

# **General Policy and Rules and Regulations of TCWD**

## **CHAPTER 3: OPERATIONAL MATTERS**

### **Section 3.1      District Service Area.**

As development of the District progresses, the Board may establish from time to time, service areas or Water Rate Areas (as defined in Section 3.2 below) based on demand, topography, land use, pressure zones, cost of providing service, established boundaries of surrounding service areas of the District or other factors. A map depicting the boundaries of the District's current service area is attached hereto as **Appendix A (Boundary Map)**.

### **Section 3.2      Water Rate Areas.**

The District reserves the right to create, maintain, alter and dissolve Water Rate Areas within the District or any other area where the District provides water or wastewater service. A "Water Rate Area" is a discrete geographic portion of the District where specific water and/or sewer rates are imposed (other than the District-wide rates for such services) for reasons including, but not limited to, geography, topography, demand, land use limitations, District pressure zones, cost(s) of providing service(s), establish boundaries of service areas or other Water Rate Areas. Water Rate Areas shall be created, altered or dissolved by action of the Board. The District secretary shall maintain a current map or description of all Water Rate Areas.

### **Section 3.3      Operation of District Facilities.**

All of District's water and sewerage facilities, including, but not limited to, water and sewer pipelines, reservoirs, fire hydrants, manholes, pumping stations, valves, connections, treatment facilities and other appurtenances and property, shall be under the management and control of the General Manager. No other persons, except authorized employees of District, shall have any right to enter upon, inspect, operate, adjust, change, alter, move or relocate any portion of the foregoing or any of the District's property without the written consent of the General Manager or an authorized representative of the General Manager. In the event that an unauthorized person(s) enters upon,

inspects, operates, adjusts, changes, alters, or relocates any facilities without written consent from the General Manager or an authorized representative of the General Manager then the District reserves the right to prosecute such an unauthorized person to the fullest extent of the law.

### **Section 3.4      Water Quality Matters.**

The District endeavors to provide the highest quality water possible under current circumstances. All water provided by the District is done per the prescribed regulations of the California Department of Health Services and the United States Environmental Protection Agency.

- 3.4.1      Consumer Confidence Report. Prior to July 1 of each calendar year, the District provides to each Customer an annual Consumer Confidence Report for the water delivered to its Customers in the prior calendar year. This report is prepared in compliance with the current Safe Drinking Water Act of the State of California and is maintained on file with the District at the District's business offices.
- 3.4.2      Water Quality Assurance. It is the objective of the District to provide prompt, professional support and resolution to any water quality issue involving the District or District-supplied water. District personnel will make every effort to identify and evaluate the potential cause of a water quality issue involving the District or District-supplied water and provide Consumer assistance.
- 3.4.3      Water Quality Investigation Procedure. When a water quality concern involving the District or District-supplied water arises, a District certified technician shall promptly respond. The technician may draw a water sample from either inside or outside the residence, for comparison purposes, dependent upon the circumstances. The technician will analyze the conditions and, if deemed necessary by the technician, the water sample will be forwarded to a certified laboratory for testing purposes. The Consumer will be notified, in writing, that the testing will take place. Upon receipt by the District of the results, usually within one week, the District will first attempt to immediately notify the Customer of the results, via the

telephone, of the laboratory results. The Customer shall secondly be notified, in writing by certified mail, return receipt requested, of the laboratory results.

- 3.4.4 Water Quality Correction. In the event a water quality concern is identified, the District is authorized to take any and all necessary actions to correct the identified water quality concerns.

### **Section 3.5      Cross-Connection Prevention.**

- 3.5.1 General. The purpose of this Section is to protect the District's potable water supply against actual or potential cross-connections by isolating within the premises contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection on the premises, and to prevent cross-connections from occurring in the future, in accordance with Title 17, Chapter 5, of the California Code of Regulations.

These provisions shall be in addition to and not in lieu of the controls and requirements of other regulatory agencies, such as local governmental agencies and local and State health departments. These regulations are intended to protect the District's potable water supply and are not intended to provide regulatory measures for protection of users from the hazards of cross-connections within their own premises.

