RESOLUTION NO. 2022-186

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA

RE: ADOPTION OF SARASOTA COUNTY PUBLIC UTILITIES DEPARTMENT WATER AND WASTEWATER RULES AND REGULATIONS

WHEREAS, the Board of County Commissioners of Sarasota County, Florida (hereinafter referred to as the "Board"), is authorized and empowered by Chapter 125, Florida Statutes, to acquire, own, operate, maintain and provide water and wastewater utility systems within portions of the unincorporated areas of Sarasota County known as the Sarasota County Public Utility System (hereinafter referred to as the "Utility System"); and

WHEREAS, Sarasota County (hereinafter referred to as the "County") owns and operates the Utility System; and

WHEREAS, Section 126-35(6)c. of the Sarasota County Code (hereinafter referred to as the "Code") provides authority for the Board to prescribe rules and regulations reasonably necessary and proper for administration of the Utility System and enforcement of Article II, Chapter 126 of the Code; and

WHEREAS, the adoption of a set of rules and regulations is necessary for the proper administration, management, and operation of the Utility System and will significantly enhance the ability of the Board and the Utilities Department to regulate, operate, and provide efficient Utility System services to existing and future Utility System users (hereinafter collectively referred to as "Customers"); and

WHEREAS, the Board is empowered to prescribe, fix, establish, and collect fees, rates, and other charges for the use of the facilities and services furnished by the Utility System, to retire outstanding bonds, certificates, or other forms of debt, and to provide a margin of safety over and above the total amount of any such expenses; and

WHEREAS, the Board has established by separate resolution, rates, fees, and charges for Customers; and

WHEREAS, such rates, fees, and charges encourage Customers to conserve water by establishing an inverted tier water rate structure; and

WHEREAS, the Board recognizes that economic impact, past due balance, and the undue hardship of water service shutoffs have on the Account Holder and the Utility System, it is appropriate to authorize the County Administrator or designee to approve Payment Plans pursuant to these rules and regulations. In all cases, the Account Holder shall pay the monthly bill unless the County Administrator or designee has approved other arrangements; and

WHEREAS, the County's outstanding utility bonds require all Customers to pay for

provided Utility System services, and any adjustment to Customers' bills for such services must be made uniformly; as such, the Board finds it necessary to establish rules and regulations for adjustments to Customers' Utility System bills; and

WHEREAS, the Board deems this resolution to be in the best interest of the public health, safety, and welfare of Customers and the County; and

WHEREAS, the Board held a duly advertised public hearing on such rules and regulations on August 30, 2022, to receive testimony and evidence on such rules and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Sarasota County, Florida, in a public meeting duly assembled, that:

1. The rules and regulations attached hereto and made a part hereof by reference are just, equitable, and in keeping with good business practices and government administration and management.

2. These rules and regulations are hereby adopted and shall be the governing rules and regulations for the operation of the Sarasota County Utility System.

3. This resolution supersedes and replaces Resolution No. 2020-103 in its entirety.

4. This resolution and the rules and regulations made a part thereof shall become effective immediately upon adoption.

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PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA this 30th day of August, 2022.

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY; FLORIDA

By: _____
Chairman

ATTEST:

KAREN E. RUSHING, Clerk of
Circuit Court and ex-officio
Clerk of the Board of County Commissioners
of Sarasota County, Florida

By: Maria Bocci
Deputy Clerk

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SARASOTA COUNTY PUBLIC UTILITIES DEPARTMENT
WATER & WASTEWATER RULES & REGULATIONS

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CHAPTER 1
GENERAL PROVISIONS

1.00 Definitions

For these Rules and Regulations, the following definitions shall apply:

(1) "Active Connection" means a connection to the Department (meaning mainly, as used here, the County-owned water, reclaimed water, and wastewater utility systems operated and administered by the Department) at the Point of Delivery for water and/or wastewater systems whether or not service is currently being provided.

(2) "Board" means Sarasota County Board of County Commissioners.

(3) "Capital Contribution" means any amount or item of money, service, or property received by the Department from any person or governmental agency, any portion of which is provided at no cost to the Department, which represents an addition or transfer to the capital of the Department, and which is utilized to offset the acquisition, improvement or construction costs of the Department's property, facilities or equipment used to provide service to the public. The term includes System Capacity Charges, Main Extension Charges, plant expansion fees, and Customer Connection Charges.

(4) Class of Service – Water, Wastewater, or Reclaimed Water

"Class I User": Residential

"Class II User": Commercial User (Hotels, Restaurants, Schools, etc.)

"Class III User": Industrial User - Industrial Users shall include, but not be limited to:

a. Hospitals
b. Mortuaries
c. Photographic processing facilities
d. Metal Plating facilities
e. Electronic manufacturing facilities
f. Synthetic organic manufacturing facilities
g. Newspaper production facilities
h. Alcohol production facilities

(5) "Complaint" means an objection made to the Department by a Customer as to the Department's charges, facilities, or service, where the resolution of the Complaint requires action on the part of the Department.

(6) "Contributor" means a person, builder, developer, or other entity that makes a Capital Contribution.

(7) "Customer" means any person, firm, association, corporation, governmental agency, or similar organization receiving service from the Department and is further classified as Residential, Commercial, or Industrial.

(a) "Residential" means any residence, building, unit, or living quarters intended for occupancy or residence by one or more persons for which the primary use shall be domestic living.

(b) "Commercial" means any nonresidential, nonindustrial business enterprises including, but not limited to, retail stores, hotels, motels, restaurants, and schools.

(c) "Industrial" means any manufacturing and processing establishment including, but not limited to, hospitals and medical offices, mortuaries, photographic processing facilities, metal plating facilities, electronic manufacturing facilities, synthetic organic manufacturing facilities, and newspaper production facilities.

(8) "Customer Connection Charge" means any payment made to the Department for the cost of installing a connection from the Department's water or wastewater lines, including, but not limited to, the cost of piping and the Meter Installation Fee.

(9) "Customer's Installation" means all pipes, shut-offs, valves, fixtures, and appliances or apparatus of every kind and nature used in connection with or forming a part of an installation for utilizing water or wastewater for any purpose, located on the Customer's side of the Point of Delivery, whether such installation is owned outright by Customer or used by Customer under lease or otherwise. The Customer wastewater installation includes the facilities from the house or structure to the wye, including connection to the wye, located near or at the property line, including the required cleanout device.

(10) "Department" means the Sarasota County Public Utilities Department and those County-owned water, wastewater, and reclaimed water utility systems operated and administered by the Department.

(11) "Dental amalgam" means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.

(12) "Dental Discharger" means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by federal, state, or local governments, that discharge wastewater to a municipal, including County-owned, wastewater treatment plant.

(13) "Economic Feasibility" means, in the context of an expansion of a utility plant or a line extension, a determination made at the Board's discretion that such expansion will serve a sufficient number of Customers to enable the Department to recover capital costs associated with such expansion within a reasonable period so that other Customers do not unfairly subsidize the project.

(14) "Equivalent Dwelling Unit (EDU)" means the number of gallons the Department demonstrates is representative of the average water usage required to serve a typical individually metered single-family residential customer. This class of users usually represents the largest group of customers served by a utility and typically has the lowest usage requirements for a specifically metered account.

(15) "Guaranteed Revenue Agreement" means a fully executed written agreement for service by which an applicant for service agrees to pay a charge designed to cover the Department's costs including, but not limited to the cost of operation, maintenance, depreciation, and any taxes, and to provide a reasonable return to the Department, for facilities that are subject to the agreement, a portion of which may be used and useful to the Department or its existing Customers.

(16) "Hydraulic Share" means the pro rata share of the capabilities of the Department's facilities to be made available for service to the Contributor. The pro rata share is multiplied by the unit cost (per gallon) of providing the facilities to determine the proportional share of the cost thereof to be borne by the Contributor.

(17) "Industrial Wastewater" means wastewater not otherwise defined as domestic wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or Commercial storage, handling, or processing.

(18) "Infiltration" means water, other than wastewater, that enters the Off-Site Facilities (including Wastewater Service Connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.

(19) "Inflow" means water, other than wastewater, that enters Off-Site Facilities (including Wastewater Service Connections) from other sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs or swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, stormwater, surface runoff, street wash waters, or drainage.

(20) "Inspection Fee" means either the actual or the average cost to the Department of inspecting, or having inspected, the facilities constructed on behalf of a Contributor or by an independent contractor for connection to the facilities of the Department.

(21) "Main" shall refer to a pipe, conduit, or other facility conveying water to the individual water services or other Mains in the distribution system, the pipe, conduit, or other facility conveying wastewater from the individual laterals between portions of the collection system.

(22) "Main Extension Charge" means a charge made by the Department to cover all or part of the capital costs incurred in extending its off-site water or wastewater facilities to provide service to specified property. The charge is determined on the "Hydraulic Share" basis or other acceptable methods reasonably related to the service's cost.

