

LAKE WHATCOM WATER AND SEWER DISTRICT



ADMINISTRATIVE CODE

AMENDED NOVEMBER 2014

Board of Commissioners:

Leslie Mc Roberts - President

Todd Citron, John W. Millar,

Laura Weide

Patrick Sorensen - General Manager

INTRODUCTION

The Lake Whatcom Water and Sewer District first adopted an administrative code for sewer service issues in 1974, by Resolution No. 146 and for water service in 1978, by Resolution No. 242-A. Over the ensuing years, the District has changed a number of policies in the previous code by resolution, but not updated the code. With the adoption of a new administrative code in 2011, the District seeks to provide members of the public as well as District staff and elected officials with a compilation of District policy in one place organized by subject rather than in chronological order.

For reasons of both having a user friendly size and prior practice, not all policies will be found in the administrative code. For example, the District's personnel policy handbook, commissioner handbook, Comprehensive Water Plan and Comprehensive Sewer Plan are separate stand-alone documents. However these documents are cross-referenced in the administrative code as these additional documents may pertain to the matter being researched.

Not all resolutions are contained in the administrative code, since many resolutions are not of broad administrative application. For example, the annual budget of the district, resolutions approving developer extension agreements, awarding public works contracts or approving change orders. However, all District resolutions are maintained at the District's offices for public inspection and copying.

LAKE WHATCOM WATER AND SEWER DISTRICT

ADMINISTRATIVE CODE

REVISION LOG*

[illegible]

* Revision Log for Title 9 - Master Fees and Charges Schedule is located within that Title.

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TITLE 1 CODE ADOPTION

1.1 Adoption of Compilation

The “Lake Whatcom Water and Sewer District Administrative Code (“LWWSDAC” or “Code”)” is adopted on the effective date of the resolution codified in this Title. This code may be amended by resolution of the District’s Board of Commissioners (“Board”).

[Resolution No. 786, Section 1, 2011]

1.2 Maintenance by General Manager

The District’s General Manager shall, with the assistance of the District’s legal counsel, maintain the official compilation of the Lake Whatcom Water & Sewer District Administrative Code in at least one copy, and shall make the same available to the public upon request.

[Resolution No. 786, Section 2, 2011]

1.3 Title--Citation—Reference

The “Lake Whatcom Water and Sewer District Administrative Code” may also be referred to herein as the “LWWSDAC” or “Code”. It shall be sufficient to refer to it as the Lake Whatcom Water and Sewer District Administrative Code in any suit for violation of any provision of it, or in any other legal proceeding. It shall be sufficient to designate any resolution adding to, amending, correcting or repealing all or any part or portion hereof as an addition to, amendment of, correction or repeal of a portion of the Lake Whatcom Water and Sewer District Administrative Code. Further reference may be had to the title, chapters, sections and subsections of the Lake Whatcom Water & Sewer District Administrative Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code.

[Resolution No. 786, Section 3, 2011]

1.4 Resolutions Passed Prior To Adoption of Code

The last resolution included in the initial compilation of the code is Resolution No. 785, passed December 14, 2011.

[Resolution No. 786, Section 4, 2011]

1.5 Reference Applies to Amendments

Whenever any reference is made to this Code or to any resolution of the District, the reference shall apply to all amendments of this code or of such resolution. Amendments to this Code shall not require re-adoption of the Code.

[Resolution No. 786, Section 5, 2011]

1.6 Title, Chapter and Section Headings

Title, chapter and section headings contained in the code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of the code.

[Resolution No. 786, Section 6, 2011]

1.7 Reference to Specific Resolutions

The provisions of this Code shall not in any manner affect matters of record, which matters refer to or are otherwise connected with resolutions still in effect which are specifically designated by number and which have been included within this Code. Reference to such resolutions shall be construed to apply to the corresponding provisions contained within this Code.

[Resolution No. 786, Section 7, 2011]

1.8 Resolutions Passed Prior to Adoption of the Code

All resolutions passed prior to the adoption of this Code shall remain in full force and effect unless modified or rescinded by a later resolution.

[Resolution No. 786, Section 8, 2011]

1.9 Resolutions Not Codified

As this Code is intended to be the general administrative code of the District, not all resolutions and written policy pronouncements adopted by the Board of Commissioners are codified herein. All resolutions and written policy pronouncements not codified herein are available for public inspection and copying at the main business office of the District during regular business hours.

[Resolution No. 786, Section 9, 2011]

1.10 Severability

If any provision or provisions of this code shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this code.

[Resolution No. 786, Section 10, 2011]

TITLE 2 ADMINISTRATION

2.1 General Manager's Responsibilities and Limitations

The General Manager shall be the administrator of the District. Appeals of the General Manager's instructions, interpretation of District policy, or decisions may be made to the Board of Commissioners in writing for consideration before a regular or special meeting of the Board. Letters of appeal must be submitted no less than ten days prior to any scheduled Board meeting. Where this Code requires approval by, permission or decision of, or interpretation from the General Manager, the manager may be guided by the laws of Washington State, resolutions of the Board of Commissioners, generally recognized public administrative and engineering standards and practices and by consideration of the operational demands and requirements of both the sewer works and the water treatment/distribution system as well as the peculiarities of construction, topography, soil condition, or other relevant factors. [Resolution Nos. 146, 242A, 785]

2.2 Operating & Capital Budget and Expenditure Policies

Title 57 authorizes water and sewer districts to establish operating and capital improvement policies. From time to time it is necessary for the District's General Manager to procure goods and services on short notice without advance approval or authorization from the District's Board of Commissioners. The General Manager may do so only if it is deemed to be in the best interest of the District and its ratepayers, subject to the following limitations:

1. The General Manager shall develop an operating and capital improvement budget annually for both the water and sewer systems. The annual budget shall provide for the forecasting of revenues and expenditures for the following year. The budget shall be presented to the Board of Commissioners for review and approval prior to the end of December in advance of the new budget year.
2. The General Manager shall be responsible for administration of the District's approved operating and capital budgets.
3. The Finance Manager/Treasurer shall establish appropriate controls to monitor expenditures and the implementation of the adopted budgets.
4. The General Manager and Finance Manager/Treasurer shall develop a monthly budget report and shall present such report to the Board of Commissioners at their regular meeting.
5. The General Manager is authorized to execute contracts on behalf of the District whenever the amount of the contract is \$20,000.00 or less, provided that the funds for the contract are included in the then current budget. Prior notification will be sent to the members of the Board by phone, in person, or email unless emergency circumstances prevent such prior notice.
6. The General Manager is authorized to approve change orders to District contracts when the amount of the proposed change order is \$20,000.00 or less, provided that funds for the contract are included in the then current Budget. Prior notification will be sent to the members of the Board by phone, in person, or email unless emergency circumstances prevent such prior notice.
7. Following execution of a contract or change order as referenced above by the General Manager, he or she shall report the same to the Board at the next regular meeting of the Board. The Board shall, so long as consistent with this Resolution, take action at such meeting to review and ratify the contract or change order. [Resolution No. 767]

2.3 Quarterly Financial Reports

Quarterly financial reports of such type and in such detail as may be required from time to time shall be provided by the General Manager to the Board of Commissioners to allow it to properly formulate policy and provide overall management of the District.

[Resolution No. 785]

2.4 Authority to Approve Certain Vouchers

Generally, the District's payment vouchers shall be approved by the Board of Commissioners, however, the District's management is authorized to approve vouchers, for the principal purpose of avoiding late payment penalties, with regard to the following obligations of the District: (a) utility bills; (b) credit card bills, including those for Visa and fuel companies; and (c) other obligations to which a late payment penalty may attach if not paid within less than thirty days of presentment to the District. A list of all such vouchers shall be submitted to the Board of Commissioners for their approval. Checks are signed and mailed after the Consent Agenda is approved by the Board at their regular meeting. All provisions of RCW 42.24.180 shall be followed, and individual fidelity bonds shall be provided for the District Management at the District's expense by a surety acceptable to the Board in the sum of \$50,000.00 each. [Resolution No. 785]

2.5 Auditing Officer

The General Manager of the District shall be the auditing officer of the District, and the Assistant General Manager/District Engineer of the District shall be the auditing officer of the District in the absence of the General Manager.

[Resolution No. 785]

2.6 Fees / Charges Adjustment Authority

The District has established fees and charges which it applies on a uniform basis and the payment of its rates, fees and charges are required by law to reflect the cost of service. The District's policy and procedures manual permits the waiving of late charges and allows the District to not shut off service, place a lien against property, and pursue collection under certain circumstances, where a customer adheres to a payment plan approved by the Finance Manager. The cost-efficient and fair administration of such fees and charges and timely response to District customers is facilitated by delegating to the General Manager authority to adjust certain fees and charges or to dismiss same under very limited circumstances listed below:

1. Applications to dismiss or adjust fees or charges shall be referred to the District's Finance Manager for investigation.
2. The Finance Manager shall make a written recommendation regarding an application for adjustment to the General Manager after completing his/her investigation.
3. The General Manager is authorized to make adjustments and write-offs of fees or charges where investigation reveals that a fee or charge was erroneously imposed by the District.
4. The General Manager is authorized to reduce a single fee or charge, or a combination of fees or charges based upon the recommendation of the Finance Manager, the policies underlying adoption of a fee or charge for the conduct in question, and any mitigating circumstances presented by the applicant.

5. Additionally, in accordance with the existing Leak Adjustment Policy, either the General Manager or the Finance Manager may waive late charges on the leak amount if the customer adheres to a prearranged payment schedule.
6. The General Manager's decision on such applications shall be the final decision of the District, unless appealed in writing to the Board of Commissioners within 30 days following receipt of the decision on the application.
7. A written report of all said adjustments and write-offs will be presented to the Board of Commissioners once a month with the Consent Agenda for informational purposes.
8. This title does not permit the General Manager to write off ULID assessments or forgive debts due to the District in contravention of State law.
[Resolution No. 766]

2.7 Land-Use and Zoning

The District recognizes that Whatcom County is the land-use planning and permitting authority for the District's service area. The District cannot and will not authorize uses that are inconsistent with current zoning regulations and land-use restrictions.

[Resolution No. 785]

TITLE 3 GENERAL

3.1 Definition of Terms

Unless a specific definition is set forth in this Code, all words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. Any text contained within this document that uses gender-specific language shall be assumed to encompass and apply to all genders.