Backflow prevention devices, as required in these provisions, shall be provided and maintained by the applicant, owner, or customer at his expense. Such devices shall be located on the premises of the property served and shall not be on the District's portion of the system.

- 3.5.2 Administration of District Control Program. The Maintenance Supervisor shall be responsible for implementing and enforcing the District's backflow control program. The District will establish and maintain a list of approved backflow assemblies. The District shall conduct necessary surveys of water user premises, as required, to evaluate the degree of potential health hazards.

The District shall test the assembly and effect repairs, as necessary. The water user shall be responsible for the testing cost and all labor and repair costs associated with the testing,

based on the District's current fees and charges.

3.5.3 Where Protection is Required. Backflow protection for the District's potable water supply shall be provided as follows:

- 3.5.3.1 Each water service connection for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the District's water system, unless the auxiliary water supply is approved by the public health agency having jurisdiction.
- 3.5.3.2 Each water service connection for supplying water to premises on which any substance is handled under pressure in such fashion as to permit entry into the water system shall be protected against backflow of the water from the premises into the District's system. This shall include the handling of process waters and waters originating from the District's system that have been subject to deterioration in sanitary quality.
- 3.5.3.3 Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the District and approved by the Department of Health Services.

The onsite reclaimed water system is a separate and controlled nonpotable system. Under normal conditions, protective devices will not be required on the District's potable water services, although under no circumstances will the District tolerate an actual or potential cross-connection between the District's potable water supply and the District's onsite reclaimed water facilities.

The District may require backflow prevention devices on the District's potable water supply in certain cases and shall review each service on a case-by-case basis. In cases, as determined by the District, in which reclaimed water is used on individually and

privately owned premises and is under individual and private control, such as in the case of an industrial user, in which reclaimed water is used at schools and public parks with extensive systems and high public exposure and use, in which the onsite reclaimed water system has additional pressure added through pumping, the District may require a backflow prevention device on its potable water supply. The type of protection device, if required by the District, shall be determined by the District.

3.5.4 Type of Protection. The backflow prevention devices described below shall conform and be installed in compliance with the requirements set forth in Title 17, Chapter 5 of the California Code of Regulations. The protective device required shall depend on the degree of hazard as tabulated below:

- 3.5.4.1 At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross-connection, the District water supply shall be protected by an approved Double Check Valve Assembly.
- 3.5.4.2 At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health), if introduced into the District's system, is handled so as to constitute a cross--connection, the District's system shall be protected by an approved Double Check Valve Assembly.
- 3.5.4.3 At the water service connection on any premises on which there is an auxiliary water supply where cross-connections are known to exist that cannot be presently eliminated, the District's system shall be protected by an Air-Gap Separation. An approved Reduced Pressure Principal Backflow Prevention Device or an approved Double Check Valve Assembly may be used in lieu of such device if approved by the District and the California Department of Health Services and local health department.
- 3.5.4.4 At the water service connection to any premises on

which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the District's system shall be protected by an Air-Gap Separation. Temporary construction services shall be protected by Air-Gap

Separation. The air gap shall be located as close as practicable to the service meter, and all piping between the service meter and receiving tank shall be entirely visible. If these conditions cannot reasonably be met, the District's system shall be protected with either an approved Reduced Pressure Principle Backflow Prevention Device or an approved Double Check Valve Assembly, providing the alternative is acceptable to both the District and the California Department of Health Services and local health department.

3.5.4.5 At the water service connection to any sewage treatment plant or sewage pumping station, the District's system shall be protected by an Air-Gap Separation. The air gap shall be located as close as practicable to the service meter, and all piping between the service meter and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the District's system shall be protected with an approved Reduced Pressure Backflow Prevention Device, providing this alternative is acceptable to both the District and the local health department. Final decision in this matter shall rest with the California Department of Health Services.