(23) "Master Meter" means a Meter owned and maintained by the Department through which three or more Customers receive service, the purpose for such Master Meter being to reduce the number of Meters maintained and read by the Department, as well as to define a point of transition of Departmental responsibility for water Main maintenance to private responsibility.

(24) "Meter" shall mean any approved device used to measure service rendered to a Customer by the Department.

(25) "Meter Installation Fee" means the fee authorized by the Board, which is designed to recover the cost of installing the water Meter at the Point of Delivery, including materials and labor required.

(26) "Official Date of Filing" means the date on which an applicant has filed completed sets of the minimum filings requirements for any application and paid the appropriate filing fee to the Department.

(27) "Off-Site Facilities" means either the County-owned water transmission Mains and facilities or the wastewater collection trunk Mains and facilities, including, but not limited to, manholes, wastewater force Mains, and wastewater pumping stations, the purpose of which is either to provide water service to properties within the service territory of the Department or to collect wastewater or sewage received from properties within the territory.

(28) "On-Site Facilities" means the portion of the water distribution system or the wastewater collection and treatment system that has been, or is to be, located wholly within the property to which service is to be extended. If Off-Site Facilities cross the property of the Customer via an easement, the On-Site Facilities shall mean the water distribution system or the wastewater collection system located on the Customer's property, exclusive of the Off-Site Facilities.

(29) "Payment Plan" means an agreement between the Utility and the customer to spread past due payments over a set period.

(30) "Point of Delivery" for wastewater systems means:

(a) For metered wastewater, it is the outlet side of the Meter where service is metered.

(b) For unmetered wastewater, it is at the Customer's property line or County's easement line.

(31) "Point of Delivery" for water systems means:

(a) For metered water, it is the outlet connection of the Meter assembly

(b) For unmetered water, it is the point at which the Department's piping connects to the Customer's piping.

(32) "Rate Resolution" refers to the most current resolution adopted by the Board setting the rates, fees, and charges for the Department and its services.

(33) "Rate Schedule" refers to rates or charges for a particular service classification.

(34) "Reasonable Hours" refers to all daylight hours, hours after daylight for which an appointment has been made and accepted by the Department, or any hour when it is obvious, as determined by the Department, that a major malfunction or accident has occurred, and immediate repairs are necessary.

(35) "Sanitary Sewer Overflow" means the release of untreated wastewater into the environment.

(36) "Service Connection" means the connection point of the Customer's piping with the Meter or Service Pipe owned by the Department.

(37) "Service Pipe" means the pipe between the Department's Mains and the Point of Delivery and shall include all pipe, fittings, and valves necessary to make the connection, excluding the Meter.

(38) "Slug Discharge" means any short-term flow (15 minutes or less) which exceeds the users' Average Daily Flow (ADF) by 50% or more.

(39) "Special Service Availability Contract" means a fully executed agreement for charges for the extension of service, which is not provided in the Department's service availability policy.

(40) "System Capacity Charge" means the charge made by the Department for each new connection to the Department (meaning particularly, as used here, the County-owned water, wastewater, and reclaimed water utility systems operated and administered by the Department), which charge is designed to recover a pro-rata portion of the capital costs necessary to render service.

(41) "Treatment Facilities" means the facilities used for the production and treatment of water or the treatment and disposal of wastewater.

(42) "Unused Connection" means a water or wastewater service that terminates at the Point of Delivery of service and is available for connection by the Customer, but where the proposed Customer's water or wastewater line has never been connected at the Point of Delivery of service.

(43) "Utility Agreement" means a fully executed written agreement setting forth in detail the terms and conditions under which the Department will render service to a developer's property in accordance with Resolution 2014-220.

(44) "Utility Code" means chapter 126 of the Sarasota County Code of Ordinances, as it

may be amended from time to time.

(45) "Wastewater Service Line" means the line between the Main line up to and including the wye, located near or at the property line, including all pipe and fittings to make the connection from the wye to the Main line.

1.10 Rules for General Applications

The rules hereinafter set forth are for general application to all Department water and wastewater utilities and are subject to such changes and modifications as the Board from time to time may adopt. The rules are subject to exceptions as the Board may consider just and reasonable in individual cases.

1.20 Application and Scope

(1) These rules and regulations are intended to define and promote good utility practices, adequate and efficient service to the public at a reasonable cost, and to establish the rights and responsibilities of both the Department and the Customer.

(2) In any case where compliance with any of these rules introduces unusual hardship, or if unreasonable difficulty is involved in immediate compliance with any particular rule, an application may be made to the Board for modification of the rule or a temporary exemption from its requirements.

(3) The adoption of these rules and regulations shall in no way preclude the Board from altering or amending them, in whole or in part, by resolution or from requiring any other or additional service, equipment, facility, or standard.

(4) The Board may modify the application of these rules and regulations as may be found necessary to meet exceptional conditions after notice and public hearing.

(5) No deviation from these rules shall be permitted unless authorized in writing by the Board.

(6) It is not intended that any rule or regulation contained herein supersede or conflict with any applicable regulation of the Florida Department of Health or the Florida Department of Environmental Protection (FDEP). Compliance by the Department with the regulations of the FDEP or on a particular subject matter shall constitute compliance with such of these rules as relating to the same subject matter unless the rules set forth herein establish a more rigorous or restrictive standard, in which case, these rules and regulations shall control.

(7) The Department Director or designee is authorized to interpret these rules and regulations consistent with the intent expressed herein. If a dispute arises between or among the Department, a Customer or applicant for service or other interested parties as a result of an interpretation of these rules and regulations by the Director, the dissatisfied Customer, applicant, or interested party may appeal such interpretation to the Board.

CHAPTER 2
RECORDS AND REPORTS

2.00 System Maps and Records

The Department shall maintain on file at its office located within Sarasota County suitable maps, drawings, and records of its system and facilities to show the size, location, character, date of installation, and installed cost of major items of plant and extension of facilities.

2.10 Availability of Rules, Regulations, Resolutions to Customer

The Department shall maintain and make available for Customer inspection, upon request, during regular business hours, a copy of the Utility Code and other related documents, such as Rate Resolutions, procedures manuals, ordinances, and related schedules.

CHAPTER 3
SERVICE PROVISIONS

3.00 Plants and Facilities

(1) The Department shall design, construct and install its plant in accordance with accepted engineering practices to ensure reasonably adequate and safe service to its Customers.

(2) The Department shall maintain and operate its plant and facilities in accordance with the rules of the FDEP.

(3) The Department shall exercise due care to reduce the hazards to which employees, Customers, and the public may be exposed because of the Department's equipment or facilities.

(4) The Department shall make reasonable efforts to warn and protect the public from any danger which exists or arises on account of the Department's equipment or facilities.

(5) The Department shall operate and maintain in safe, efficient, and proper condition all of its facilities and equipment used to distribute, regulate, measure, or deliver service up to and including the Point of Delivery.

(6) The Department shall operate and maintain in safe, efficient, and proper condition all of its facilities and equipment used to collect and regulate wastewater flow in the sewer Mains. The Department may require that each Customer be responsible for cleaning and maintaining sewer laterals to the Point of Delivery.

(7) The Department shall maintain on file at its office located within Sarasota County suitable maps, drawings, and records of its system and facilities to show the size, location,

character, date of installation, and installed cost of major items of plant and extension of facilities.

(8) The Department shall inspect its plant and facilities in such a manner and with such frequency as may be necessary to ensure the plant and facilities are maintained in proper condition for rendering safe and adequate service.

3.02 Service Facilities

(1) The Department shall provide service of suitable capacity from its Main up to and including the Customer's Point of Delivery and Meter for water service to the Customer. The Department may locate the Point of Delivery and the Meter box at or near the County's easement or the Customer's property line.

(2) The Department shall provide the Wastewater Service Line to the Service Connection when furnishing metered water service. If service is available adjacent to the property, the connection location may be located at or near the County's easement or the Customer's property line.

(3) The Department shall provide or cause to be provided adequate service facilities in accordance with the Utility Code and/or other Board-approved ordinances and resolutions.

(4) All service facilities remain the property of the Department up to the Point of Delivery.

3.04 Extent of System Which Department Shall Maintain

(1) The Department shall operate and maintain, in safe and efficient condition, the facilities and equipment used in connection with the collection and regulation of the flow of wastewater in the sewer Mains and the distribution, regulation, measurement, and delivery of water service to the Customer up to and including the Point of Delivery.

(2) Each Customer shall be responsible for cleaning and maintaining the On-Site Facilities used to convey wastewater from the Customer to the Point of Delivery.

(3) Each Customer shall be responsible for maintaining the On-Site Facilities used to convey water from the Point of Delivery to the Customer for the Customer's use.