The following words or phrases shall have the following meanings unless the context specifically indicates otherwise:

3.1.1 Administrative Authority

The Commissioners of Lake Whatcom Water and Sewer District, through the General Manager of the District, or other authorized representative. [Resolution Nos.146, 242A, 785]

3.1.2 Applicant

A property owner that intends to connect to the District's water distribution system or discharge sanitary sewage to the District's sewage collection and conveyance system. [Resolution Nos. 779, 785]

3.1.3 Board

The elected or appointed Commissioners of Lake Whatcom Water and Sewer District, acting collectively as the legislative and policy-setting arm of the District. [Resolution Nos. 779, 785]

3.1.4 Bonded Gravity Side Sewer Contractor

A contractor who holds a bond that specifically benefits the District and is licensed to construct, install, repair, reconstruct, excavate, or connect any gravity side sewer to the public sewer of the District. The Bonded Gravity Side Sewer Contractor must comply with all provisions of this Administrative Code. [Resolution Nos. 779, 785]

3.1.5 Bonded Pressure Side Sewer Contractor

A contractor who holds a bond that specifically benefits the District and is licensed to construct, install, repair, reconstruct, excavate, or connect any pressure side sewer to the public sewer of the District. The Bonded Pressure Side Sewer Contractor must comply with all provisions of this Administrative Code. [Resolution Nos. 779, 785]

3.1.6 Building Drain

The lowest horizontal piping of a drainage system which receives the drainage from waste and other drainage pipes inside the walls of the building and conveys it to the side sewer. [Resolution Nos. 146, 785]

3.1.7 Building Sewer

Also called a side sewer (see definition under side sewer). [Resolution Nos. 146, 785]

3.1.8 Building Occupant

A person that resides on a property that is connected to the District's water distribution system and/or discharges sanitary sewage to the District's sewage collection and conveyance system but is NOT the property owner. [Resolution No. 785]

3.1.9 City

The City of Bellingham or any of its duly authorized personnel.
[Resolution Nos.146, 242A, 785]

3.1.10 Commercial Customer

A non-residential customer who shall be billed a multiple of the single family rate expressed in Equivalent Residential Units. Commercial connections shall be deemed at least one Equivalent Residential Unit or multiple based on 18 fixture units rounded up to the next whole number (i.e. 19 fixture units would be rounded up to 2 residential units) as defined in the Uniform Plumbing Code. When volumetric measurements are used, a "residential unit" shall be based upon the equivalent of 900 cubic feet or 6,732 gallons per month. Note that the UPC "fixture units" are not a one-to-one correlation with the number of fixtures. [Resolution Nos.146, 174, 242A, 785]

3.1.11 Connection Charge

The current total monetary charge for general facilities charges, ULID or latecomer fees, as well as an administrative charge (permit fee), that developers or other property owners pay to the District for system capacity. The Connection Charge is applicable for the calendar year issued. Thereafter shall be subject to such additional or higher fees as may thereafter be due, if such additional or higher fees are adopted by the District and the water and/or sewer connection(s) have not been inspected and accepted by the District. [Resolution Nos. 675, 785, 799]

3.1.12 Consulting Engineer

A professionally qualified engineer or engineering firm contracted by the District who offers advice, consultancy or technical assistance in any manner. [Resolution No. 785]

3.1.13 County

Whatcom County or any of its duly authorized personnel. [Resolution No. 785]

3.1.14 Cover

The depth of material lying between the top of the sewer or water main and the finished grade immediately above it. [Resolution Nos.146, 242A, 785]

3.1.15 Cross Connection

Any physical arrangement whereby a public water supply is connected, directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage, or other wastes or liquids of unknown or unsafe quality, which may be capable of imparting contamination to a public water supply as a result of back flow. [Resolution Nos. 227, 242A, 785]

3.1.16 Customer

A person receiving service from the District's water distribution system and/or discharges sanitary sewage to the District's sewage collection and conveyance system. A "Customer" may be a "Property Owner" or may be a "Building Occupant". [Resolution No. 785]

3.1.17 Developer Extension Agreement (DEA)

A contract between the District and a developer or property owner to construct water and/or sewer facilities on property owned by the developer, and in roads, easements, or other rights of way described in an approved application (RCW 57.22). [Resolution Nos. 675, 785]

3.1.18 District

Lake Whatcom Water and Sewer District. [Resolution Nos. 146, 242A, 681, 785]

3.1.19 District Management

Lake Whatcom Water and Sewer District's General Manager, Assistant General Manager/District Engineer or the District's managerial designee. [Resolution No. 785]

3.1.20 District Water System

Any water system which is owned or controlled by the District; this term generally refers to the water source, treatment, storage and transmission/distribution facilities. [Resolution Nos. 242A, 785]

3.1.21 Domestic Sewage

What is commonly known as residential, institutional and commercial sewage and shall exclude industrial wastes. [Resolution No. 785]

3.1.22 Downspout

Leader or pipe above ground which is installed to conduct water from the roof gutter. [Resolution Nos. 146, 785]

3.1.23 Drain

Any conductor of liquids. [Resolution Nos. 146, 785]

3.1.24 Dump Station

A facility whose purpose is to receive sewage from trailers, boats or recreational vehicles, and shall be considered as a commercial connection. [Resolution Nos. 146, 785]

3.1.25 Duplex

A two unit dwelling (including 2 trailers or 2 mobile homes not a part of a mobile home or trailer park, or a single family residence with an accessory apartment or detached accessory dwelling unit as defined under Title 20 of the Whatcom County Code) containing not more than two kitchens, designed and/or used to house not more than two households living independently of each other and including all necessary facilities for each such household. Each dwelling unit shall be considered a separate Residential Unit for purposes of billings of all kinds. [Resolution Nos. 146, 242A, 785]

3.1.26 Engineer

The District's engineer, or other engineers employed by the District. [Resolution Nos. 779, 785]

3.1.27 Equivalent Residential Unit (ERU) (or Residential Unit)

The basic unit used for purposes of billings of all kinds. One residential unit shall be based on 18 fixture units as defined in the Uniform Plumbing Code. When volumetric measurements are used, an Equivalent Residential Unit shall be based upon the equivalent of 900 cubic feet or 6,732 gallons per month. Note that the UPC "fixture units" are not a one-to-one correlation with the number of plumbing fixtures. [Resolution Nos. 146, 174, 242A, 785]

3.1.28 Garbage

Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce. [Resolution Nos. 146, 785]

3.1.29 General Manager

The chief administrative officer appointed by the Board of Commissioners. The General Manager shall have the power to delegate his or her functions to authorized representatives. [Resolution Nos. 242A, 785]

3.1.30 Health Department

Whatcom County Health Department. [Resolution No. 785]

3.1.31 Health Officer

A Whatcom County Health Department Officer responsible for the public health or that officer's authorized representative. [Resolution Nos. 146, 242A, 785]

3.1.32 Industrial Wastes

The liquid wastes from industrial manufacturing processes, trade or business, as distinct from domestic sewage. [Resolution Nos. 146, 785]

3.1.33 Inspector

The District's authorized representative assigned to make detailed inspections of a contractor's compliance with the District's specifications and standards. [Resolution Nos. 779, 785]

3.1.34 Latecomer Agreement

An agreement between the District and a developer who has paid for an extension of water and/or sewer facilities on a public right of way or easement and that is capable of providing water service to property that has not been assessed or has not contributed to the cost of the distribution line. The Latecomer Agreement shall provide for the reimbursement to the developer or the developer's assigns of a pro rata share of the costs of the facilities constructed (RCW 57.22). [Resolution Nos. 242A, 785]

3.1.35 Maintain or Maintenance

A preemptive action that preserves and sustains the design operating/flow parameters and physical integrity of a water or sewer system. [Resolution Nos. 779, 785]

3.1.36 Master Fees and Charges Schedule

The District's current rates and charges set by the Board in accordance with RCW 57.08.005. [Resolution Nos. 640, 774, 785, 798]

3.1.37 Multiple Family Dwelling

A multiple family dwelling designed and/or used to house three or more households living independently of each other and having a separate outside access and including all necessary fixtures for each household unit. Multiple Unit Dwellings shall also include mobile home parks or courts containing three or more mobile homes or trailer stalls; apartments, condominiums, cabins and cottages. Each dwelling unit shall be deemed a separate Residential Unit for purposes of billings of all kinds. [Resolution Nos. 242A, 785]

3.1.38 Permit

A District Water and/or Sewer Permit, or the signed authorization issued by a representative of the District for:

- a. Any construction or repair of a water service connection or side sewer.
- b. Work affecting the public water or public sewer system.

[Resolution Nos. 146, 242A, 779, 785]

3.1.39 Permit Fee

The permit administration and processing fee. The permit fee is a component of the Connection Charge. [Resolution Nos. 675, 785, 799]

3.1.40 Permit Holder

The owner and/or contractor who have jointly been granted a permit by the District. [Resolution Nos. 779, 785]

3.1.41 Person or Owner

May be any individual, firm, company, association, society, corporation, or group. [Resolution Nos. 146, 242A, 785]

3.1.42 Point of Delivery

That point where the District ownership and maintenance responsibility terminates; specifically, the fitting on the customer's side of the water meter. [Resolution Nos. 242A, 785]

3.1.43 Pre-Paid Connection Certificate

A certificate that the District issues when a Developer makes the required payment to reserve capacity in District-owned water and/or sewer facilities as part of a Developer Extension Agreement, or when any other person makes the same required payment to reserve capacity for future actual connection. This connection charge is applicable for the calendar year issued, and thereafter shall be subject to such additional or higher fees as may thereafter be due, if such additional or higher fees are adopted by the District. [Resolution Nos. 675, 785]

3.1.44 Pressure Reducing Valve (PRV)

A customer or District owned and maintained valve to protect residential plumbing and District water mains and fittings from possible high pressures and/or pressure spikes in the District's waterlines. [Resolution No. 785]

3.1.45 Private Sewer

The sewage disposal system constructed, installed, or maintained where connection with a public sewer may not be required herein. [Resolution Nos. 146, 785]

3.1.46 Private Water Service

The customer owned, operated, and maintained water service line(s) that connects to the District's water meter and extends to the customer's building(s), structure(s) or facility(s). Private water systems will exist on the customer's property, and/or in an easement(s) benefiting the customer. . [Resolution Nos. 242A, 785]

3.1.47 Property Owner

A person who owns property that is connected to the District's water distribution system and/or discharges sanitary sewage to the District's sewage collection and conveyance system. [Resolution No. 785]

3.1.48 Public Sewer System

Any sanitary sewers, including but not limited to trunks, laterals, service laterals and force mains and constructed within the public right-of-way or perpetual easement benefiting the District. [Resolution Nos. 146, 785]

3.1.49 Public Water Service

That portion of a water service connection between the District's water main and the point of delivery. A public water service exists only in a public right-of-way, and/or in an easement(s) benefiting the District. [Resolution No. 785]