3.5.4.6 Premises where fire prevention systems are installed:

1. On premises where the fire system is directly supplied from the District's water system and there is an auxiliary water supply on or to the premises which is not interconnected to the District water system, the District's system shall be protected by a Double Check Valve Assembly;

2. On premises where the fire system is

supplied from the District water system and is interconnected with an auxiliary water supply, the District's system shall be protected by an Air-Gap Separation. An approved Reduced Pressure Principal Backflow Prevention Device or an approved Double Check Valve Assembly may be used in lieu of such device if approved by the District and by the local health department; and

3. On premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from private reservoirs or tanks are used the District's system shall be protected by an approved Double Check Valve Assembly.

Situations which are not covered in 3.8.4.1 through 3.8.4.6 shall be evaluated on a case by case basis and the appropriate backflow prevention shall be determined by the District or the local health department.

Additional criteria may be obtained from the "Manual of Recommended Practice for Backflow Protection and Cross-Connection Control for Public Water Suppliers," as amended and prepared by the Cross Connection Control Committee of the Orange County Water Association.

- 3.5.5 Inspection and Testing of Protection Devices. It shall be the duty of the water user on any premises on which backflow prevention devices are installed to have competent inspections made at least once a year, and immediately after installation, relocation or repair, or more often in those instances where successive inspections indicate repeated failure. All inspections and testing shall be performed by a tester certified by the local health department. These devices shall be repaired, overhauled, or replaced at the expense of the water user whenever they are found to be defective. Records of all such tests, repairs, and overhauls shall be maintained by the water user and made available to the local health department.

Copies of tests, repairs, and overhauls for backflow prevention devices at the District's meter and any others designated by the District shall be supplied to the District.

3.5.6 Marking Safe and Unsafe Water Lines. Where the premises contain dual or multiple water systems and piping, the exposed portions of pipelines shall be painted, banded, or marked at sufficient intervals to distinguish clearly which water is safe and which is not safe. All outlets from secondary or other potentially contaminated systems shall be posted as being contaminated and unsafe for drinking purposes. All outlets intended for drinking purposes shall be plainly marked to indicate that fact.

3.5.7 Water Supervisor. The local health department and the District shall be kept informed of the identity of the person responsible for the water piping on all premises concerned with these regulations. At each premise where it is necessary in the opinion of the local health department and/or the District, a water supervisor shall be designated. This water supervisor shall be responsible for the installation and use of pipelines and equipment and for the prevention of cross-connections.

In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the local health officer and the District shall be promptly advised by the person responsible for the water system so that appropriate measures may be taken to overcome the contamination or pollution.

3.5.8 Water Service Termination. When the District encounters water uses that represent a clear and immediate hazard to the potable water supply of the District that cannot be immediately abated, the procedure for terminating water service shall be instituted. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following:

- i. Refusal to install or test a backflow prevention assembly, or to repair or replace a faulty backflow prevention assembly.
- ii. Direct or indirect connection between the public



water system and a sewer line.

- iii. Unprotected direct or indirect connection between the District water system and a system or equipment containing contaminants.
- iv. Unprotected direct or indirect connection between the District's water system and an auxiliary water system.

For condition (i), the District will terminate service to a water user's premises after proper notification has been sent and the water user has not taken correct action within the allowed time period.

For conditions (ii), (iii), or (iv), the District shall take the following steps:

- a. Make a reasonable effort to advise the water user of the intent of the District to terminate water service and the reasons therefore, and the time allowed for correction of the situation.
- b. Terminate water service and lock the service valve. The water service shall remain inactive until correction of the violation(s) have been approved of by the District.

### **Section 3.6 Prohibited and Unlawful Practices.**

Unlawful Practices: Upon District's staff becoming aware of unlawful or illegal practices affecting the District's water supply or otherwise affecting District facilities, the District staff shall report such activities to the appropriate law enforcement officials. The following Code sections contain offenses that are prohibited by State law. However, these sections are not intended to be an exclusive, comprehensive list of all offenses subject to civil or criminal action.

