

"Meter" means a device which is installed, owned, utilized and maintained by the District to measure the supply of water, sewer, or reclaimed water service provided to the Consumer.

"Non-Reclaimable Sewage" means any and all liquid or solid waste substance other than reclaimable sewage emanating from within District including but not limited to liquid or solid waste substance from any producing, manufacturing or processing operation. It shall include any liquid or solid substance which cannot be treated or disposed of by the then existing facilities of District for the treatment or disposal of non-reclaimable sewage by reason of the design thereof, applicable waste discharge or other requirements, actual or possible increased operation and maintenance costs, or possible damage to District's facilities.

"Permit" means the connection permit which shall be first obtained before making any connection to the facilities of the District.

"Plan Check & Inspection Fees" means fees to be paid to District by the Applicant at the time he submits improvement plans for District approval. The amount of fees shall be a percentage of the Bond amounts as established by the District.

"Potable Water" means that water furnished to the consumer which is pure, wholesome, drinkable, and does not endanger the lives or health of human beings and which conforms to the latest edition of the United States Public Health Service Drinking Water Standards or any other applicable standards.

"Pretreatment" means treatment which District may require prior to permitting discharge of sewage into any District sewer facility, if necessary, to insure compliance by District with these Rules and Regulations and applicable Federal or State statutes, regulations, contracts, or all of the foregoing, individually or collectively, or if determined by District to be necessary to protect the facilities of District from any possible present or future damage.

"Project" means the proposed construction of any development involving the District's water and/or sewer system and/or alternatives to provide additional capacity in existing facilities in order to obtain water or sewer services.

"Property Owner" means the holder of legal title, contract purchaser, or lessee under a lease with an unexpired term of more than one (1) year jointly with the holder of title.

"Reclaimable Sewage" means wastewater which can be treated and reclaimed by District's facilities so as to be usable for some beneficial purpose. The existing and planned facilities of District are based on primary solids separation, activated sludge treatment, secondary solids separation, effluent coagulation, filtration, and chlorination. Reclaimable Sewage, for purposes of these Rules and Regulations, is different than Reclaimed Water and Recycled Water, as defined herein.

"Reclaimed Water" means Reclaimable Sewage which has been treated by the District's wastewater treatment facilities and is available for beneficial use. Reclaimed Water, for purposes of these Rules and Regulations, is different from Recycled Water, as defined herein.

“Recycled Water” means urban runoff water which can be collected, treated, transported and distributed by District’s facilities so as to be usable for some beneficial purpose. Recycled water, for purposes of these Rules and Regulations, is different from Reclaimable Sewage and Reclaimed Water, as defined herein.

"Refund Agreement" means the agreement executed between the District and one desiring to connect to the facilities of the District where a distribution main or trunk sewer is needed and where the cost includes oversizing.

"Related Rules" means guidelines, rules, regulations, ordinances and other directives of the District outside of these Rules and Regulations, incorporated pursuant to Chapter 10.

"Rules and Regulations" means these Rules and Regulations as adopted by the Board and as they may be amended from time to time.

"Security Deposit" means moneys required to be deposited with the District for the purpose of guaranteeing payment of monthly or bimonthly bills rendered for water or sewer service.

"Service Agreement" means a contractual agreement between an Applicant and the District regarding the terms under which the District shall provide service to the Applicant.

"Service Authorization" means the Applicant has expressly authorized the District to provide service through a Service Agreement.

"Sub-Area Master Plan" means an engineering study of projected water, wastewater and reclaimed water demands for planned residences or developments.

"State" means the State of California.

“Supplemental Water Fee” means the fee to provide funding to obtain new water capacity for the District in order to meet new water capacity demands. The 4 cfs of additional capacity purchased in 1988 was financed through the Certificates of Participation Securities (COPS). Any supplemental water fee, when received, is reserved to pay the debt service for the COPS.

"Wastewater" means waste and water, whether treated or untreated, discharged into or permitted to enter a District sewer.

"Will-Serve Letters and Capacity" means a letter issued by the District indicating that at the time such letter is issued the District has capacity to provide service to the property and development described in the letter.