3.1.50 Recreation Park

A plot of land in which two or more sites are occupied or intended for occupancy by recreation vehicles for short-term or seasonal travel, recreational or camping uses. No permanent residence, no matter how small, how simple, or how rustic, is permitted on a site designated for recreational uses. Three sites shall be equivalent to one Residential Unit as described and utilized in this code. [Resolution Nos. 242A, 785]

3.1.51 Recreation Vehicle

A vehicular type unit as defined by the Department of Labor and Industries, designed for temporary living quarters for recreational, camping or travel use which either has its own motor power or is mounted on or drawn by another vehicle. [Resolution Nos. 242A, 785]

3.1.52 Repair

A reactive action that restores a water or sewer system's design operating/flow parameters if interrupted or impaired, or physical integrity if damaged. [Resolution Nos. 779, 785]

3.1.53 Sewage or Sanitary Sewage

A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, which wastes contain polluted matter subject to treatment at the sewage treatment plant and to which storm, surface and groundwater are not intentionally admitted. [Resolution Nos. 146, 785]

3.1.54 Service Lateral

The District-owned lateral sewer that connects to a Sewer Main or to a District sewer manhole, and extends to the boundary of a public right-of-way, or the boundary of an easement benefiting the District. It connects a customer's side sewer to the Sewer Main. [Resolution Nos. 779, 785]

3.1.55 Sewage Treatment Plant or Works

Any arrangement of devices and structures used for treating sewage and may include collecting, pumping, treating, and disposing of sewage. [Resolution Nos. 146, 785]

3.1.56 Sewer

A pipe or conduit for carrying sewage. [Resolution Nos. 146, 779, 785]

3.1.57 Sewer Main

Main sewer conduits that receive and convey sanitary sewage from Lateral Sewers. Sewer mains exist only in a public right of way, and/or in an easement(s) benefiting the District. [Resolution Nos. 779, 785]

3.1.58 Shall - May

"Shall" is mandatory, "may" is permissive. [Resolution Nos. 146, 242A, 785]

3.1.59 Side Sewer

The property owner owned, operated, and maintained sewer that connects to the service lateral sewer and extends to the property owner's building(s), structure(s) or facility(s) that generate sanitary sewage. Side sewers will exist on the property owner's property, and/or in an easement(s) benefiting the property owner. [Resolution Nos. 779, 785]

3.1.60 Specifications or District Standards

The most current version of the District's Design and Construction Standards. [Resolution No. 785]

3.1.61 Substantial Development

Any land development or building program, including by any public agency, involving residences or structures for human occupancy within Lake Whatcom Water and Sewer District boundaries where the person or agency has control over the use of public or private water and/or sewer systems. [Resolution Nos. 146, 242A, 785]

3.1.62 Uniform Plumbing Code

The version of International Association of Plumbing and Mechanical Officials Code most recently adopted by the State of Washington and/or Whatcom County. [Resolution Nos. 146, 242A, 785]

3.1.63 Utility Local Improvement District (ULID)

The procedure used to extend water and/or sewer service to a group of properties whereby all property owners share in the cost (RCW 57.16). [Resolution No. 785]

3.1.64 Water Main

A District-owned or controlled pipe or conduit for supplying potable water. It does not include water service lines. Water mains exist only in a public right-of-way and/or in an easement(s) benefiting the District. [Resolution Nos. 242A, 785]

3.1.65 Water Service Connection

That portion of the public water line running from a water main or from a stub line of a water main in a street, right of way, or easement to the water meter of the customer to be served. A water service connection consists of a saddle, direct tap or tee and corporation stop, water service line, curb stop, meter setter, meter, meter box and appurtenances, or any combination thereof as may be required to furnish the requested service. The water service connection from the water main to the property line shall be owned, and installed by the District. [Resolution Nos. 242A, 785]

3.1.66 Water Treatment Plant or Works

Any arrangement of devices and structures used for water treatment and may include the collecting, pumping and treating of water. [Resolution Nos. 242A, 785]

3.2 District Powers and Authority

3.2.1 Entry on Property

The General Manager and other duly authorized employees or representatives bearing proper credentials and identification shall be permitted to enter upon all properties at a reasonable hour for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this resolution. [Resolution No. 146, 242A]

3.2.2 District Inspector Responsibilities and Limitations

The District's authorized inspector shall make detailed inspections of a contractor's compliance with the plans and the District's specifications and standards. The inspector shall report any non-compliance to the engineer. The inspector is not permitted to authorize any deviations from the approved plans or the District's standards. Any such deviation must be approved by the District Engineer. [Resolution No. 785]

3.3 Violations of Code

3.3.1 Liability to District

Any person who violates any provision of this Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. For more information, see the Master Fees and Charges Schedule [Resolution No. 783, 799]

3.3.2 Violations Not Requiring Written Notice

Unless the District determines that immediate action is required, the District will provide written notification of the violation of this Code to the offending party. The notice shall state the nature of the violation, and provide a reasonable time limit for the satisfactory correction thereof. The notice shall be personally served or mailed. The offender shall, within the period of time stated in such notice, permanently cease all such violations and make all necessary corrections.

If the offending party fails to correct a violation within the time limit provided in the Notice of Violation, the District may proceed to correct the violation at the violator's expense. [Resolution No. 783]

3.3.3 Violations Requiring Written Notice

Violation of a number of provisions of the Administrative Code do not require prior written notification and opportunity to correct. Corrective action may be taken and a penalty assessed by the District either prior to notice or following notice to the offending party. While not exhaustive, examples are:

- Failure to comply with emergency order
- Failure to eliminate cross connection
- Failure to repair leak

[Resolution No. 783]

3.3.4 Repeat Violation Penalty

A person who repeats a violation shall be subject to a penalty as set forth in the Master Fees and Charges Schedule.

A person who fails to correct a violation within the time limit provided in the Notice of Violation, shall be subject to a penalty as set forth in the Master Fees and Charges Schedule, from the date of the time limit provided in the Notice of Violation.

Each day that a violation of this Code continues may be deemed a separate violation.
[Resolution No. 783, 799]

3.3.5 Water Loss As A Result of Damage

Charges shall be levied for the loss of water resulting from damage to the District's water system facilities caused by persons other than District employees. In addition to paying for repairs, the party responsible for the damage shall be charged the District's estimated cost. [Resolution No. 783]

3.4 Requirements for Water and Sewer Service

3.4.1 Capacity and Connection Availability

There is overall system capacity when the system as a whole has the capability to serve additional service connections. There may be localized areas in the system that are insufficient in size or are in too poor condition to allow local connections, but the system can still be considered to have overall system capacity. Water and/or sewer connections are available on a first come, first served basis, where capacity exists. [Resolution No. 757]

3.4.2 Single Parcel with Single Family Residence.

A request for service or request for denial of service by an Owner of a single parcel for a single family residence shall be reviewed by determining: (1) the parcel's distance to the District's water and sewer system, and (2) the sufficiency of the size and condition of the mains serving the parcel as determined by the District.

a. SEWER SERVICE

i. Parcel is located **inside UGA or LAMIRD:**

- 1) District Sewer Adjacent to Property and Main is Sufficient.** Connection to District sewer is required. The connection shall be made in accordance with current District Standards.
- 2) Sufficient Sewer Main within 200-feet of Property.** Connection to the District sewer is required. Owner extends and/or replaces main past and/or through property and connects to the sufficient main by Developer Extension Agreement and in accordance with current District Standards.
- 3) Sufficient Sewer Main more than 200-feet from Property.** District has the option of extending and/or replacing mains to within 200 feet of the property and then requiring the Owner to complete the extension and/or replacement past or through their property. The Owner extension and/or replacement of the main will be by Developer Extension

Agreement and in accordance with current District Standards. If the District elects not to bring a sufficiently sized main in adequate condition within 200 feet of the property, the Owner may develop an onsite sewage disposal system in accordance with Whatcom County and State regulations after executing a "Covenant Binding Property Regarding Future Water and/or Sewer Service."

ii. Parcel is located **outside** UGA or LAMIRD:

- 1) **Sufficient Sewer Main within 150-feet of Property.** Connection to the District system is required, and shall be in accordance with current District Standards.
- 2) **Sufficient Sewer Main more than 150-feet from Property.** The Owner may develop an onsite sewage disposal system in accordance with Whatcom County and State regulations after executing a "Covenant Binding Property Regarding Future Water and/or Sewer Service." The Owner also has the option of extending the main to and past the parcel provided Whatcom County determines the extension is consistent with the County's Comprehensive Plan and the District's Sewer Comprehensive Plan is amended to include the extension.
- 3) **Health Department Required Connection.** The Owner may connect even if more than 150 feet from a sufficient sewer main and outside a UGA or LAMIRD if connection is required by Whatcom County Health Department. The connection shall be made in accordance with current District Standards.

[Resolution No. 757]

b. **WATER SERVICE INSIDE OR OUTSIDE UGA OR LAMIRD:**

- i. **District Water System Adjacent to Property and Main is Sufficient.** Connection to District water system is required. The connection shall be made in accordance with current District Standards.
- ii. **Sufficient Water System within 200-feet of Property.** Connection to the District water system is required. Owner extends and/or replaces main past and/or through property and connects to the sufficient main by Developer Extension Agreement and in accordance with current District Standards.
 - 1) If District determines that a public water main extension is not warranted, the District will install a water service from the main to meter. Meters will be set adjacent to the main near the edge of the public right-of-way or easement corridor in which the public water main is located. The property Owner installs the private water service line from the meter to the building. Properties not fronting the public water main such as those located beyond the end of the main or behind lots fronting the main will require a longer private water service line installed by the Owner from their property to the meter.
- iii. **Sufficient Water System more than 200-feet from Property.** District has the option of extending and/or replacing mains to within 200 feet of the property and then requiring the Owner to complete the extension and/or replacement past or through their property. The Owner extension and/or replacement of the main will be by Developer Extension Agreement and in accordance with current District Standards. If the District elects not to bring a sufficiently sized main in adequate

condition within 200 feet of the property, the Owner may develop an alternate and temporary water supply in accordance with Whatcom County and State regulations after executing a "Covenant Binding Property Regarding Future Water and/or Sewer Service."