#### **A. Penal Code Section 498 - Theft of utility services.**

The following definitions govern the construction of this section:

- 1. "Person" means any individual, or any partnership, firm, association, corporation, limited liability company, or

other legal entity.

2. "Utility" means any electrical, gas or water corporation as those terms are defined in the Public Utilities Code, and electrical, gas or water systems operated by any political subdivision.
3. "Customer" means the person in whose name utility service is provided.
4. "Utility service" means the provision of electricity, gas, water, or any other service provided by the utility for compensation.
5. "Divert" means to change the intended course or path of electricity, gas, water without the authorization or consent of the utility.
6. "Tamper" means to rearrange, injure, alter, interfere with, or otherwise prevent from performing a normal or customary function.
7. "Reconnection" means the reconnection of utility service by a customer or other person after service has been lawfully disconnected by the utility.
  - a. Any person who, with intent to obtain for himself or herself utility services without paying the full lawful charge thereof, or with intent to enable another person to do so, or with intent to deprive any utility of any part of the full lawful charge for utility services it provides, commits, authorizes, solicits, aids, or abets any of the following shall be guilty of a misdemeanor:
    1. Diverts or causes to be diverted utility services, by any means whatsoever.
    2. Prevents any utility meter, or other device used in determining the charge for utility services, from accurately its measuring function by tampering or by any other means.
    3. Tampers with any property owned by or used

by the utility to provide utility services.

4. Makes or causes to be made any connection with or reconnection with property owned or used by the utility to provide utility services without the authorization or consent of the utility.
  5. Uses or receives the direct benefit of all or a portion of utility services with knowledge or reason to believe that the diversion, tampering, or unauthorized connection existed at the time of that use, or that the use or receipt was otherwise without the authorization or consent of the utility.
- b. In any prosecution under this section, the presence of any of the following objects, circumstances, or conditions on premises controlled by the customer or by the person using or receiving the direct benefit of all or a portion of utility services obtained in violation of this section shall permit an inference that the customer or person intended to and did violate this section:
1. Any instrument, apparatus, or device primarily designed to be used to obtain utility services without paying the full lawful charge thereof.
  2. Any meter that has been altered, tampered with, or bypassed so as to cause no measurement or inaccurate measurement of utility services.
- c. If the value of all utility services obtained in violation of this section totals more than four hundred dollars (\$400) or if the defendant has previously been convicted of an offense under this section or any former section which would be an offense under this section, or of an offense under the law of another state or of the United States which would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in the county jail for not more than

one year, or in the state prison.

- d. This section shall not be construed to preclude the applicability of any other provision of the criminal law of this state.

B. Penal Code Section 592 - Canals, ditches, flumes or reservoirs.

Every person who shall, without authority of the owner or managing agent, and with intent to defraud, take water from any canal, ditch, flume, or reservoir used for the purpose of holding or conveying water for manufacturing, agricultural, mining, irrigating or generation of power, or domestic uses is guilty of a misdemeanor.

If the total retail value of all of the water taken is more than four hundred dollars (\$400), or if the defendant has previously been convicted of an offense under this section or any former section that would be an offense under this section, or of an offense under the laws of another state or of the United States that would have been an offense under this section if committed in this state, then the violation is punishable by imprisonment in the county jail for not more than one year, or in the state prison.

C. Penal Code Section 607 - Hydraulic power, drainage, reclamation, or irrigation facilities; injury or destruction; plowing bed of natural water course or ditch; punishment.

Every person who willfully and maliciously cuts, breaks, injures, or destroys, or who, without the authority of the owner or managing agent, operates any gate or control of, any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp, overflow, tide, or marsh land, or to store or conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town, or any embankment necessary to the same, or either of them, or willfully or maliciously makes, or causes to be made, any aperture or plows up the bottom or sides