3.06 Safety

The Department shall at all times use every reasonable effort to properly warn and protect the public from any danger and shall exercise due care to reduce the hazards to which employees, Customers, and the public may be subjected because of its equipment and facilities.

3.08 Continuity of Service

(1) The Department shall make all reasonable efforts to prevent interruptions to service and, should interruption(s) occur, shall re-establish service with the shortest delay consistent with the safety of its Customers and the general public. When an emergency interruption of service affects the service to any portion of a public fire protection system, the Department shall promptly notify the Fire Department of such interruption and subsequent restoration of normal service.

(2) Whenever the Department finds it necessary to schedule an interruption to its service to work on the system, such interruptions shall be scheduled at a time which will cause the least

inconvenience to all Customers, consistent with reasonable operations, and all such planned interruptions shall be preceded by reasonable notice to Customers within the affected area. For interruptions that affect the service to any portion of a public fire protection system, where provided, the Department shall promptly notify the Fire Department of the interruption, stating the approximate time and anticipated duration, and then promptly notify the Fire Department upon restoration of service.

3.10 Measurement of Service

(1) All water sold by the Department shall be sold on the basis of metered volume sales except that the Department may, at its option, provide a flat rate or estimated service for the following:

(a) Temporary service where the water use can accurately be estimated.

(b) Public and private fire protection services.

(c) Water used for street sprinkling and sewer flushing when provided by contract between the Department and the municipality or other local governmental authority.

(d) Other flat rate service arrangements shall be submitted to and approved by the Board.

(2) All Meters used by the Department for metering sales to Customers shall conform to the Standards for Cold Water Meters as adopted by the American Water Works Association Manual 6, as revised. Copies of this manual are available from the American Water Works Association or for review upon request from the Department.

3.12 Meter Installation

(1) The Department shall locate Meters at or near the Customer's property line or the County's easement, or if it is impractical to locate Meters at or near the Customer's property line or the County's easement, the Department may locate a Meter in any other reasonably convenient or accessible place which affords protection against damage to Meters.

(2) When Meters are grouped, the Department shall tag or otherwise identify each Meter to indicate the Customer whose services are measured by that Meter.

(3) The Department shall install an accessible service control valve on the inlet side of each Meter.

(4) All Meters shall be furnished by, and remain the property of, the Department and shall be at all times readily accessible. When Meters are inaccessible or cannot be read, the Department shall request the Customer remove whatever obstacles prevent such access. The Department's request to the Customer shall identify the obstacles and allow the Customer 15 days to make the meter accessible and/or readable; if a Customer fails to do so, after 15 days of receipt of the Department's request, the Department may discontinue the Customer's service and/or remedy the inaccessibility or unreadability and charge the Customer the Department's cost to do so.

3.14 Master Meters

(1) Shopping centers or shopping malls, professional office buildings, apartment

buildings, and the like with more than three units may be served by a Master Meter placed at the property line of the Customer(s), at the County's easement, or a location at the discretion of the Department Director.

(2) Master Meter assemblies shall be constructed in accordance with the applicable provisions of the most recent Utility Code, a copy of which is available for viewing at the Department's offices and/or online at the Department's website.

(3) Master Meters to be installed shall be included in on-site plans and specifications, identifying the location of said Master Meters and permitted by the Department. Each Master Meter shall be permitted individually. Master Meter testing requirements are the same as those required for water Mains.

(4) It shall be the developer's responsibility to connect the private water system to the outlet of the Master Meter assembly. The Department's responsibility for ownership and maintenance of the Master Meter assembly shall stop at the outlet of the Master Meter assembly.

(5) All Master Meters are the property of the Department, and, as such, only persons authorized by the Department shall be permitted to operate or maintain a Master Meter or Master Meter assembly, including any bypass facility.

3.16 Backflow Preventers

Approved backflow preventers shall be required on all connections to the Department's community system where an existing or potential cross-connection hazard exists. All backflow preventers shall be installed, inspected, and maintained according to the Unified Development Code, Utility Code, and the Cross-Connection Control Program Manual, as both may be amended from time to time, a copy of which is available for viewing at the Department offices or may be obtained from the Department upon request.

3.18 Meter Readings

(1) The Department shall read its service Meters at regular intervals and, insofar as practicable, within regularly scheduled workdays, on the corresponding day of each Meter reading period.

(2) The Department shall read the register of each Meter in the same units that the Department uses for billing purposes, except that a water Meter may register in gallons or cubic feet.

(3) Each service Meter shall be clearly marked to indicate the units registered.

(4) The Meter shall be marked with any constant or multiplier that the Department uses to determine the amount of service used by a Customer.

3.20 Meter Accuracy Requirements

(1) All Meters used for measuring the quantity of water delivered to a Customer shall be in good mechanical condition and shall be adequate in size and design for the type of service which they measure. The Customer or Customer's engineer shall state the size of the Meter needed subject to the approval of the Department.

(2) Before being installed for the use of any Customer, every water Meter shall be

adjusted to register within the accuracy limits set forth in the American Water Works Association Manual 6, as revised.

3.22 Meter Test Methods

(1) For the determination of minimum test flow and normal test flow limits, the standards and procedures set forth in the American Water Works Association Manual 6, as revised, for the various types of Meters shall be used.

(2) Upon completion of adjustment and test of any Meter under the provisions of these rules, the Department may affix thereto a suitable seal in such a manner that the adjustment of registration of the Meter cannot be tampered with without breaking the seal.

3.24 Meter Testing Equipment

(1) When furnishing metered water service, the Department shall either provide the necessary standard facilities, instruments, and other equipment for testing Meters in compliance with these rules or shall enter into arrangements satisfactory to the Department for testing of its Meters by another utility or agency equipped to test Meters in compliance with these rules.

(2) Standard Meters may be used for field tests of Meter accuracy provided they are tested and calibrated to permit the test of Meters within the limits of accuracy required by these rules, either by the Department with its volumetric or weight standard equipment, an approved laboratory, or Meter manufacturer at least annually while the standard Meter is in use and a record of such tests shall be kept by the Department for a period of not less than five years.

(3) All Meter testing shall be performed in accordance with American Water Works Association standards and Department Standard Operating Procedures for Meters which are available upon request from the Department.

3.26 Periodic Meter Tests

The Department shall inspect and test or replace a representative sample of its Meters in service in accordance with American Water Works Association standards.

3.28 Meter Test by Request

(1) Upon request of any Customer whose Meter has not been tested within one-half the maximum interval provided in rule 25-30.265, Florida Administrative Code (F.A.C.), as may be amended from time to time, the Department shall arrange for a field test for accuracy of that Customer's Meter.

(2) The Department may not charge for any field test performed pursuant to paragraph (1) of this subsection.

(3) Where the Customer requests more than one field test during any continuous 12 months, the additional field tests will be performed at bench test rates and conditions.

(4) The Department may require a deposit to defray the cost of any bench test requested by any Customer. The fees for bench testing are specified in the Department's Rate Resolution and may be amended from time to time.

(5) The Department may retain the deposit if the tested flows are equal to or greater than the flows registered by the Meter.

(6) The Department shall refund the deposit if the Customer's Meter is found to register volume in excess of prescribed accuracy limits for the individual type and size of the Meter.

(7) The Department shall advise the Customer of the Customer's right to witness the bench test.

(8) The Department shall provide the Customer with a written report of the results of any test performed pursuant to this rule on forms prescribed by the Department

(9) At the Customer's request, the Department shall arrange for a Meter test to be conducted by an independent Meter testing facility of the Customer's choosing. The Customer shall be responsible for negotiating and paying to the independent Meter testing facility any fee charged for such a test. Such independent Meter testing facilities shall, at minimum, conform to the requirements of the American Water Works Association Manual M-6, as revised. Where appropriate, the Meter may be field tested. The Customer is responsible for all the Department's costs associated with a Meter test by an independent Meter testing facility. The Department shall provide a detailed estimate of such costs to the Customer and shall require payment of such estimated costs by the Customer prior to the actual Meter test. If the Meter is found to be running fast, in excess of the limits established by these rules, such estimated independent Meter testing facility costs advanced by the Customer to the Department shall be refunded to the Customer.

3.30 Record of Meter Test

(1) The Department shall preserve the original records of all Meter tests at least until the next test of that same Meter is performed or until the Meter is retired.

(2) These records shall include:

(a) sufficient information to identify the Meter,

(b) the reason for the test,

(c) date of test and reading of the Meter,

(d) the computed accuracy before and after the repair, and

(e) any other data taken at the time of the test that would permit the convenient checking of the test results.

3.32 Unauthorized Connections

(1) Connections to the Department's water or wastewater system for any purpose whatsoever are to be made only by the Department, its agents, or a licensed utility contractor. Unauthorized connections render the service subject to immediate discontinuance without notice. Service will not be restored until such unauthorized connections have been removed and payment is made in full for all expenses incurred by the Department and for services estimated by the Department to have been used because of such unauthorized connection.