[Resolution No. 757]

3.4.3 Other Development

All other developments (such as but not limited to subdivisions, plats, short plats, commercial, institutional, industrial, etc.) shall connect to the District's water and sewer system as follows:

a. SEWER SERVICE

iii. Site is located **inside** UGA or LAMIRD:

- 1) Connection to District sewer system is required. The developer shall extend the sewer system past and/or through property by Developer Extension Agreement and in accordance with current District Standards. Improvements shall be sized, designed, and constructed per District Standards to serve full build-out of the area.

iv. Site is located **outside** UGA or LAMIRD:

- 2) **Sufficient Sewer Main within 150-feet of Site.** Parcels within 150-feet of sufficient sewer main shall connect to the District sewer system in accordance with current District Standards.
- 3) **Sufficient Sewer Main more than 150-feet from Property.** The Owner may develop an onsite sewage disposal system in accordance with Whatcom County and State regulations after executing a "Covenant Binding Property Regarding Future Water and/or Sewer Service." The Owner also has the option of extending the main to and past the parcel provided Whatcom County determines the extension is consistent with its Comprehensive Plan and the extension is amended to the District's Sewer Comprehensive Plan. The sewer extension and connections shall be in accordance with current District Standards.
- 4) **Health Department Required Connection.** The Owner may connect even if more than 150 feet from a sufficient sewer main and outside a UGA or LAMIRD if connection is required by Whatcom County Health Department. The connection shall be made in accordance with current District Standards.

[Resolution No. 757]

b. WATER SERVICE INSIDE OR OUTSIDE UGA OR LAMIRD:

- i. Connection to the District water system is required. Owner extends and/or replaces main past and/or through property and connects to the sufficient main by Developer Extension Agreement per current District Standards.

[Resolution No. 757]

3.4.4 Petition to Waive or Adjust Connection Requirements

The Owner may petition the Board of Commissioners to waive or adjust the connection requirements if the parcel is located such that service is unlikely to be extended to the parcel within the next 20 years as determined by the District.

The Board of Commissioners will evaluate the petition considering: (1) expansion of the system to serve the new development is considered part of the cost of the new development, (2) costs for some developments will be more than others due to location and physical challenges, (3) waiving connection requirements will make it increasingly more difficult and costly to serve the same development in the future, (4) some required improvements may not be immediately placed into service but will greatly reduce the costs and complexity to serve the development in the future (example, building a waterline across the parcel frontage that remains dry until service is extended to the site), (5) a distance of approximately ½ mile is considered close enough to require connection, (6) longer distances to connect to the system may be appropriate for larger developments, and (7) it is considered a minimum requirement to construct the system across or through the development whether they are immediately used for service or are placed into service in the future.

If the connection requirement is waived or the required system improvements cannot immediately be placed into service, the Owner may develop an alternate and temporary water supply and/or onsite sewage disposal systems in accordance with Whatcom County and State regulations after executing a **“Covenant Binding Property Regarding Future Water and/or Sewer Service.”**
[Resolution No. 757]

3.4.5 Covenant Binding Property Regarding Future Water and/or Sewer Service

The covenant runs with the land and is signed and notarized by the property owner and District General Manager. The owner records the document at the County Auditor's office and delivers the original to the District. The covenant allows the owner to develop a temporary water supply and/or onsite disposal system, restricts the owner from protesting the formation of a utility local improvement district to extend water and/or sewer to the parcel, and requires the owner to connect to the District system when service becomes available at such time as the District so determines. [Resolution No. 757]

3.5 Permits and Connection Charges

3.5.1 Permit Fees

At the time the Water and/or Sewer Permit is applied for, the applicant shall pay to the District, or its designated representative, the Permit Fee in accordance with the District's current Master Fees and Charges Schedule. The Permit Fee is a component of the connection charge. Water and/or Sewer Permits are not transferable, nor are the fees or charges paid for them refundable.
[Resolution No. 757, 799]

3.5.2 Connection Charges

Property owners seeking to connect serviceable properties to the District's water and/or sewer system will be charged a connection fee so that they will bear an equitable share of the cost of the existing system and the cost of facilities planned for construction within the next ten years. Connection charges shall be in accordance with the District's current Master Fees and Charges Schedule and shall be collected prior to the issuance of a permit for the connection. The connection charge is applicable for the calendar year issued. Thereafter shall be subject to such additional or higher fees as may thereafter be due, if such

additional or higher fees are adopted by the District and the water and/or sewer connection(s) have not been inspected and accepted by the District.
[Resolution Nos. 675, 778, 799]

3.5.3 Service Laterals

All costs and expenses incidental to the installation and connection of a side sewer shall be borne by the property owner. The property owner shall indemnify the District for any loss or damage to the District's facilities that may result directly or indirectly from the installation of a side sewer.

Properties with service laterals that have been installed by the District may be assessed a service lateral charge. For those not assessed, the lateral shall be installed by a Bonded Side Sewer Contractor, as required, and all costs shall be borne by the property owner, including restoration of the public right of way.

In the event that any property owner desires an additional lateral to be installed from the District's main to the property line, in addition to the single lateral installed by the District for the parcel, such additional laterals must be installed by a Bonded Side Sewer Contractor solely at the property owner's expense. [Resolution No. 785]

3.5.4 Water Meter Size

The Master Fees and Charges Schedule includes the current charges for a standard residential service installation. Charges for service installations larger than 5/8"x3/4" meters shall be on an actual cost basis. The meter fee portion of the water service connection charges shall be the actual cost of purchasing and installing the meter. [Resolution Nos. 640, 774]

3.5.5 Extra Service Charges Pertaining to Service Installation

Whenever it is necessary for District staff to make return visits for additional inspections at the site of a water meter or sewer service installation because of customer action or at the customer's request, a charge will be made to the property owner. See the current Master Fees and Charges Schedule for the charges for time and materials. [Resolution Nos. 242A, 785]

3.5.6 Multiple Dwelling Connection Charge

There is established by District Resolution a connection charge and a permit fee for each unit of the multiple dwelling complex, regardless of location of such multiple family dwelling inside the District or any Utility Local Improvement District thereof. [Resolution No. 133]

3.5.7 Multiple Connections

An existing single parcel with a water and sewer service connection may request an additional water and/or sewer service connection to that parcel.

Multiple water services to an existing single parcel are allowed. Each water service connection shall be subject to the full amount of the current General Facilities, Service Installation, Permit Processing, and Inspection Fees. Each meter shall be billed the monthly base charge and charged for overage above current volume included in the base charge.

Multiple sewer services to an existing single parcel are allowed. Each sewer service connection shall be subject to the full amount of the current General Facilities, Service Installation, Permit

Processing, and Inspection Fees. Each sewer service connection shall be billed for at least one (1) ERU, but may be billed more depending on usage. [Resolution No. 711]

3.5.8 Transfers and Refunds

Permits and Pre-Paid Connection Certificates are not transferable, nor are the fees or charges paid for them refundable. [Resolution No. 675]

3.5.9 Requests for Service

A property owner, or their authorized agent, requesting water and/or sewer service, shall apply for service as follows:

- a) Schedule an appointment with District staff at the District office.
- b) Provide proof of lot ownership.
- c) Pay all current applicable connection charges and permit fees, with credit given for any charges paid for a Pre-Paid Connection Certificate.
- d) Sign the permit and agree to these terms as a condition of permit issuance, but failure to do so shall not relieve the property owner of its responsibilities under this code.
- e) Comply with all District regulations in effect at the time the District activates the permit.

[Resolution No. 675]

3.5.10 Permit Holder Responsibilities

- a) Completion of Work. The property owner agrees that, as a condition of receiving permission to connect, he or she will diligently complete construction and obtain necessary approvals for occupancy of the completed improvements for which service is requested. The property owner agrees that the property owner is solely responsible for the completion and occupancy of the improvements on the property, and whether or not such utility service is actually used.
- b) Billing. The property owner understands and agrees that utility billing will commence, and that property owner will be responsible for payment of utility billings, regardless of actual use, when the water meter is installed, or in the case of a sewer-only customer, when the tap, tee or other connection is inspected and approved by District personnel.

[Resolution No. 675]

3.5.11 Installment Payment Option

All persons whose property is located within 150 feet of a public sewer main shall connect to the district sewer system and the District shall compel such connection under the provisions of the RCW 57.08.005(9) should the property owner refuse to connect, subject to Sewer Comprehensive Plan conditions and Resolution No. 757. [Resolution No. 757]

Any property which is compelled to connect to the District system under the provisions of this section shall be given the option of paying the costs of physical connection and the connection fee in one lump sum or in installments over a period of not more than 15 years with interest at the rate imposed by the District on unpaid service charges. Any property which elects to pay in installments and fails to make an installment payment when due shall, at the District's option, immediately pay the entire unpaid balance of such charges, and failing such payment the District shall proceed to foreclose its lien against such property in the same manner as provided in RCW 57.08.081(3) regarding foreclosure of liens for charges. [Resolution No. 495]

3.6 Charges for Labor, Materials, Equipment, and Overhead

3.6.1 Rates for Labor, Materials and Equipment

Rates to be charged by the District for work performed are contained in the District's current "Master Fees and Charges Schedule". [Resolution Nos. 640, 774, 799]

3.7 Water and Sewer Service Billing

3.7.1 Unified Water/Sewer Rate Policy

The Board has adopted a unified rate structure for all of its water and sewer service areas. All water and sewer rates and charges shall be in accordance with the District's current Master Fees and Charges Schedule. [Resolution Nos. 669; 782]

3.7.2 Water Service Billing

The District's policy in setting rates is that they shall be fair, equitable, understandable, and provide for the prudent financial management of the District. The District shall use the following procedures for billing:

- a.) District regular billing for water and sewer (if applicable) service and surcharges will commence or recommence as of the date the curb stop valve is unlocked and/or reopened.
- b.) Bills are due on the 20th of the month following the date of the bill. A five calendar day grace period for overdue payment is granted before a late charge of 10%, or as listed on the current Master Fees and Charges Schedule, of the total past due utility services balance is assessed. Late charges are refundable if the late payment is a result of District staff error or circumstances beyond the customer's control, subject to the General Managers approval. Bills must be received in the office by the close of business on the 25th of the month to avoid a late charge, regardless of the date postmarked.
- c.) For those accounts where water service charges are not paid within 60 days after the billing date the District may place a water service interruption warning door-hanger. If the bill is not paid within the allotted time stated on the door hanger, the meter may be padlocked until the bill is paid in full along with the charges associated with processing the door hanger and shutting off the water.
- d.) Regular bi-monthly billing may be suspended while service is interrupted and the District padlocks the curb stop valve whether the interruption is voluntary or not. Regular billing will continue whether service is voluntarily or involuntarily interrupted, until the curb stop valve is closed and locked. When the curb stop valve is closed and locked for any reason, the District will suspend all prospective water and sewer (if applicable) billing and surcharges.
- e.) All unpaid water and sewer service charges when delinquent for 60 days or more shall be a lien against the property being served. In the event the customer fails to bring the account current within six months, the account may be referred to the District's legal counsel to begin formal foreclosure proceedings against the property.
- f.) See the current "Master Fees and Charges Schedule" for all fees and charges associated with billing.