in the dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure, with intent to injure or destroy the same; or draws up, cuts, or injures any piles fixed in the ground for the purpose of securing any sea bank, sea wall, any dock, quay, jetty, lock; or who, between the first day of October and the fifteenth day of April of each year, plows up or loosens the soil in the bed on the side of any natural water course, reclamation ditch or drainage ditch, with an intent to destroy the same without removing the soil within 24 hours from the water course, reclamation ditch, or drainage ditch, or who, between the fifteenth day of April and the first day of October of each year, plows up or loosens the soil in the bed or on the sides of the water course, reclamation ditch or drainage ditch, with an intent to destroy the same and does not remove therefrom the soil so plowed up or loosened before the first day of October next thereafter, is guilty of a vandalism under Section 594. Nothing in this section shall be construed so as to in any manner prohibit any person from digging or removing soil from any watercourse, reclamation ditch, or drainage ditch for the purpose of mining.

D. Penal Code Section 624 - Water works, facilities, or pipes.

Every person who willfully breaks, digs up, obstructs, or injures any pipe or main for conducting water, or any works erected for supplying buildings with water, or any appurtenances or appendages connected thereto, is guilty of a misdemeanor.

E. Penal Code Section 625 - Water; drawing from stopcock or faucet after closing by competent authority.

DRAWING WATER FROM WORKS AFTER THEY HAVE BEEN CLOSED. Every person who, with intent to defraud or injure, opens or causes to be opened, or draws water from any stopcock or faucet by which the flow of water is controlled, after having been notified that the same has been closed or shut for specific cause, by order of competent authority, is guilty of a misdemeanor.

F. Health and Safety Code Section 116975 - Animal carcass

or offal in waters.

No person shall put the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop, into any river, creek, pond, reservoir, or stream.

- G. Health & Safety Code Section 116980 - Drainage into water supply; water closet, privy, cesspool, septic tank, animal carcass, offal.

No person shall put any water closet, privy, cesspool or septic tank, or the carcass of any dead animal, or any offal of any kind, in, or upon the borders of, any stream, pond, lake, or reservoir from which water is drawn for the supply of any portion of the inhabitants of this State, in a manner that the drainage of the water closet, privy, cesspool or septic tank, or carcass, or offal may be taken up by or in the water.

- H. Health & Safety Code Section 116985 - Drainage into water supply; water closet, privy, cesspool, septic tank, animal carcass, offal.

No person shall allow any water closet, privy, cesspool, or septic tank, or carcass of any dead animal, or any offal of any kind, to remain in or upon the borders of any stream, pond, lake, or reservoir within the boundaries of any land owned or occupied by him or her, in a manner that the drainage from the water closet, privy, cesspool or septic tank, or carcass, or offal, may be taken up by or in the stream, pond, lake, or reservoir, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

- I. Health & Safety Code Section 116990 - Contamination of water supply by livestock.

No person shall keep any horses, mules, cattle, swine, sheep, or live stock of any kind, penned, corralled, or housed on, over, or on the borders of any such stream, pond, lake, or reservoir, in such a manner that the waters become polluted, if water is drawn therefrom for the supply of any portion of the inhabitants of this state.

- J. Health & Safety Code Section 116995 - Contamination of water supply by livestock.

No person shall cause or permit any horses, cattle, sheep, swine, poultry, or any kind of live stock or domestic animals, to pollute the waters, or tributaries of waters, used or intended for drinking purposes by any portion of the inhabitants of this state.

- K. Health & Safety Code Section 117000 - Bathing in or otherwise polluting water supply.

No person shall bathe, except as permitted by law, in any stream, pond, lake or reservoir from which water is drawn for the supply of any portion of the inhabitants of this state, or by any other means foul or pollute the waters of any such stream, pond, lake, or reservoir.

- L. Health & Safety Code Section 117010 - Washing clothes in water supply; misdemeanor; penalty.

Every person who washes clothes in any spring, stream, lake, reservoir, well or other waters that are used or intended for drinking purposes by the inhabitants of the vicinage or of any city, county, or town, of this state, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 90 days, or a fine of not less than fifty dollars (\$50) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

Each day's violation of this section is a separate offense.

- M. Health & Safety Code Section 117020 - Waste well in subterranean water supply.