(2) In the event of unauthorized or fraudulent use of service or Meter tampering, the Department shall bill the Customer for water and/or wastewater services using an estimate based on the Customer's past consumption or EDUs of the facility.

3.34 All Water Through Meter

A Customer's water installation shall ensure that all water service shall pass through a Meter or as authorized by the Department. The Customer will not install temporary pipes, nipples, spacers, or any connection which may permit water to bypass the Meter or Metering equipment.

3.36 Limitation of Customer's Use of Services

(1) Services purchased from the Department shall be used by the Customer only for the services specified in the application. The Customer shall not sell or otherwise dispose of such services supplied by the Department to the Customer. Services furnished to the Customer shall be rendered directly to the Customer through the Department's Meter and shall be for Customer's own use and may not be sold by the Customer to lessees, tenants, or others, and under no circumstances shall the Customer or Customer's agent or any other individual, association, corporation or entity install equipment for the purpose of selling of said services.

(2) In no case shall a Customer extend their installation across a street, alley, lane, court, property line, avenue, or another way, to furnish services for adjacent property, even though the Customer owns such adjacent property. In a case of such unauthorized extension, the Customer's services will be subject to discontinuance until such unauthorized extension, sale, or disposition is discontinued. Full payment is made of bills for services, which shall be calculated on property classification and Rate Schedules, and reimbursements in full are made to the Department for all extra expenses incurred for clerical work, testing, and inspections.

3.38 Customer's Type of Use and Maintenance

(1) The Customer's pipes, apparatus, and equipment shall be selected, installed, used, and maintained in accordance with the manufacturer's requirements, standard practice, these rules and regulations, and all laws and governmental regulations applicable to the same. The Customer shall be required to keep all pipes, valves, plumbing, fixtures, apparatus, and equipment in repair and to promptly stop all leaks on the premises and acknowledges that the Department shall not be responsible for their maintenance and operation. The Customer shall not utilize any apparatus or device which is not properly constructed, maintained, controlled, and/or protected, which may adversely affect the Department and/or other Customers. The Department reserves the right to discontinue or withhold service without notice to the Customer when such apparatus or device is used.

(2) Customers subject to the requirements set forth in Chapter 7 of these rules shall ensure all pipes, apparatus, and equipment are installed and maintained in accordance with manufacturers' requirements, standard practice, these rules and regulations, and all laws and governmental regulations applicable to same. The Customer shall not utilize any apparatus or device which is not properly constructed, maintained, controlled, and/or protected, which may adversely affect the Department and/or other Customers. The Department reserves the right to discontinue or withhold service without notice to the Customer when such apparatus or device is used.

(3) The Customer's Installation connected to the Wastewater Service Line is the Customer's sole responsibility and shall be maintained by the Customer to ensure proper operation. Proper operation includes maintaining the installation in a manner that is free of clogs, cracks, missing cleanout covers, or any other defect that allows either a Sanitary Sewer Overflow or causes Inflow and Infiltration into Off-Site Facilities. The Department reserves the right to discontinue or withhold service without notice to the Customer for failure to properly maintain the

Customer's Installation.

3.40 Filling of Potable Water Tanks and Tank Trucks

(1) All entities wishing to use the Department's water distribution system to fill tank trucks, tank trailers, or tank vehicles shall become a Customer of the Department.

(2) All Customers filling tank trucks, tank trailers, or tank vehicles shall be subject to the Department's Standard Operating Procedures which are available upon request from the Department.

(3) Customers failing to follow the Department's Standard Operating Procedures shall be subject to termination of account and will not be reinstated.

(4) The County is not liable for the condition of the water after it has left the distribution system.

3.44 Inspection of Customer's Installation

All Customer installations or changes to the same shall be inspected during and upon completion of the construction or modification by competent authority to ensure that the Customer's piping, equipment, and devices have been installed in accordance with accepted standard practice, Departmental requirements, local governmental regulations and state regulations where applicable. Where local rules or ordinances require governmental inspection, the Department cannot render service until such inspection has been made and the Department receives formal notice of approval from the inspecting authority. The Department reserves the right to inspect the Customer's installation prior to rendering service and from time to time thereafter but assumes no responsibility whatsoever for any portion thereof.

3.46 Protection of Department Property

The Customer shall properly protect the Department property on the Customer's premises or under their effective control and shall permit no one but the Department's agents or persons authorized by law to access Departmental pipes and apparatus. In the event of any loss or damage to the Department caused by or arising out of neglect of the Customer, the cost of making good such loss or repairing such damage shall be paid by the Customer.

3.48 Access to Premises

The duly authorized agents of the Department shall have access at Reasonable Hours to the premises of the Customer to install, maintain, inspect, or remove the Department's property, reading Meters, and other purposes incident to performance under or termination of the Department's agreement with the Customer, and in such performance or termination the Department shall not be liable for trespass.

3.50 Right-of-Way or Easements

The Customer shall grant or cause to be granted to the Department, without cost to the Department, all rights, easements, permits, and privileges necessary for rendering utility service to the Customer.

CHAPTER 4
CUSTOMER RELATIONS

4.00 Initiation of Service

(1) The Department shall require that a service application be made in accordance with the required information prescribed by the Department. The Department shall promptly treat a completed application process as notice that service is desired and as an expression of the applicant's willingness to conform to the Department's service rules and regulations which are in effect and on file at the Department.

(2) When requesting service, the applicant must take both water and wastewater services where both services are available.

(3) The applicant shall furnish to the Department the correct name, street address, and legal description of the property to which service is to be rendered. All applications shall be subject to verification through credit reporting agencies prior to approving the applicant for an account with the Department.

(4) At the time of application, the applicant shall pay to the Department the necessary fees and charges, which may include but are not limited to capacity fees, tap fees, and any other miscellaneous fees, deposits, charges, or guarantees satisfactory to the Department to secure the payment of bills which the Board has approved.

(5) Upon an applicant's compliance with the Department's reasonable rules regarding service initiation, the Department shall promptly initiate service. To ensure the effectiveness of its rules regarding service and the initiation of service, the Department shall set out its rules in the Utility Code and Rate Resolution, and those rules shall have uniform application.

(6) The Department will not render or cause to be rendered any free service of any nature by its facilities, nor will any preferential rates be established for users of the same class.

4.05 Customer Deposits

(1) The Rate Resolution shall contain specific criteria for determining the initial deposit amount for establishing credit.

(2) Record of deposits. The Department having on hand deposits from Customers, shall keep records to show:

(a) The name of each Customer making the deposit;

(b) The premises occupied by the Customer when the deposit was made;

(c) The date and amount of deposit; and

(d) A record of each transaction concerning such deposit.

(3) Interest on deposit. The Department shall pay interest on deposits in accordance with the Rate Resolution.

(4) Refund of deposits. The Department shall refund the Residential Customer's deposits in accordance with the Rate Resolution. This rule shall not prohibit the Department from refunding a deposit at any time, including any accrued interest.

4.10 Temporary Service

(1) The Department may require an applicant to pay all the anticipated costs of installing and removing facilities and materials and other reasonable costs associated with temporary service in accordance with the Rate Resolution.

(2) When temporary service is terminated, the Department shall credit the Customer with the reasonable salvage value of the service facilities and materials or return such facilities to the Customer if the Customer has made advance payment pursuant to subsection (1) of this rule.

4.15 Refusal or Discontinuance of Service

(1) Until adequate facilities can be provided, the Department may refuse to serve an applicant if it does not have adequate facilities or supply to render the service applied for or if the service is of character that is likely to affect unfavorably service to other Customers.

(2) As applicable, the Department may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the Customer shall be given written notice and allowed a reasonable time to comply with any rule or remedy any deficiency, with such notice being provided by the Department by mail or delivery, which may be electronic.

(a) Noncompliance with or violation of any federal, state, or municipal law or regulation governing such utility service.

(b) For failure or refusal of the Customer to correct any deficiencies or defects in the piping or equipment reported by the Department.

(c) For the use of utility service for any other property or purpose than that described in the application.

(d) For failure or refusal to provide adequate space for the Meter or service equipment of the Department.

(e) For failure or refusal to provide the Department with a deposit to insure

payment of bills in accordance with the Department's regulations.

(f) For neglect or refusal to provide reasonable access to the Department to read Meters or inspection and maintenance of equipment owned by the Department.

(g) For nonpayment of bills or noncompliance with the Department's rules and regulations in connection with the same or a different type or a different class of utility service furnished to the same Customer at the same premises by the same or affiliated Department utility only after there has been a diligent attempt to have the Customer comply, including at least five days written notice to the Customer. Such notice shall be separate and apart from any bill for service.