[Resolution No. 782]

3.7.3 Billing Notices

Billings will normally be mailed to the legal owner of the property served, and his/her designated property manager. Failure to receive such bills shall not relieve the owner from the obligation to pay same, nor shall it relieve the property owner from the payment of late fees. [Resolution No. 782]

3.7.4 Voluntary Temporary Suspension of Water Service Billing

The regular bi-monthly water bill may be suspended at the property owner's request. To initiate the suspension of billing, the property owner must submit a written request to the District along with paying all current charges due on the account and the applicable administrative fee (See the Master List of Miscellaneous Fees and Charges). The District will then lock the curb stop valve and suspend the water service billing until the property owner requests to resume water service. [Resolution No. 782]

3.7.5 Voluntary Temporary Suspension of Sewer Service Billing

Sewer-only customers may request a sewer service interruption to suspend billing during normal business hours. Prior to billing suspension, the customer must:

- a.) Pay all fees as set forth in the District's Master Fees and Charges schedule
- b.) Obtain a District permit to install the two-way cleanout.
- c.) Install a two-way cleanout at the property line per current District Standards by a District bonded side sewer contractor.
- d.) Sign a damage waiver on a form approved by the District, releasing the District from any damages that may result from the sewer service interruption.

The District will install a plug in the two-way cleanout to prevent flow in the service line. Billing suspension begins when the plug is installed. Only the District may remove the plug. It is the customer's responsibility to notify the District, in writing, at least two (2) business days prior to the customer's desired date for return to service. In the event that the plug is removed before the District receives such a request for removal of it, the customer shall be charged for sewer service from the date of billing suspension through the date the plug was found removed. [Resolution Nos. 709, 782]

3.7.6 Suspension of Billing for Unoccupied Premises

The Board of Commissioners authorizes the suspension of water and/or sewer services without charging a fee, under certain circumstances such as a house that has been destroyed by fire. The water and/or sewer billing will be suspended provided that:

- a.) The structure in question is removed, condemned, destroyed, or no longer requires water and/or sewer service in the opinion of the General Manager, and
- b.) The property owner requests in writing the suspension of service and service charges to the structure, and
- c.) The water meter is locked or removed when the service is suspended, and
- d.) The account is paid current to the first of the month following the District's receipt of the property owner's written request before the billing will be suspended.

[Resolution Nos. 444, 782]

3.7.7 Water Leak Adjustments

The District will adjust high customer water bills resulting from in-ground service line breaks between the water meter and the entry point of service into the building. The leak adjustment request must be made in writing by the property owner and include evidence the leak is now repaired either by

enclosing a paid invoice or a receipt for repair parts. If there are no invoices or receipts available, a written assertion that the leak is now repaired is acceptable.

Water consumption figures from the same billing period in the previous year are used to calculate the leak adjustment. If less than one year's usage history exists, the current base rate allowance will be used as a non-leak quantity basis. The District will credit qualifying leak adjustment dollar amounts to the current or next customer bill. There is no cap to limit the customer's costs.

Water leak adjustments are limited to one adjustment per account per year. The leak adjustment applies to one billing cycle only. When a leak occurs the overage may show up on more than one consecutive billing cycle. The District will adjust the higher usage billing cycle to assure that the customer receives the highest possible adjustment. This adjustment will be made at the request of the property owner. Late charges on the leak amount will be waived if the customer adheres to a prearranged payment schedule.

[Reference Minutes: August 14, 1992; January 14, 1998; March 8, 2000; April 12, 2006, Resolution 782]

3.8 Payment Methods

3.8.1 Credit and Debit Cards

The District will accept credit and debit cards for payment of utility billing, water and/or sewer permits, and all other fees and charges imposed by the District. The District will accept VISA, Discover, and MASTERCARD. Online payment is available via the District's website using a credit card, debit card or checking account.

A flat fee, to be reviewed and determined annually, will be collected at the time of charge for credit, debit, or on-line payments. Fees are listed in the current Master Fees and Charges Schedule.

[Reference Resolution Nos. 693, 778]

3.9 Dispute Resolution

3.9.1 Appearance Before Commission

Any Customer or other person who believes that he/she has been wrongfully treated by a decision of the District may have that decision reviewed by the District's Board of Commissioners.

[Reference Resolution #799]

3.9.2 Binding Decision

The decision of the Commissioners shall be a final decision of the District. [Reference Resolution #799]

3.9.3 Appearance Request

A request for an appearance before the Commission must be made a minimum of eight (8) business days prior to the desired Commission meeting by the Customer or by someone with legal authority to act on the Customer's behalf. Each appearance request should include a description of both the decision to be reviewed and the relief requested. The District may require that the request be in writing. The Customer's request must be directed to the Board of Commissioners, or General Manager at the District's office located at 1220 Lakeway Drive, Bellingham, Washington 98229. [Reference Resolution#799]

3.9.4 Appearance Date

The General Manager will set the date for the appearance within ten (10) business days after the hearing request is received by the General Manager. Unless otherwise indicated, the hearing will be held at the District's Lakeway Drive office. [Reference Resolution 799]

3.9.5 District's Action Stayed Pending Receipt of the Requested for Appearance

If a Customer:

- a) Contacts the District within eight (8) business days after receiving notification, whether written or oral, of a decision of the District; and
- b) Informs the District that he/she intends to request an appearance before the Commission to review that decision; the District will stay the action which would have been taken unless to do so would cause substantial disproportionate harm to the District or its customers. The stay will remain in effect for six (6) business days or until receipt of a formal request for an appearance, whichever is earlier. Upon receipt of a formal request for an appearance the District will stay the action through the appearance absent substantial disproportionate harm.

[Reference Resolution 799]

3.9.6 Performance Pending Hearing

All obligations which are not the subject of the dispute to be decided by the Commission shall be performed by the District and/or the Customer. This shall include, in the case of a dispute over amounts to be paid, the payment of all non-disputed amounts. [Reference Resolution 799]

3.9.7 Failure to Appear

If a customer fails to appear before the Commission within thirty (30) minutes after the time set for the appearance, the Customer will be in default and the Commission shall decide the disputed matter in favor of the District. If the Customer fails to appear, the Customer's request for another appearance will not be granted unless the failure to appear was caused by an emergency or because of the occurrence of an unforeseeable circumstance or event, which shall be determined by the General Manager. In such case, the subsequent appearance must be held within ten (10) business days of the original hearing.

[Reference Resolution 799]

3.9.8 Continuances

Any request for a continuance shall be made to the General Manager, which shall grant such continuance only in the case of an emergency or because of the occurrence of an unforeseeable circumstance or event. [Reference Resolution 799]

3.9.9 Representation

A Customer may represent himself/herself or may be represented by an attorney. If the Customer is to be represented by an attorney, the Customer must inform the District of that fact at the time the request of an appearance is delivered to the District, or if the services of an attorney are procured later, then as soon as such representation is arranged. [Reference Resolution 799]

3.9.10 Evidence

The Commission may consider evidence which will assist the Commission in reaching a decision. Information that is irrelevant and unduly repetitious may be excluded. Documentary evidence may be received in the form of copies of excerpts. Each party shall have the right to ask questions of persons who make statements at the appearance. [Reference Resolution 799]

3.9.11 Legal Authority

The Commission shall apply as the first source of law District Resolutions Code and Regulations. If District authority fails to adequately address the situation, the Commission shall resolve the issue(s) based upon the legal authority and reasoning available, including that found in the state and federal constitutions, statutes, and court decisions. [Reference Resolution 799]

3.9.12 Review of District Action

If the dispute involves a question of whether the Customer is indebted to the District, the District must establish the Customer's obligation by a preponderance of the evidence. If the dispute involves a question of whether a District decision is inconsistent with the regulation of the District, the Customer must establish by clear cogent and convincing evidence that the decision is not supported by the facts and circumstances. [Reference Resolution 799]

TITLE 4 WATER

4.1 Use of Public Water Supply

4.1.1 Limitations on Water Use

No person supplied with water from the District shall be entitled to use it for any purpose other than those stated in the application for services nor to supply other persons or premises in any way. [Resolution No. 785]

4.1.2 Cross Connection Control

The District does not allow cross connections which endanger water quality, and reserves the right to require any customer to install, as a condition of water service, a pressure reducing valve, back flow preventive device, pressure relief valve or similar devices at any location where the General Manager, or his designee, determines a need to protect the District's facilities. The District has the authority to immediately terminate service to any facilities which it determines to have a cross connection potential. [Resolution No. 784]

4.1.3 Unlawful Damage to Water System

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or piece of equipment which is part of the District's water system. [Resolution No. 242A]

4.1.4 Hydrant Equipment Rental

A fee will be charged for use of the District's fire hydrants and water usage by the public and other entities, except for fire districts. A hydrant meter is required for use of the District's fire hydrants. See the current Master Fees and Charges Schedule for rental and water usage fees. [Resolution No. 524]

4.1.5 Interruptions to Service

The District may temporarily shut off water for maintenance and repair purposes to various District water facilities. Staff will attempt to notify all affected customers prior to the interruption of water service. [Resolution Nos. 242A, 785]

4.2 Water Pressure Adequacy

4.2.1 Substandard Water Pressure for Homes in Sudden Valley

Certain lots in Sudden Valley were platted at elevations that are too close to the distribution reservoirs to have adequate gravity water pressure and require the installation of a booster pump to maintain adequate pressure. [Resolution No. 721]

Lake Whatcom Water and Sewer District allows a credit for the cost of an individual water pressure booster pump, against water bills for existing homes in Sudden Valley that cannot achieve gravity pressure of 30 psi as determined by the District at the customer's side of the meter. The amount of the credit shall be determined by the District based upon its determination of reasonable cost, prior to installation of the booster pump, but shall not exceed the amount listed in the current Master Fees and Charges Schedule. The pump credit shall be allowed retroactively to those property owners whose lots meet the criteria above. [Resolution Nos. 721, 778]

Those accepting the water pump credit shall sign an appropriate release form that establishes that the property owner owns the pump, accepts full responsibility for its operation, maintenance, or replacement, and accepts the system water pressure “as is” from the District water system.
[Resolution No. 721]

4.2.2 Pre-connection Water Pressure Adequacy Testing

The District desires to prevent new Geneva and North Shore water service connections from inadvertently being made in areas of substandard water pressure as defined by the Washington State Department of Health WAC 246-290.