No person shall construct, maintain, or use any waste well extending to or into a subterranean water-bearing stratum that is used or intended to be used as, or is suitable for, a source of water supply for domestic purposes, except pursuant to Article 6 (commencing with Section 13540) of Chapter 7, Division 7 of the Water Code.

- N. Health and Safety Code Section 117015.

Every person who violates, or refuses or neglects to conform to, any sanitary rule, order, or regulation prescribed by the department for the prevention of the pollution of springs, streams, rivers, lakes, wells, or other waters used or intended to be used for human or animal consumption, is guilty of a misdemeanor.

### **Section 3.7 Private Water Systems.**

Private water systems within the District are prohibited. Private water systems are systems wherein the water is purchased from the District and resold to ultimate users. The District reserves the right to commence legal proceedings against any private water system within the District's boundaries.

### **Section 3.8 Submetering and Prohibited Practices.**

- 3.8.1 Application. This subsection pertains to multi-family residential units or mobile home parks located within the District's service boundaries to which the District provides water service. For purposes of this rule, multi-family residential units shall mean two or more residential units served from one water meter.
- 3.8.2 Prohibited Practices. In the case of multi-family residential units or mobile home parks that install or utilize submeters or a submetering system in order to allocate the costs of water to tenants, subtenants, lessees or similar persons or parties, the following practices shall be prohibited (unless authorized in advance in writing by the Board, or by the General Manager at the direction of the Board):
1. No Customer, or contractee with a Customer, shall represent to any submetered tenant, subtenant, lessee or similar person or party that such Customer (or such contractee) is a provider of water service or water services; and
  2. No Customer, or contractee with a Customer, shall terminate, or threaten to terminate, water service to any submetered tenant, subtenant, lessee or similar person or party by reason of non-payment of any allocated costs for water.



A violation of this rule occurs whenever the District becomes aware of a violation of Rule 3.8.2(1) or 3.8.2(2), as set forth above. Upon the District becoming aware that such a violation has occurred, it shall provide written notice to the Customer to cure such violation, and the notice shall include: (1) a statement of the nature of the violation, (2) the date upon which the District became aware of the violation, and (3) a date by which the District shall cure such violation. If such violation is not cured by the date stated in the notice, the provisions of Section 4.9 of these Rules and Regulations shall apply. Any such violation shall be reported by the General Manager to the Board, in writing, together with a description of the action(s) taken to compel enforcement of these Rules and Regulations as soon thereafter as shall be practical.

Consumers that have submeter systems attached to the District's water system shall comply with all applicable laws, statutes and regulations of the State of California and the city in which they are located, or the County, as applicable.

The District encourages conservation efforts, including submetering, to support and promote conservation of water use within its service boundaries; however, the District does not encourage, favor or support any submetering system or process that is used to generate revenue(s) over and above the fair and reasonable cost of installation of such system, fairly allocated costs of water and reasonable administrative costs.

### **Section 3.9 Private Sprinkler Line Policy.**

Certain residential dwelling units located within the District's service area may have installed, or may in the future install, fire sprinkler systems which are connected down-stream of the District's service meter (Point of Ownership) (for purposes of this Section, a "PFL System"). The District hereby provides notice that it is not responsible, and assumes no liability of any kind, for the installation, ownership, operation or use of any such PFL System. The provisions of Sections 4.6, 4.7, 4.8 and 4.11 of these Rules and Regulations shall apply to any such PFL System. The District expressly declines to provide, or guarantee, any particular water service, or pressure, to any Consumer, or customer account, which has such a PFL System, and no contractual obligation therefore shall arise, whether through a Water Service

Agreement or otherwise, without the express prior written agreement of the Board. The District assumes no liability whatsoever for any injuries or damages, of whatever nature, that arise or occur based on the installation, ownership, operation or use of any such PFL System. The provisions of this Section shall be in addition to, and not in derogation of, the District's statutory protections applicable to such matter.