(h) Without notice in the event of a condition known to the Department to be hazardous.

(i) Without notice in the event of tampering with regulators, valves, piping, Meters, or other facilities furnished and owned by the Department.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of such service, the Department, before restoring service, may require the Customer to make at their own expense all changes in piping or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the deficiency in revenue resulting from such fraudulent use.

(3) Service shall be restored when the cause for discontinuance has been adjusted to the satisfaction of the Department.

(4) In case of refusal to establish service, or whenever service is discontinued for reasons other than non-payment of authorized rates, fees and charges, and discontinuations made at the Customer's request, the Department shall notify the Customer in writing of the reason for such refusal or discontinuance. In all instances involving refusal or discontinuance of service, the Department shall advise in its notice that persons dissatisfied with the Department's decision to refuse or discontinue service may register their Complaint with the Board.

(5) Delinquency in payment for service by a previous occupant of the premises shall not constitute sufficient cause for refusal of service to an applicant or Customer unless such previous occupant will receive benefit from such service.

(6) The Department shall not discontinue service to any Customer between Noon on Friday and 8:00 a.m. the following Monday or between Noon on the day preceding a public holiday and 8:00 a.m. the next working day; provided, however, that this prohibition shall not apply when:

(a) Discontinuance is requested by or agreed to by the Customer; or

(b) A hazardous condition exists; or

(c) Meters or other Department-owned facilities have been tampered with; or

(d) Service is being obtained fraudulently or used for unlawful or unauthorized purposes.

(7) The existence of any deposit or guarantee shall not be held to stop the Department from discontinuing service for non-payment. Service will be resumed only upon payment of all bills and the restoration of deposit or guarantees, if any, together with reimbursement for extra expenses as set forth in the rates and charges of the Department.

(8) Departmental costs incurred due to acts by the Customer or Customer's agent(s) which take place on Customer's property and which attempt to circumvent the Department's

discontinuance of Customer's service (jumpers, broken locks, etc.) must, in addition to the regular service charges listed in the approved Rate Resolution, be paid prior to the restoration of service. There shall be no liability of any kind against the Department by reason of discontinuance of service to the Customer for the failure of the Customer to pay the bills on time.

4.20 Termination of Service by Customer

The Department shall require Customers to give reasonable notice of their intention to discontinue service. Until the Department receives such notice, a Customer may be held responsible for all services rendered. Where service is to be restored at the same premises to the same Customer, the Customer will pay the Department a sum equal to 100% of the minimum bill for each billing period during which service was discontinued. All prior indebtedness of the Customer must be paid before service will be restored.

4.25 Information to Customers

(1) The Department shall provide its Customers, upon request, with such other information and assistance as reasonably necessary to ensure that the Customer receives safe, efficient service.

(2) Upon request of a Customer, the Department shall provide information as to the method of reading Meters and the computation of billing which results from reading Meters.

(3) Upon request of a Customer, the Department shall provide a copy or explanation of the Department's rates applicable to the Customer's classification for service and assist the Customer in obtaining the rate most advantageous for the Customer's service requirements.

4.30 Customer Billing

(1) Meters shall be read for billing cycle purposes as nearly as is practicable on the same day of the month, but no Meter reading date shall be a day of the month that is more than ten days earlier or ten days later than the day of the month of the prior Meter reading.

(2) Except as provided in this rule, a utility shall render bills to Customers at regular intervals, and each bill shall indicate: the billing period covered; the applicable Rate Schedule; beginning and ending Meter reading; the amount of the bill; the delinquent date or the date after which the bill becomes past due; and any authorized late payment charge.

(3) If the Department estimates the bill, the Department shall indicate on the bill that the amount owed is an estimated amount.

(4) When service is rendered for less than fifty percent (50%) of the normal billing cycle, the Department shall prorate the base facility charges as though the normal billing cycle was 30 days, except that the Department may elect not to issue an initial bill for service if the service is rendered during a time period which is less than fifty percent (50%) of the normal billing cycle. Instead, the Department may elect to combine the amount owed for the service rendered during the initial time period with the amount owed for the next billing cycle and issue a single bill for the combined time period. Fifty percent (50%) of the normal charges may be applied for services taken under flat Rate Schedules.

(5) The Department may not consider a Customer delinquent in paying their bill until the twenty-fifth day after the Department has mailed or presented the bill for payment. Utility service

may be discontinued within 30 days after said billing and shall be discontinued within a reasonable time after said billing and provided the Department notifies the Customer in advance, as provided for in Rule 4.15.

(6) The Department shall establish each Point of Delivery as an independent Customer. It shall calculate the amount of the bill accordingly except where physical conditions make it necessary to use additional Meters or Points of Delivery for one Class of Service to a single Customer on the same premises or where such multiple Meters or delivery points are used for the convenience of the Department.

(7) The Department shall maintain a record of each Customer's account for the most current two years to permit the reproduction of the Customer's bills during the time that the Department provided service to that Customer. Upon written request from the Customer, the Department will prepare a billing summary dating back to the most recent 24-month period.

4.35 Adjustment of Bills for Meter Error

(1) In Meter tests made by the Department at the Customer's request, as provided in rule 25-30.266, F.A.C., the Meter's accuracy of registration and its service performance shall be judged by its averaged error. The average Meter error shall be considered to be the algebraic average of the errors at the test rate flows set out in rule 25-30.263, F.A.C. Any adjustment of charges made in accordance with this rule shall be based on the average error thus derived.

(2) Fast Meters. Whenever a Meter tested is found to register fast or in excess of the tolerance permitted under rule 25-30.262, F.A.C., the Department shall refund to the Customer the amount billed in error for one half of the period from the time the Meter was last tested, not to exceed 12 months. Based upon available records, the overcharge shall be computed back to, but not beyond, such date. The refund shall not include any part of the minimum charge.

(3) Slow Meters.

(a) Except as provided by this paragraph, the Department may backbill if a Meter is found to be slow, non-registering, or partially registering. The Department may not backbill for any period greater than 12 months from when it notifies a Customer that their Meter is slow, non-registering, or partially registering. If it can be ascertained that the Meter was slow, non-registering, or partially registering for less than 12 months prior to notification, then the Department may backbill only for a lesser period. In any event, the Customer may extend the payments of the backbill over the same amount of time for which the Department issued the backbill. Nothing in this subsection shall be construed to limit the application of subsection (5) of this rule.

(b) Whenever a Meter tested is found to register slow in excess of the tolerance established under rule 25-30.262, F.A.C., the Department may bill the Customer in accordance with this subsection. If the Department has required a deposit as permitted under rule 25-30.266, F.A.C., the Customer may be billed only for that portion of the unbilled error of the deposit that the Department retains in excess.

(c) In the event of a non-registering or a partially registering Meter, unless the provisions of subsection (4) of this rule apply, a Customer may be billed on an estimated amount based on previous bills for similar usage.

(4) It shall be understood that when a Meter is found to be in error in excess of the prescribed accuracy limits, fast or slow, the figure to be used for calculating the amount of refund or charge in subsection (2) or paragraph (3)(b) above shall be that percentage of error as

determined by the test.

(5) In the event of unauthorized use of service by a Customer, the Department may bill the Customer on a reasonable estimate of the service taken. In addition, the Department may assess a fee to defray the cost of restoring service to such a Customer, provided that the fee is specified in the Department's Rate Resolution.

4.40 Customer Service Charges

(1) When the Department has disconnected service for proper cause as specified in Rule 4.15, the Department may charge a reasonable fee to defray the cost of restoring service provided that the fee is specified in the Department's Rate Resolution.

(2) When an applicant requests temporary service, the Department may charge a reasonable fee to defray the cost of installing and removing facilities and materials.

(3) The Department may have other Customer service charges specified in the Department's Rate Resolution.

(4) In the event of the inability of the Department to read a water Meter due to destruction of the Meter or interference with access to the Meter, the Customer will be billed for the monthly average consumption of the last three Meter readings, but in no case less than the minimum monthly charge. Adjustment for any variance between actual consumption and the estimated billing shall be made in the bill rendered following the next actual Meter reading.

(5) For water supplied to contractors for testing and flushing new water Mains or other construction purposes:

(a) Metered service will be billed in accordance with the Metered water schedule.

(b) Unmetered service will be billed at the consumption rate on the approved Rate Resolution.

4.45 Other Charges

(1) In the case of service rendered for less than one entire month, charges will be made upon service initiation, with service fees prorated based on the number of days in the month.

(2) Charges for turning on services and turning off services outside normal business hours at the Customer's request will be as set forth in the Department Rate Resolution.

4.50 Services not covered by Rate Schedule

Departmental services shall be billed at the rates set forth in the Rate Resolution and approved by the Board. Charges for services not listed or for variations or additions to services listed may be provided by Department at its option at rates to be established by the Department subject to the approval of the Board.