The current minimum pressure standard is 30 psi at the meter during Peak Hourly Demand. Applications for water service will be administered under the current standards.
[Resolution Nos. 644, 785]

4.2.3 Comparison to Pressure Zone Maps

Upon receipt of any application for new water service in the Geneva and North Shore services areas, the District will first compare the proposed service location against the District’s water pressure service area maps to determine theoretically-available pressures based on water system modeling.
[Resolution No. 644]

4.2.4 Determination of Potentially Low Pressure Applications

Any service application located between 0-25 vertical feet lower in elevation than the mapped 30 pounds per square inch (psi) pressure limit contour will be deemed to be in a zone of potentially low pressure. The applicant will be notified in writing of the finding, and will be asked whether they wish to terminate the water service application or continue the investigation.
[Resolution No. 644]

4.2.5 Applicant Requests to Continue Investigation

At the applicant’s further request and sole cost, the District will perform a field verification of distribution system pressures for any proposed service meter that would be up to 25 vertical feet lower in elevation than the mapped 30 psi pressure limit contour.
[Resolution No. 644]

4.2.6 Selection of Proposed Meter Location

An applicant for water service may request that the pressure test and meter location be favorably located in any accessible public right of way adjacent to his/her property boundaries.
[Resolution No. 644]

4.2.7 Field Investigation of Available Pressure

District staff will install a pressure gage and chart recorder to measure and record pressures for a minimum of seven days. The location and process for the pressure test will be determined by District staff to assure accuracy and minimize investigation costs to the applicant. If the test gage is not installed at the exact proposed meter location, the District will require the District’s consultant engineer to survey the elevations of the test gage and the proposed meter location to relate the observed and anticipated pressures. [Resolution No. 644]

4.2.8 Minimum Pressure Requirement for Service

A continuous minimum pressure of 30 psi at the proposed meter location, as demonstrated by the District's gage and associated elevation surveys, is required for any new service to be granted without additional public distribution system improvements being made. [Resolution No. 644]

4.2.9 Minimum Requirements to Change if Department of Health Regulations Change

This section intends to comply with the current and future Department of Health requirements. The current minimum pressure standard is 30 psi at the meter during Peak Hourly Demand. Applications will be administered in light of then-current standards. [Resolution No. 644]

4.2.10 Impacts of Peak Hourly Demand on Tests

The District recognizes that Peak Hourly Demand as defined by WAC 246-290 may not physically occur during the seven-day test period. The District nevertheless concludes that observance of a minimum of 30 psi at the proposed meter location for seven days substantially demonstrates distribution system pressures complying with current State Department of Health standards. [Resolution No. 644]

4.2.11 Denial Appeal Must Be Based on Hardship

The General Manager's denial of an application for water service under the terms of this Code may be appealed to the Board of Commissioners. The appeal must be in writing, and must document hardship that the applicant will suffer if public water is not obtained from the District. [Resolution No. 644]

4.3 Water Service Connection

4.3.1 Property Capable of Being Served by the District Water System

Property located within District boundaries shall be deemed capable of being served by a public water system of the District when; (1) such property meets the criteria defined in Title 3.4 and Title 4.2 of this Code, (2) when zoning is appropriate, (3) a valid legal lot of record exists, and (4) the District has adequate water rights and system capacity to serve the property. Properties with water systems installed by Developer Extension Agreements shall normally transfer ownership of the water facilities to the District prior to being considered capable of being served. Appropriate connection and other charges shall be required. [Resolution Nos. 242A, 785]

4.3.2 Subdivisions, Plats and Substantial Developments

Any land developer, public agency, or builder involved in substantial development within the District shall make application for and secure water service from the District or receive a release from the District from connecting to the District's system prior to applying for other applicable county building or development permits. [Resolution No. 242A]

4.3.3 Meter Installation

All water services shall be metered and the District shall deliver water to users only through meters owned by the District. A separate water meter shall be installed for each structure receiving water, whether it is a single family residence, multiple family residence, commercial structure, or industrial structure. The District shall determine the size of the meter to be installed in each instance. Meters shall be of the type specified by the District's Construction Standards and Details and shall be installed by the District. A flow test shall be performed by the District at the time of meter installation to insure no restrictions to water flow are present. [Resolution Nos. 242A, 785]

4.3.4 Testing of Meters

Water meters may be tested for accuracy at the customer's request. Field staff will calibrate the customer's meter using the District's equipment. If the meter is found to be over 3% inaccurate, a new meter will be installed at District expense. [Resolution Nos. 242A, 785]

4.3.5 Meter Failure

In the event of a meter failing to register properly, the user shall be charged an estimate of the consumption from whatever may be considered the most reliable data or method available to the District utilizing the average rate of consumption for the previous twelve (12) months.
[Reference Resolution 799]

4.3.6 Pressure Reducing Valve (PRV)

To protect residential plumbing from possible high pressures and/or pressure spikes in the District's waterlines, the District requires the installation of a Pressure Reducing Valve (PRV) in all new residential construction. Staff will inspect new construction to verify that a PRV is in place before unlocking the curb stop valve. The General Manager may grant property owner initiated requests to waive the District's pressure reducing valve installation requirement policy provided that (1) the District Engineer first reviews and endorses the waiver request, and (2) the property owner agrees to execute a Hold Harmless Agreement, which the District will record against the property at the property owner's expense. [Resolution No. 784]

4.3.7 Responsibility for, and Maintenance of, Services

The District owns, and operates, maintains, repairs, and alters at its expense, the water service connection from the water main to the point of delivery as defined in Title 3.1 of this Code.

The customer owns, operates, maintains, repairs, and alters, at his/her expense, the water service connection from the point of delivery to the building/structure served.

The customer will assume all responsibility beyond the point of delivery for water supplied by the District. The District will be exempt from all liability for loss or damage caused by leakage or escape of water furnished by the District, after the water has passed the point of delivery.

All service pipes and fixtures on the premises of the customer must be kept in repair and protected from freezing at the expense of the customer. Where there are leaking or defective pipes or fixtures, the water may be turned off at the option of the District until the proper repairs are made.
[Resolution Nos. 242A, 785]

4.3.8 Service Relocation

Whenever it is necessary to relocate any portion of a water service connection due to a change in the characteristics of the property which causes the relocation, such as grade change, a driveway change, etc., a charge will be made to the property owner for labor, materials, equipment and any resulting water loss. [Resolution Nos. 242A, 785]

4.4 Water Service Initiation, Interruption, Restoration and Tampering Policy

4.4.1 Original Water Service Installation

The District will close and lock the curb stop valve when the District, or others, installs the water service line from the water main to the property. [Resolution Nos. 768, 780]

4.4.2 Initial Water Service

Once a property owner has activated a Water and/or Sewer Permit for the property, the water service to the property exists and the owner shows that a water pressure regulating valve exists in the building(s) sited on the property, and makes a request to turn the water on and begin the water and sewer billing, the District will install a water meter and open the curb stop valve. [Resolution Nos. 768, 780]

4.4.3 Water Service Interruption

- a.) Property Owner/Building Occupant Performs. Property owners or building occupants may close the curb stop valves serving the property after consultation with District staff to learn the proper procedures. Property owners are responsible for any damage to the curb stop valve, water meter, meter setter, or other District-owned facilities resulting from their attempts to interrupt water service. Property owners or building occupants may not lock the curb stop valve.
- b.) District Performs at Property Owner/Occupant Request. The District will close and lock the curb stop valve serving the property if the account is paid in full after receiving a written request from the property owner/occupant and payment of the fee outlined in the District's current Master Fees and Charges schedule.
- c.) Property Owner/Non-Occupant Requests that District Performs. District staff will not close or lock the curb stop valve serving a property if the property owner requests same, but property owner is not the occupant.
- d.) For Account Delinquency. Once an account becomes delinquent (i.e., 60 days past due), District staff may advise the occupant of the delinquency with a door hanger or a disconnect letter of the District's plan to discontinue water service unless the delinquent charges are paid, as well as any additional charges. District staff may also advise the property owner of the delinquency with a disconnect letter and a notice to interrupt service on the billing statement. These notices will advise the owner of the District's plan to discontinue water service unless the delinquent charges are paid, as well as any additional charges.

If the property owner or building occupant fails to pay the delinquent charges during the time period stated in the notice, the District may close and lock the curb stop valve serving the property, and charge the fee stated in its current Master Fees and Charges Schedule.
- e.) For Failure to Comply with District Orders to Curtail Water Consumption resulting from General Emergency Condition. If a building occupant fails to comply with general emergency orders to curtail water use, e.g., the District's water distribution system suffers a major failure and consequent loss of water, the District will close and lock the curb stop valve serving the property, and affix a door hanger notifying the building occupant that the District has done so for a stated reason. The District will charge the fee stated in its current Master Fees and Charges schedule.
- f.) For Failure to Eliminate Cross Connection. If a building occupant fails to eliminate a cross connection, District staff will close and lock the curb stop valve serving the property, and affix a door hanger notifying the building occupant that the District has done so for

failure to eliminate cross connection. The District will charge the fee stated in its current Master Fees and Charges schedule.

- g.) For Failure to Repair Leak. If a possible leak is noted with overage exceeding 2500 cf a notification, consisting of a certified letter, will be sent to the known address of the property owner as soon as possible, usually within three business days. The District will also notify the building occupant of the possible leak by affixing a door hanger to the residence.

If a building occupant or property owner fails to repair a verified, but concealed, leak downstream of the water meter within ten working days of District notification of the leak, the District may close and lock the curb stop valve serving a property, and affix a door hanger notifying the building occupant that the District has closed and locked the curb stop valve serving the property for failure to repair a leak. The District will charge the fee stated in its current Master Fees and Charges Schedule.

- h.) For Agency Request or Order. If the State Department of Health, Whatcom County Health and Human Services, Whatcom County Sheriff, or a Fire District with jurisdiction, requests or orders interruption of water service to a particular property, the District will close and lock the curb stop valve serving a property, and affix a door hanger notifying the building occupant that the District has done so, citing the agency requesting or ordering same.
- i.) For Visible Leak in Vacant Building. Upon discovering, or after receiving notification of, a leak in a vacant building, the District may close and lock the curb stop valve serving the property. The District may affix a door hanger notifying the building occupant; also notifying the property owner at the known mailing address that the District has done so because a leak is visible in the building.
- j.) For Disaster, Catastrophe, or Calamity. Upon discovering, or after receiving notification of, severe building or property damage resulting from a natural or man-made disaster or calamity (e.g., fire, earthquake, flood) that destroys or otherwise renders the building uninhabitable, the District will close, but not lock, the curb stop valve serving the property, and affix a door hanger notifying the building occupant that the District has done so for said reason.