### **Section 3.10 Unauthorized Connections.**

In the event of unauthorized connections to the District's water system, the General Manager shall determine the party or parties responsible for each connection or connections. The General Manager shall also take such reasonable steps as necessary to determine the amount of water taken from each unauthorized connection. For each unauthorized connection, a charge is hereby imposed of Two Hundred Fifty Dollars (\$250.00) plus twice the District's domestic water rate for the amount of water taken. The District reserves the right to determine the methodology and volume of water taken. Each day an unauthorized connection continues shall be treated as a separate violation of this Section. The District shall have all other rights as provided in Section 4.9 of these Rules and Regulations.

### **Section 3.11 Inspection.**

If the General Manager has cause to believe that the safety or healthfulness of the District's water system is in danger, the General Manager or his authorized representative shall have the right to enter upon the Consumer's premises during reasonable hours for the purpose of inspecting the Consumer's water system and to insure compliance with these regulations. (The District shall have access of such premises as provided in Section 4.4 herein.) For inspections not involving emergency or dangerous conditions, the General Manager, or his authorized representative, shall upon twenty-four (24) hours written, or telephonic, notice have the right to enter upon the Consumer's premises during reasonable hours for the purpose of inspecting the Consumer's water and sewer system and to insure compliance with these Regulations including, but not limited to, the provisions that the self-regenerating water softeners shall not be connected to the sewer system and that all cross-connections be properly protected.

### **Section 3.12 Easement Abandonment and Acceptance.**

Abandonment by the District of its interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board.

- 3.12.1 Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board.
- 3.12.2 Acceptance by the District of any interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of facilities, shall require approval of the Board.
- 3.12.3 Commitments to accept easements or assurance that easements will be accepted may be provided by staff only after approval of same by the Board by adoption of a resolution.
- 3.12.4 Easement documents shall be in the format approved by the District and shall be acceptable to a District-authorized Engineer. The easement shall be accompanied by a legal description and plat, prepared by a duly licensed civil engineer or land surveyor, and a litigation guarantee and any subordinate agreement executed by the holders of all prior interests and encumbrances.
- 3.12.5 Easements to be granted to the District on subdivision or parcel maps shall contain the following language:

"All easements conveyed hereon to the Trabuco Canyon Water District (TCWD) are perpetual, nonexclusive easements and rights-of-way for sewer and water purposes, including, specifically, but not by way of limitation, the right to lay, construct, reconstruct, remove and replace, renew, inspect, maintain, repair, improve, relocate, and otherwise use water, reclaimed water and sewer pipeline or pipelines, together with incidental appurtenances, connections and structures, in, over, under, upon, along, through and across the real property shown hereon.

Said easements are conveyed together with the right to enter upon and to pass and repass over and along said land for the construction, operation and maintenance of the facilities to be constructed in said easements by TCWD.

The easements and rights-of-way are acquired subject to the right of the owner, their successors and assigns, to use the surface of the land within the boundary lines of such easements and rights-of-way to the extent that such is compatible with the full and free exercise of said easements and rights-of-way by TCWD, provided however, that no streets, alleys, roadways, fences, block walls, landscaping, trees or other structures or other improvements shall be constructed upon, over and along said easements and rights-of-way without first obtaining the consent of TCWD.

No fill shall be placed or maintained over the surface of the ground nor shall any earth be removed from the cover of said pipeline after construction without first obtaining the written consent of TCWD."

### **Section 3.13 Acceptance of Fee Dedications.**

All deeds conveying fee simple interest in property to the District shall be in a form acceptable to the District legal counsel and the District authorized Engineer and shall be accompanied by a current litigation guarantee in a form acceptable to the District showing the current ownerships of the subject property and showing that there are no prior encumbrances or easements on the subject property.

### **Section 3.14 Provision of Serve After Transfer of Facilities.**

The District will assume responsibility for providing water and sewer services to individual lots within a development upon transfer to District of title to all facilities in the required water distribution and sewer collections system and any necessary easements therefore which shall be in a form acceptable to the District and not subject to outstanding obligations to relocate such facilities or any deeds of trust except in instances where such is determined by the Board or the Manager, to be in the best interests of the District.