4.55 Underbilling and Overbilling for Water and Wastewater Service

(1) The Department may not backbill Customers for any period greater than 12 months for any undercharge in billing resulting from the Department's mistake.

(a) The Department shall allow the Customer to pay for the unbilled service over the same time period as the time period during which the underbilling occurred or some other mutually agreeable time period. The Department shall not recover in a rate-making proceeding any lost revenues which inure to the Department's detriment on account of this provision.

(b) The revised bill shall be calculated monthly, assuming uniform consumption during the month(s) subject to underbilling, based on the Individual Customer's average usage for the period covered by the underbilling. The monthly bills shall be recalculated by applying the current rates in effect for that time period. The Customer shall be responsible for the difference between the amount originally billed and the recalculated bill. All calculations used to arrive at the rebilled amount shall be made available to the Customer upon the Customer's request.

(2) In the event of an overbilling, the Department shall refund the overcharge to the Customer based on available records. If the commencement date of the overbilling cannot be determined, then an estimate of the overbilling shall be made based on the Customer's past consumption.

(3) In the event of an overbilling, the Customer will receive a credit to future billing(s) or, per department directive, may elect a refund as a one-time disbursement.

4.60 Payment of Water and Wastewater Service Bills Concurrently

When the Department provides both water and wastewater service, payment of only the water service bills or wastewater service bills shall not be accepted by the Department without the simultaneous payment for the other service. If both of such charges are not so paid, then, in accordance with the cutoff procedures set forth in the Department's rules and regulations, the Department may discontinue both water service and wastewater service to the Customer. The Department shall not re-establish or reconnect water or wastewater service until all water or wastewater service charges, along with all other expenses or charges established or provided for in the approved Rate Resolution, are paid in full.

4.65 Change of Occupancy

When a change of occupancy takes place on any premises serviced by the Department, written notice thereof shall be given at the office of the Department prior to the date of change by the outgoing Customer, who will be held responsible for all services used on such premises notice or an application from the new Customer is received. Termination of a prior account shall not act as a release of any sums owed to the Department. The same shall be payable in accordance with Paragraph 4.60 above. Any Customer's bills outstanding must be paid in full before a new service can be established at a new address. A new application and deposit for service must be provided. A deposit may be required based on prior payment history. The owner of the property and/or the owner's tenant shall be responsible for all bills for service rendered to said property.

4.70 Complaints

(1) The Department shall make a full and prompt acknowledgment and investigation of all Complaints and shall respond fully and promptly to all Customer requests.

(2) Replies to inquiries by the Department or other agents of the Board shall be furnished in accordance with Sarasota County's applicable Administrative Directives, as may be amended from time to time, a copy of which is available from the Department upon request.

4.75 Payment Plans

(1) The Department, upon request from a Customer, may extend a payment plan to provide flexibility to customers.

(2) A payment plan allows a Customer affected by an extenuating circumstance to pay the past due monthly amount over a specified period of time, not exceeding 12 months. The Customer will only be authorized to enter into one payment plan in 24 months and must wait 24 months from the payment plan start date before they can reapply.

(3) The executed payment plan amount and the current bill must be paid in full by each month's due date to avoid late fees and delinquent charges. Failure to comply with the terms of the agreement will result in the suspension of service to the account, and the account will immediately go into disconnection status. Utility service will not be restored until all posted, and pending charges have been paid in full, resulting in an account balance of ($0) zero dollars.

4.80 Owner/Landlord Collections Notification

Upon a non-owner/occupied Customer account being released to a collection agency due to non-payment, the Department shall notify the property owner advising of an implied lien for any unpaid charges and fees incurred by their non-owner/occupied Customer.

CHAPTER 5
RATE ADJUSTMENT CHANGES

5.10 Applicability

Chapter 126, Article II and Chapter 70, Articles VI and VII of the Sarasota County Code provide the basic authority for the Board to set rates, fees, and charges for the Sarasota County Public Utilities Department.

5.20 Rate Setting Practices

In the rate-setting process, the Department shall apply generally accepted rate-setting principles as currently recognized in the current edition of the American Water Works Association Water Rates, Manual M1, except to the degree that such may conflict with current or future Sarasota County Ordinances or Resolutions.

5.30 Rate Setting Basis

The Cash Basis of rate setting shall be used, as defined in the American Water Works Association Water Rates, Manual M1. The essence of the cash net basis method is that the revenues of the Department must be sufficient to cover all cash needs, including debt obligations and related bond covenant requirements as they come due. The cash basis method has generally been used by publicly owned systems and is used extensively throughout the state of Florida by such utilities with local rate-setting authority. Basic revenue requirements under the cash basis method include operation and maintenance expenses, debt service requirements, other bond covenant requirements, and capital expenditures not externally financed. Additionally, the revenues must be such that the coverage factors required in the bond covenants are at least met.

Under this basis of rate setting, depreciation expense is not included but, in fact, is often offset by the bond covenant requirements to provide funds for renewal, replacement, and improvements. Another significant difference is that all of the physical plant assets are considered to be used under the cash basis.

The basis of allocating the costs to the Customers and Customer classes will be based upon Meter size and the related Equivalent Dwelling Units (EDUs) assigned to such Meter size unless some special circumstances exist that causes a particular Customer to have a higher cost of service.

5.40 Rate Setting Methodology

Annually, the Department will analyze the rates to the degree necessary to determine if the rates need to be modified in order to meet the bond covenant requirements for the coming year. If it appears that rate modification is necessary, a complete rate study will be performed by the Department or an independent consultant, if necessary, utilizing the cash basis of rate setting to assure that the legal requirements of the bond covenants are met. The Office of the County

Attorney will provide legal assistance in preparing the rate study.

When the preliminary study is completed, a workshop will be held with the Water and Sewer Advisory Committee, which will serve as agents to the Board. A complete review and presentation will be accomplished in the workshop to ensure that the Water and Sewer Advisory Committee is knowledgeable enough to advise the Board on the appropriateness of the proposed rates. If necessary, the Water and Sewer Advisory Committee may employ an external rate consultant to assist its members in reviewing the rate application. The County Attorney will assign legal counsel to represent the Water and Sewer Advisory Committee (as agents to the Board). As part of this review, the County Attorney will review the rate recommendations with input from the Bond Counsel, as needed, to ensure that the recommendations at least meet the Bond Covenant requirements.

At a duly advertised public hearing, the Board will be presented with the final recommendations of the Department and the County Administrator, including receiving input from the ratepayers of the County. The Chairman of the Water and Sewer Advisory Committee, or designee, will present the Water and Sewer Advisory Committee findings to the Board. The County Attorney will also present findings on the legality of the recommendations related to Sarasota County Ordinances and Resolutions, including those contained in the Sarasota County Bond Covenants.

The Board may accept, modify, or reject the findings of the staff as the Board deems appropriate and as necessary to meet the legal requirements of the County.

CHAPTER 6
SERVICE AVAILABILITY-WATER AND WASTEWATER SYSTEMS-SERVICE AVAILABILITY CHARGES

6.00 Applicability

The provisions of this part, Rules 6.00 through 6.50, shall apply to the Department and shall be used in conjunction with the Department's service availability policies and procedures.

6.10 Purpose and Scope

A service availability policy is necessary to ensure a uniform, consistent, and nondiscriminatory apportionment of construction costs and expansion among persons who wish to obtain an Active Connection to the Department's water and wastewater systems, whether in existence or to be constructed. Expansions of the distribution systems or treatment plants owned or operated by Department which are made to extend service to additional Customers may require a Customer Connection Charge by the Customers to be served by the expansion of one or more of the following charges: plant capacity charge, advance, tap fee, extension fee, Capital Contributions, plant expansion fee, and other related charges, which may be subject to the most recent Sarasota County Code Of Ordinances, as amended, and appliable Sarasota County Resolutions. The Board shall approve each Special Service Availability Contract prior to becoming effective. Each Special Service Availability Contract and Utility Agreement shall be accompanied by a statement from the utility affirming the current treatment plant connected load, the current treatment plant capacity, the amount of capacity available and/or reserved under the agreement or contract, and the utility should attach to the agreement or contract a copy of its FDEP permit or permit application.

6.20 Obligation to Provide Service

The Department is required to furnish service to each person applying therefor, within that portion of the unincorporated portion of Sarasota County capable of being served by the Department unless such service is not economically feasible or is in conflict with the Department Master Planning Requirements or schedule. The Department may require the applicant for such service to pay reasonable sums for service availability, guaranteed revenues, Capital Contributions, or any combination thereof, as a condition precedent to furnishing service.

6.30 Application for Extension of Service

(1) This rule applies to an application for service extension to a part of the Department's territory where the Department is not presently providing service.

(2) An application for extension of water or wastewater service shall be made in accordance with the Neighborhood Initiated Potable Water and/or Sewer Line Extension Program

to the Department.