[Resolution Nos. 768, 780, 799]

4.4.4 Water Service Restoration

- a.) Property Owner/Building Occupant Performed. Property owners or building occupants that closed the curb stop valve may reopen the valve at no additional charge. Property Owners are responsible for any damage to the curb stop valve, water meter, meter setter, or other District-owned facilities resulting from their attempts to restore water service.
- b.) Property Owner/Occupant Requested/District Performed. The District will unlock and/or reopen the curb stop valve serving a property after a request for same from the property owner/occupant, and payment of the fee stated in the District's current Master Fees and Charges Schedule.
- c.) Involuntarily Interrupted. Where the District has closed and/or locked the curb stop valve, District staff will unlock and reopen the curb stop valve, under the following corresponding circumstances, upon receipt of a request by the property owner and payment of the fees set forth in the District's current Master Fees and Charges Schedule:
- For account delinquency, upon receipt of payment of all delinquent charges.
 - For failure to comply with District order to curtail water consumption resulting from general emergency condition, upon agreement by the building occupant to comply with the emergency order.
 - For failure to eliminate cross connection, after receiving evidence that the cross connection no longer exists, or approved backflow device is installed.
 - For failure to repair leak, after receiving evidence that the leak no longer exists.

In all of the above cases, if the occupant requests that the District physically restores the water service outside of business hours, advise the occupant of the after-hours surcharge for this service and then, if the occupant still desires that the District restores service outside normal business hours, unlock and reopen the curb stop valve after receipt of the evidence.

The District will also unlock and reopen the curb stop valve, under the following corresponding circumstances, upon receipt of a request by the property owner:

- a.) For agency request or order, after receipt of the agency's permission to restore water service.
- b.) For visible leak in vacant building, or for disaster, after receipt of the property owner's request to restore water service, at no charge.

[Resolution Nos. 768, 780]

4.4.5 Water Service Tampering, Diversion, or Unauthorized Connections

Any person knowingly and maliciously damaging or tampering with District meters and other equipment, reconnecting a previously disconnected meter for the purpose of restoring utility service or tampering with any District equipment with the intent of defrauding or illegally diverting utility service shall be subject to prosecution in accordance with Chapter 9A.56 RCW (Theft and Robbery). In addition, in the event of unauthorized connection the District may collect from the customer the charge for estimated unmetered water, the cost of facility repairs and replacement including the time and expense of District personnel, administrative costs, attorney's fees, and other costs authorized or awarded. All unauthorized water service connections will be disconnected immediately upon discovery.

[Resolution Nos. 242A, 768, 780, 785]

TITLE 5 SEWER

5.1 Use of Public Sewer

5.1.1 Treatment of Sewage is Required

It shall be unlawful to discharge into any water course, pond, ditch, lake, or other body of surface or ground water within the District any sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Code.
[Resolution No. 146]

5.1.2 Unlawful Sewage Disposal Facilities

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended, or used, for the disposal of sewage in the District where public sewers are considered to be available by the District except through the authorization of the Whatcom County Health Department.
[Resolution Nos. 146, 785]

5.1.3 Sewer Connections Required

When the public sewer collector and transmission lines have sufficient capacity, all property within the District boundaries shall be deemed capable of being served by a public sewer when such property has a sewer collector line located within 200 feet of the property and it is inside a UGA or LAMIRD, or within 150 feet elsewhere, and on an abutting alley, street, easement, or right of way. Appropriate connection and other charges shall be required.

The owner of each lot or parcel located within the District's boundaries, upon which lot or parcel there is situated any building or structure for human occupancy or use, and said lot or parcel is capable of being served by the District's public sewer in accordance with this section, shall install suitable toilet facilities therein and shall connect such facilities, together with all other facilities in use therein which results in the existence of sewage, to the public sewer system, at his/her own expense.

A lot or parcel that has been developed with an on-site sewage disposal system (OSSDS) is required to abandon OSSDS systems and connect to the sewer within 60 months after District sewer adjoins the property in a public right-of-way or easement benefiting the District, and provided that the District determines that the public sewer collector line has sufficient capacity for and is available for such lot or parcel. The District shall compel such connection under the provisions of RCW 57.08.005 should the property owner refuse to connect.

If a lot or parcel is capable of being served by the District's public sewer in accordance with this section and if a Health Officer finds that an existing onsite septic system has failed, that parcel must connect to the District sewer immediately.
[Resolution Nos. 146, 683, 732, 785]

5.1.4 Failure to Connect to the Public Sewer

Owners of on-site sewage disposal systems (OSSDS) which fail to connect to the public sewer system as required by Title 5.1.3 within 60 months after sewer becomes or became available for hook up as determined by District and within 12 months after date of mailing or personal service of notice that sewer is available are subject to all of the following:

1. **Sewer Service Charge.** Charges for sewer service will commence on the Required Connection Date. Unpaid balance is subject to the District's established late fee and penalty policies. Sewer services rates are set forth in the current Master Fees and Charges Schedule.
2. **Permit Fees.** General Facilities, Permit Processing, Inspection, Latecomer, and any other applicable sewer permit fees are due on the Required Connection Date. Unpaid balance is subject to an annual interest rate of 10% per year, compounded monthly.
 - a. **Grace Period.** Accrued interest will be waived if sewer permit fees are fully paid within 6-months from the Required Connection Date.
 - b. **Monthly Installment Plan.** Owners may elect to pay permit fees in 36 equal monthly installments. Monthly installments shall include principal and interest, with an annual percentage rate of 10% computed on the declining principal balances. Prepayment is permitted with interest prorated.
 - i. **Low Income Status.** Property owners that can prove that they have qualified for the senior citizen and disabled person property tax exemption under WAC 458-16A are eligible for the 36 month installment plan for Permit Fees, with no interest.

[Resolution No. 732]

5.1.5 Reserved

5.1.6 Subdivisions, Plats and Substantial Building Developments

Any land developer, public agency, or builder involved in substantial development within the District shall make application for, and secure, sewer service from the District or receive a release from the District from connecting to the District's collector system prior to applying for other applicable county building or development permits.

[Resolution No. 146]

5.1.7 Unlawful Discharge of Storm and Other Waters into Sewers

No person shall discharge or cause to be discharged any storm water, surface water, roof runoff, sub-surface drainage, cooling water, or industrial process waters to any sanitary sewer.

[Resolution No. 146]

5.1.8 Unlawful Wastes

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer.

- a.) Any liquid or vapor having a temperature higher than 150 degrees F.
- b.) Any water, or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
- c.) Any gasoline, benzene, naphtha, fuel oil, lubricating or other flammable or explosive liquid, solid, or gas.
- d.) Any garbage that has not been properly shredded.

- e.) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- f.) Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District.
- g.) Any waters or wastes containing toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- h.) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- i.) Any noxious or malodorous gas or substance capable of creating a public nuisance.

[Resolution No. 146]

5.1.9 Interceptors

Grease, oil and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Such interceptors shall be of a type and capacity approved by the manager and shall be so located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gas tight and water tight.

Where installed, all grease, oil, and sand interceptors shall be maintained by the owner, at his expense, for continuously efficient operation at all times. [Resolution No. 146]

5.1.10 Maintenance of Preliminary Treatment Facilities

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. [Resolution No. 146]

5.1.11 Commercial Wastes Control Manhole

When required by the General Manager, the owner of any property served by a side sewer carrying commercial wastes shall install a suitable control manhole in the side sewer to facilitate observation, sampling and measurement of water. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by the owner at their expense and shall be maintained by the owner so as to be safe and accessible at all times. [Resolution Nos. 146, 785]

5.1.12 Test of Wastes and Location of Sampling

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with Standard Methods for the Examination of Water and Sewage, and shall be determined at the control manhole provided for, or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the side sewer is connected. [Resolution No. 146]

5.1.13 Tank Trucks and Dump Stations

The District shall not accept, in any of its sewer facilities, sewage dumped from third party tank trucks. Persons in violation of this ban shall be charged a penalty for each occurrence in accordance with the most current Master Fees and Charges Schedule.

A dump station for boat or recreational vehicle facilities, at any location within the District, shall be considered a separate and additional commercial unit and shall be equipped with suitable screening devices so as to prevent undesirable material, such as metal, from entering the sewer system. The owner of a dump station found without suitable screening equipment shall be fined per the current Master Fees and Charges Schedule. [Resolution Nos. 146, 785, 799]

5.1.14 Trucking for Containment of Wet Weather Sewage Bypasses

The General Manager of Lake Whatcom Water and Sewer District shall confirm arrangements with one or more trucking companies to provide on-call pumping truck services to the District to contain wet weather inflows and infiltration at appropriate points in the District's sewage collection and transmission system, to prevent sewage bypasses. [Resolution No. 626]

5.1.15 Unlawful Damage to Sewage Works

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or piece of equipment which is part of the District sewage works. [Resolution No. 146]

5.2 Private Sewage Disposal

5.2.1 Private Sewage Disposal Allowed

Where a public sanitary sewer is not available for use as provided in Titles 5.1.3 and 5.1.6, and is so certified by the Board of Commissioners, the use of a private sewage disposal system which complies with applicable state and county regulations will be allowed. [Resolution Nos. 146, 785]

5.3 Installation of New Sewer Mains/Other Sewer Utility Facilities

5.3.1 Utility Local Improvement District (ULID)

Utility Local Improvement Districts to extend sewer and/or water service to a group of properties may be initiated either by resolution of the board of commissioners or by petition signed by the owners, according to the records of the office of the county auditor, of at least fifty-one percent of the area of the land within the limits of the improvement district to be created. [RCW 57.16]
[Resolution No. 785]

5.3.2 Construction of New Water and/or Sewer Facilities by Owner

A developer, owner, or other applicant requesting water and/or sewer service and not being willing or able to initiate formation of a Utility Local Improvement District, may be required, as a condition to securing water and/or sewer service, to install water system and/or sewer collection facilities on their property and in roads, easements, or other rights of way. All such water and/or sewer facilities shall be constructed and installed at the sole expense of the property owner or developer under the supervision of the District. All such systems shall be designed and constructed pursuant to a Developer Extension Agreement with the District, the terms and conditions of which are contained in the District's standard Developer Extension Agreement contract. The cost of District supervision shall be paid for by

the property owner or developer. After completion and acceptance by the District, such water and/or sewer facilities, other than water services connections and/or side sewers from the structure to the property line, shall be conveyed to the District free and clear of all liens or encumbrances, together with duly executed and acknowledged easements for all portions of such water and/or sewer facilities located upon private property, at no cost to the District. The property owner or developer will pay appropriate connection fees. The property owner or developer shall furnish the District with as-built drawings covering water and/or sewer facilities so constructed and installed. [Resolution No. 785]

5.3.3 Relationship Between Developer and District

The relationship between the developer and the District shall be governed by the Developer Extension Agreement. [RCW 57.22, Resolution No. 785]

5.3.4 Inspection of Water and/or Sewer Facilities Construction

All construction of new or replacement water and/or sewer mains and other facilities shall be based on plans and specifications prepared by the District's engineer, or on plans prepared by the developer and approved by the District. Such facilities shall be constructed in accordance with current American Water Works Association standards, WSDOT Standard Specifications, and the most current version of the District's Design Standards and Construction Standards and Details. New water and/or sewer mains and facilities shall be constructed under the supervision of the District or their representative, regardless of whether the work is performed by the District or any private party. The District shall inspect the installation of new water and/or sewer mains and facilities to ensure compliance with its specifications. [Resolution No. 785]