6.40 Main Extension

The Department shall require that the developer advance the cost of Main extensions and upgrading of the Department's distribution systems which may be deemed necessary by the Department to furnish service in compliance with all regulatory authorities to the developer's property. The sums advanced will be either in the form of money or facilities.

6.50 Guaranteed Revenues

Not less than ten days before the day upon which a developer's on-site water and/or wastewater system is accepted by the Department or the date specified in the Utility Agreement, whichever first occurs, and each month thereafter until all plant capacity reserved for the Developer is serving a Customer, the Developer or owner of lots shall pay the Department a sum of money designed to cover the Department's costs including, but not limited to, the cost of operation, maintenance, depreciation, and any taxes and to provide a reasonable return to the Department for facilities that are subject to the agreement, a portion of which may not be used and useful to the Department or its existing Customers. The above charges shall be established on an Equivalent Dwelling Unit basis for committed capacities that are not Active Connections. As Customers are added to the system, the said monthly maximum charges to be paid by the Developer will be reduced with each Customer added.

Should the developer refuse or fail to pay the money required by this paragraph, the Utility Agreement for reservation by the Department for the developer shall be void, no capacity shall be reserved for such developer, and the Department shall have the right to collect all unpaid guaranteed revenues due pursuant to the Utility Agreement.

CHAPTER 7
INDUSTRIAL WASTE

7.00 General

This section includes general technical criteria and parameters for the chemical and physical limits of Industrial waste to be treated in County-owned wastewater treatment plants operated and administered by the Department and its agents.

7.05 Permitting Procedures

All Industrial facilities shall complete the "Sarasota County Utilities Application to Construct Industrial Wastewater Collection/Transmission System."

7.10 Discharge Restrictions

No person shall discharge or cause to be discharged to any wastewater facilities any substances, materials, waters, or wastes in such quantities or concentrations which will:

(1) Create a fire or explosion hazard, including but not limited to gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Cause corrosive damage or hazard to structures, equipment, or personnel of the wastewater facilities, but in no case discharge with the following parameters:

(a) Having a pH lower than six (6.0) or greater than nine and one-half (9.5) for more than ten percent (10%) of the time in a 24-hour period.

(b) Having a pH lower than 5.0 or greater than 10.0 for any period exceeding 15 minutes.

(3) Cause obstructions to the flow in sewers or other interference with the operation of wastewater facilities due to the accumulation of solid or viscous materials.

(4) Constitute a rate of discharge or substantial deviation from normal rates of discharge ("Slug Discharge") sufficient to cause interference in the operation and performance of the wastewater facilities.

(5) Contains heat in amounts which will accelerate the biodegradation of wastes, causing the formation of excessive amounts of hydrogen sulfide in the wastewater system or inhibit biological activity in wastewater Treatment Facilities; but in no case shall the discharge of heat cause the temperature in the wastewater system to exceed 58 degrees Celsius (150 degrees Fahrenheit) or the temperature of the effluent to the Treatment Facilities to exceed 40 degrees Celsius (104 degrees Fahrenheit) unless the facilities can accommodate such heat.

(6) Contain more than 100 milligrams per liter of non-biodegradable mineral or petroleum-origin oils.

(7) Contain floatable oils, fat, or grease.

(8) Contain noxious, malodorous gas or substance present in quantities that create a public nuisance or hazard to health.

(9) Contain radioactive wastes in harmful quantities as defined by state and federal regulations.

(10) Contain any garbage that has not been properly shredded.

(11) Contain any odor or color-producing substances exceeding concentration limits that the utility may establish to meet the utility's FDEP permit.

7.15 Pretreatment Standards

The following discharge restrictions, discharge limits, and pretreatment standards are hereby established with concentration limits to be applied to each Industrial user:

Parameter	Pretreatment Standard	Sample type and frequency
BOD_5	400	1
Suspended Solid	500	1
Total Dissolved Solids (TDS)	2,000	1
pH (Standard Units)	6.0-9.5	1
Temperature (F)	150	1
Phenols	5.0	4
Boron	1.0	
Cyanide	1.0	1
Arsenic	0.1	1
Barium**		
Cadmium*	0.1	3
Chromium (Cr+6)	1.0	1
Chromium (Total)	15.0	1
Copper	1.5	3
Fluoride***		
Lead	0.2	3
Mercury	0.1	2
Nickel	0.2	3
Selenium***		3
Silver	5.0	1
Strontium***	-	
Tin	0.5	1

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Zinc	0.5	3 TSS
Chloride**	600.0	1
Hydrogen Sulfide	5.0	
(All units in milligrams per liter unless otherwise noted)		

* Standard set at previous Sarasota County Treatment Level.

** Limits set for slug loading and corrosion protection.

The discharge of all pesticides and volatile organic shall be maintained below detectable limits.

*** Standards not set at the present time.

Sample Type:

1. One 10-Consecutive-Hour Composite Sample per month.
2. One 10-Consecutive-Hour Composite Sample per quarter.
3. A minimum of one 10-Consecutive-Hour Composite Sample per week, on average, to obtain a monthly average value.
4. One daily 10-Consecutive-Hour Composite Sample per year.

7.20 Federal Categorical Pretreatment Standards

No person shall discharge or cause to be discharged into any wastewater facility wastewaters containing substances subject to an applicable federal categorical pretreatment standard promulgated by the EPA in excess of the quantity prescribed in such applicable pretreatment standards except as otherwise provided in this section. Compliance with such standards shall be within three years of the date the standard is promulgated; however, compliance with a categorical pretreatment standard for new sources shall be required upon promulgation.

Upon application by a Class III user, the Department shall revise any limitations on substances specified in the applicable pretreatment standards to reflect the removal of the substances by the wastewater treatment facility. The revised discharge limit for specified substances shall be derived in accordance with federal law. The Department shall adjust any limitation on substances specified in the applicable pretreatment standards to consider factors relating to such person which are fundamentally different from the factors considered by the EPA during the development of the pretreatment standard. Requests for and determinations of a fundamentally different adjustment shall be in accordance with federal law. The Department shall notify any Class III user affected by the provisions of this section and establish an enforceable compliance schedule for each.

The Effluent Limitations Guidelines and Standards for the Dental Category, 40 CFR part 441, as amended, identifies EPA finalized technology-based pretreatment standards under the Clean Water Act to reduce discharges of mercury and other metals from dental offices into municipal wastewater treatment plants. Dental offices that discharge mercury and other metals present in amalgam used for fillings are the primary sources of mercury discharges into municipal wastewater treatment plants. The guidelines and standards listed under 40 CFR part 441 require dental offices to comply with requirements based on practices recommended by the American

Dental Association, including the use of amalgam separators.

Dental facilities that discharge wastewater into the publicly owned treatment works municipal wastewater systems are subject to this rule, and all dental offices must submit a one-time compliance report. Dental offices that place or remove amalgam must operate and maintain an Amalgam Separator and must not discharge scrap amalgam or use certain kinds of line cleaners. Dental offices that discharge to municipal wastewater treatment plants that do not place or remove amalgam need only submit a one-time certification. Specialized mobile, self-contained vans, trailers, or equipment used in providing dentistry services at multiple locations are not subject to any of the rule's requirements, including submission of a one-time compliance report.

7.25 User Charges

(1) Adjustment of Wastewater Service Charge for Industrial Customers. For passive BOD and/or Total Suspended Solids (TSS), the wastewater rate can be adjusted by multiplying a rate factor "K" times the appropriate rate for the Industrial Customer. The "K" factor shall not be used if it is less than 1.

The strength of effluent shall be determined by sampling and testing quarterly by the Department at the cost of the Customer (not to exceed $200) of samples taken over ten hours and shall be analyzed by an independent testing laboratory. Testing will be performed at the option of the Department.

The Department shall have the right to adjust the future bills for the Industrial Customer by the rate factor "K."

K Factor: A multiplying Rate factor, defined as:

$$K = \frac{CBOD}{200} \times \frac{TSS}{200}$$

where CBOD is the Biological Oxygen Demand (Chemical) of the wastewater in MG/L and,

TSS is the Total Suspended Solids of the wastewater in MG/L.

(2) Nothing in these rules shall be construed as preventing any special agreement or arrangement between the Department and any user of the Department's wastewater facilities whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or users' charges as may be applicable.

7.30 Water and Energy Conservation

The conservation of water and energy shall be encouraged by the Department. In establishing discharge restrictions upon Industrial users, the Department shall consider already implemented or planned conservation steps revealed by the Class III user. Upon request of the Department, each Industrial user will provide the Department with pertinent information showing that the quantities of substances or pollutants have not been or will not be increased as a result of the conservation steps. Upon such a showing to the satisfaction of the Department, the Department shall adjust the discharge restrictions, which have been based on concentrations, to reflect the conservation steps.

7.35 Class III - Industrial Discharges

(1) Information Requirements.

All Class III dischargers shall file with the Department wastewater information deemed necessary by the Department to determine compliance with these rules, the Department's FDEP Permit, and federal law. Such information shall be provided by completing a permit application form (Attachment "A") designed and supplied by the Department and supplements thereto as necessary. Information requested in the Permit Application designated by the discharger as confidential is subject to the conditions of confidentiality as set forth in this section. Where a person owns, operates, or occupies properties designated as a Class III at more than one (1) location, separate information submittals shall be made for each location.

The Department shall implement measures to ensure the confidentiality of information provided by a Class III discharger pursuant to these rules. In no event shall the Department delegate this responsibility or disclose any claimed confidential information to any person without prior notice in writing to the owner and without providing the owner with the opportunity to protect such confidential information, including the right to seek judicial relief.

(2) Monitoring Provisions

The property owner serviced by a building sewer carrying Class III wastewater discharges shall provide suitable access to necessary Meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater. Such access shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the Department. The access shall be provided and maintained at the owner's expense.

Factors such as the volume and strength of discharge, discharge rate, quantities of toxic materials in the discharge, wastewater treatment facility removal capabilities, and cost-effectiveness shall be considered in determining whether or not access and equipment for monitoring Class III wastewater discharges shall be required.

Where access and equipment for monitoring or measuring Class III wastewater discharges are not practicable, reliable, or cost-effective, the Department may specify alternative methods of determining the characteristics of the wastewater discharge, which will, in the judgment of the Department, provide an equitable measurement of such characteristics.

(3) Determination of Wastewater Characteristics

Measurements, tests, and analyses of the characteristics of wastewater shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, or such alternate methods approved by the Department, and which comply with state and federal law. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the Department. The discharger shall have the option to use, at their own expense, more complete sampling methods, locations, times, durations, and frequencies than specified by the Department.

A qualified laboratory will perform measurements, tests, and analyses of the characteristics of wastewater required by these rules. When such analysis is required of a discharger, the discharger may, in lieu of using County-owned laboratory facilities, utilize an independent laboratory to perform such analysis.

Monitoring of wastewater characteristics necessary for the determination of compliance with applicable pretreatment standards shall be conducted based on the following schedule, unless some other authority requires more frequent monitoring or if the Department, in its judgment, determines that the specific discharge warrants a different frequency monitoring:

Average Actual Daily User Discharge	Monitoring Frequency
Less than 100,000 GPD	Semiannually
100,000-999,000 GPD	Quarterly
More than 999,000GPD	Monthly

Monitoring wastewater characteristics for any purpose other than determining compliance with pretreatment standards shall be conducted on a frequency deemed necessary by the Department.

Upon demonstration by any person that the characteristics of the wastewater discharged by that person are consistent, the Department may reduce the frequency as may be required by some other authority, except in no case shall the frequency of monitoring be less than semiannual for the determination of compliance with pretreatment standards.

In determining the discharge characteristics, factors such as continuous or batch operation and seasonal operation and the information requirements of other provisions of these rules shall be considered by the Department. The Department may obtain wastewater samples as required to verify the consistency of discharge characteristics. Fees for any given measurement, test, or analysis of wastewater required by these rules and performed by the Department shall be the same for all classes of dischargers, regardless of the quantity or quality of the discharge, and be "at costs," that is, direct costs plus administrative costs and overhead. Costs of analysis performed by an independent laboratory at the option of the discharger shall be borne directly by said discharger.

(4) Costs of Damage

If the drainage or discharge from any establishment causes a deposit, obstruction, or damage to any of the Department's wastewater facilities, the Department shall cause the deposit or obstruction to be promptly removed or cause the damage to be promptly repaired. The cost for such work, including materials, labor, and supervision, shall be borne by the person, persons, or permittee causing such deposit, obstruction, or damage.

7.40 Pretreatment

(1) Wastewater with Special Characteristics

While the Department should initially rely upon the federal categorical pretreatment standards of Section 7.15 of this Chapter to protect the Department's wastewater facilities or receiving waters, if any wastewater which contains substances or possesses characteristics shown to have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which constitutes a public nuisance or hazard is discharged or proposed for discharge to the wastewater system, prior to accepting a contributed waste load, the Department may require one or more of the following:

(a) Require pretreatment to a condition acceptable for discharge to the wastewater sewers.

(b) Require control over the quantities and rates of discharge.

(c) Require the payment of a user charge to cover the added cost of handling and treating the wastewaters not covered by existing fees or charges.

(d) Require the development of compliance schedules to meet applicable pretreatment requirements.

(e) Require the submission of reports necessary to assure compliance with applicable pretreatment requirements.

(f) Carry out all inspection of facilities and/or records, surveillance, and monitoring necessary to determine compliance with applicable pretreatment requirements.

(g) Obtain remedies for noncompliance by any user. Such remedies may include injunctive relief, the civil penalties specified in these rules, or appropriate criminal penalties.

(h) Reject the wastewater if scientific evidence discloses that discharge will create unreasonable hazards or have unreasonable deleterious effects on the wastewater facilities.

When considering the above alternatives, the Department shall ensure that the Department's FDEP permit conditions are met. The Department shall also consider cost-effectiveness and the economic impact of the alternatives on the discharge. If the Department allows the pretreatment or equalization of wastewater flows, installing the necessary facilities shall be subject to review and approval. The Department shall review and recommend appropriate program changes within 30 days of submittal.

Where pretreatment or flow-equalization facilities are provided or required for any wastewater, they shall be maintained continuously in satisfactory and effective operation at the owner's expense.

(2) Compliance with Pretreatment Requirements

Persons required to pretreat wastewater in accordance with Section 7.45 of this chapter shall provide a statement, reviewed by an authorized representative of the user and certified to be a qualified person, indicating whether applicable pretreatment requirements are being met consistently and, if not, describe the additional operation and maintenance or additional pretreatment required for the user to meet the pretreatment requirements. If additional pretreatment or operation and maintenance will be required to meet the pretreatment requirements, the user shall submit a plan, including schedules, to the Department. The plan, including schedules, shall be consistent with applicable conditions with the Department's State FDEP permit or other local, state, or federal laws.

(3) Monitoring Requirements

Discharges of wastewater to the utility's wastewater facilities from the facilities of any user shall be monitored in accordance with the provisions of Section 7.40 of these rules.

(4) Effect of Federal Law

In the event the federal government promulgates a regulation for a new or existing user in a specific subcategory that established pretreatment standards or establishes that such a user is exempt from pretreatment standards, such federal regulations shall immediately supersede Section 7.40 of this chapter. The Department shall so notify the user of such changes.

(5) Revision of Pretreatment Standards

The Department shall promptly apply for and obtain authorization from the EPA to revise discharge limitations for those substances listed in the federal categorical pretreatment standards for which consistent removal occurs in the wastewater facilities of the Department. The Department shall not adopt or enforce discharge limitations more stringent than the requested limitations until the State of Florida or the EPA acts on the application.

7.45 Notification of Violation

Any person found violating these rules or any requirement of a permit issued hereunder may be served with a written notice stating the nature of the violation and providing a reasonable time limit for compliance. Any such notice shall be in writing and served in person or by registered or certified mail. The notice shall be sent to the last address of the violator known to the Department. Where the address is unknown, service may be made upon the owner of record of the property involved.

7.50 Violations

(1) Any person who continues to violate the discharge provisions of these rules beyond the time limit provided for in this Chapter may be subject to disconnection from the Department's wastewater facilities.

(2) Each day or portion thereof, a violation continues shall constitute a separate violation.

7.55 Suspension of Wastewater Treatment Service Where Endangerment to Health or Welfare is Deemed Eminent or Substantial

The Department may suspend the wastewater treatment service and a wastewater contribution permit when such suspension is necessary, in the opinion of the Department, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, or the environment, or which may cause interference with the operation of the treatment plant, or which may cause the Department to violate any conditions of its FDEP permit.

Any person notified of a suspension of the wastewater treatment service or the wastewater permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Department shall take steps as necessary, including immediate severance of the wastewater connection, to prevent or minimize damage to the treatment plant and any endangerment to individuals. The Department shall reinstate the wastewater contribution permit or the wastewater treatment service upon proof of eliminating the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Department within 15 days of the date of occurrence.

7.60 Fees and Charges

(1) All fees and charges payable under the provisions of these rules shall be paid to the Department unless otherwise provided for by the Board. Such fees and charges shall be as set forth herein or as established in the latest resolution of the Board.

(2) All fees and charges payable under the provision of these rules are due and payable upon the receipt of notice of charges. Unpaid charges shall become delinquent and shall be subject to penalty and interest charges as provided for in the latest resolution of the Board.