5.3.5 Latecomer Agreement

The Latecomer Agreement shall provide for the reimbursement to the developer (or the developer's assigns) of a portion of the costs of the facilities constructed, within fifteen-years of the date of acceptance of the facilities by the District, from connection charges received by the District from other property owners who may subsequently connect to or use the facilities and who did not contribute to the original cost of such facilities. [RCW 57.22.020, Resolution No. 785]

5.4 Service Lateral and/or Side Sewer Installation

5.4.1 Prerequisites

Before an applicant may install a service lateral and a side sewer, or before an applicant may connect a side sewer to an existing service lateral, the applicant must obtain a valid activated Sewer Permit and the District must approve the connection. [Resolution Nos. 645, 779]

5.4.2 Applicant Responsibility

The applicant shall be responsible for compliance with this Code. The District's duties and responsibilities pursuant to this Code shall be to the general public, and not to any specific individual or entity. The District's failure to properly inspect and/or enforce these provisions shall in no way relieve the applicant and/or Bonded Side Sewer Contractor from their responsibility to comply. [Resolution Nos. 645, 779]

5.4.3 Standards and Compliance

The applicant's service lateral and/or side sewer installation shall comply with the most current version of the District's Water and Sewer Design Standards and Construction Standards and Details. [Resolution Nos. 645, 779]

5.4.4 Connection Point / No Entitlement to Connect at Nearest Location

The District will review the proposed location of sewage connections to its collector sewers that are in close proximity to a stream, or which connect to sewers that cross a stream, and make a case-by-case determination of whether to allow connection to the collector sewer at an existing service lateral or other proposed connection point, or require connection at an alternate location. A maximum of two (2) individual side sewers may connect to a single service lateral.

There is no entitlement to connect at an existing service lateral or at the closest gravity feed location on the system. In some cases, the connection point specified by the District may be uphill of the applicant's sewage generating facility, requiring installation of a pump by the applicant. Such pump installation shall belong to the property owner, and shall be installed and maintained at the property owners cost and expense. [Resolution Nos. 645, 779]

5.4.5 Wyes, Tees, Service Laterals

Wyes, tees, and service laterals shall be located in the following manner:

- a.) Connection will be made at the point designated by District Management or other authorized District staff persons.
- b.) If a sewer tee or service lateral is not found at the location given, the contractor shall prospect two feet in all directions from the measurement given and if still not found, notify District Management.
- c.) Wyes may be used only if the Uniform Plumbing Code permits and at a location approved by District Management or in accordance with requirements of the Plumbing Code.
- d.) An inspection tee with a riser to not less than one foot from the surface of the ground shall be placed on every side sewer at or near the connection to a common sewer, the location to be approved by the District. The tee shall be capped with a suitable cover. If the inspection tee is located on private property, the District shall have the right to enter onto that private property and excavate to the inspection tee at any time where there is reasonable doubt on the legal use of the side sewer. The District shall restore the surface after such excavation.
- e.) All side sewer and service lateral construction shall conform to all applicable plumbing codes and to the most current version of the District's Design Standards and Construction Standards and Details.
- f.) District field staff will maintain as-built drawings of the side sewer after inspection of same.

[Resolution Nos. 146, 785]

The owner of any building shall be responsible for obtaining from the District the location and elevation of the sewer tee or service lateral at the point of connection and, in the case of new construction, for planning the building and plumbing to provide adequate slope for the side sewer. The applicant for permit shall be responsible for determining the available grade between building drain and sewer tee or service lateral. [Resolution Nos. 645, 779]

5.4.6 Inspection

The applicant, by applying for a Permit and/or having a Bonded Side Sewer Contractor apply on applicant's behalf for said Permit, expressly grants personnel of the District the right of entry onto the applicant's property during reasonable hours of the day for the purpose of inspecting the installation of the service lateral and/or the side sewer.

The applicant for the sewer permit shall notify District when the side sewer or service lateral is ready for inspection. The applicant shall provide sufficient advance notice for each inspection as determined by the District. If a side sewer is completed without District inspection, the District may require that said side sewer be excavated and exposed for inspection. All costs incurred in this process shall be borne by the applicant. [Resolution Nos. 645, 779]

5.4.7 Protection of Excavations and Restoration of Public Property

All excavations for side sewer or service lateral installations or inspections shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District, Whatcom County, and/or Sudden Valley Community Association when applicable. [Resolution Nos. 785]

5.4.8 Side Sewer for Each Building

A single side sewer shall be provided for each building unless the topography of the land makes it impractical to build a lateral, then District Management may authorize suitable alternate construction. The connection of more than one building to a single side sewer must be approved by District Management and verified by the District Commissioners prior to the construction of such side sewer. No more than one multiple dwelling or commercial building shall be connected to a side sewer, unless otherwise previously approved by District Management.

If the side sewer is to exist on two building sites, approved documents assuring that all properties involved shall have perpetual use of the side sewer, and having provisions for maintenance and access for repair purposes, shall be signed by the recorded owners. This document shall be acknowledged and recorded with the County Auditor. [Resolution Nos. 146, 785]

5.4.9 Re-use of Old Side Sewers

Old side sewers, including septic tank lines, may be used only when they are found, on examination and testing by the District, to meet all requirements of this Code. The owner or his agent shall demonstrate to the District Engineer's satisfaction that no connection to such side sewer or septic tank line exists which conveys any material prohibited by this Code. [Resolution Nos. 146, 785]

5.4.10 Conveyance of Private Sewers to the District

A private sewer constructed in a public right of way or in an easement granted to the District may be conveyed to the District subject to acceptance by the District. If the District accepts that conveyance, the sewer thereafter shall be a public sewer under the jurisdiction of the District. Prior to accepting the conveyance, the District may require that the grantor of the private sewer satisfy certain construction and other reasonable standards, including, but not limited to, the payment of the connection charge, inspection fee, and any applicable ULID assessments or Latecomer Agreement charges. [Resolution Nos. 146, 785]

5.4.11 Notice to Comply, Entry and Correction by District

The District will send a notice to the owners of any side or service lateral that has been connected to the District's collection sewer system, but which does not strictly comply with the provisions and standards of this Code. If such side or service lateral is not brought into compliance within 30 days of such notice, the District or authorized representative may enter the property owner's property and make such corrections as are necessary to bring the side or service lateral into compliance. The cost of such corrections shall be charged against the property owner, and shall be a lien upon the property pursuant to RCW 57.08.005. [Resolution Nos. 645, 779]

In the event of failure of the side sewer, the General Manager may establish a period of time for the repair to be made or, if the owner cannot be located or does not make such repairs within the established time period, the District may make the repairs under the procedure set forth Title 3.3 Violations of Code.

[Resolution Nos. 146, 785]

5.4.12 Disconnection by District

In the event correction cannot be made to a non-complying side or service lateral, and such side or service lateral could cause damage to the District's collection sewer system, the District reserves the right to immediately disconnect such non-complying side or service lateral, without notice, as necessary to protect the District's system of sewers. Notice shall be given as soon as practicable. If the District disconnects a property owner's sewer service, following the procedures as set forth, the District shall notify the Whatcom County Health Department of such disconnection.

[Resolution Nos. 645, 779]

5.4.13 Additional Requirements

The requirements set forth in this Code are minimum requirements intended to apply under usual and ordinary conditions. These requirements may be increased in unusual situations if the Board finds it advisable. [Resolution Nos. 645, 779]

5.5 Unauthorized Connection to Sewer Main or Manhole

5.5.1 Unauthorized Connections Prohibited

Unauthorized connections to the District sewer system are prohibited. Connection of cesspools, septic tanks, privy vaults or cisterns, gutter drains, down spouts, sump pumps, storm water collection systems, seeps, yard drains or any other such non-sewage facilities to the District's system, or to property owner-owned service lateral or side sewers that connect to the District sewer system, are also prohibited.

[Resolution Nos. 645, 779]

5.5.2 Notice and Removal of Unauthorized Connections

The District will mail (certified, return-receipt-requested) a notice to the offending property owner requiring the owner to disconnect the unauthorized connection within 21 days from the date the property owner is sent the notice. [Resolution Nos. 645, 779]

5.5.3 Charges for Unauthorized Connection

The District shall charge the owner of any property having an unauthorized connection the fee set forth in the District's current Master Fees and Charges Schedule. Such charge is for the District's investigation, testing, and inspection of an unauthorized connection. In addition to the testing and inspection charge, the property owner will reimburse the District for its actual reasonable costs, plus the District's normal overhead rate, for construction and/or repair determined by the District to be necessary or proper to protect, correct or repair the District's facilities as a result of the unauthorized connection.

[Resolution Nos. 645, 779, 799]

5.5.4 Additional Monetary Penalty after 90 Days

Failure to remove an unauthorized connection within 90 days of notice as provided herein shall result in an additional monitoring and enforcement charge as outlined in the District's Master Fees and Charges Schedule. The District shall certify all charges in this Title as liens against the property pursuant to RCW 57.08.005. [Resolution Nos. 645, 779, 799]

5.5.5 Termination for Failure to Remedy after 90 Days

Failure to remove an unauthorized connection within 90 days from notice as provided herein may be grounds for termination of sewer service by the District upon its determination that such is reasonable and necessary to correct the unauthorized connection, and after reasonable opportunity for a hearing before the Board of Commissioners. Notice of termination of service shall be given to the Whatcom County Health Department. [Resolution Nos. 645, 779]

5.5.6 Contractor Suspension

In addition to the foregoing provisions, if investigation by the District determines that a contractor willfully has made an unauthorized connection or has directed that an unauthorized connection be made, such contractor's status as Bonded Side Sewer Contractor will be suspended. No permits of any type will be issued to such Bonded Side Sewer Contractor until all such unauthorized connections have been removed, and all required charges have been paid. Such suspension shall be effective after 15-days notice to be given in the same manner as described hereinabove for notice to property owners; provided, however, that the commencement of such suspension shall be stayed pending a hearing before the Board at its next regularly scheduled meeting, if requested by the Bonded Side Sewer Contractor in writing within the 15 day period. [Resolution Nos. 645, 779]

5.6 Ownership, Operation, Maintenance, Repair, and Alteration

5.6.1 District Responsibilities

The District owns and operates, maintains, repairs, and alters at its expense, all collector sewers. The District owns, and repairs (except blockage elimination) and alters at its expense, all service laterals. In accordance with this Code, the District will seek monetary reimbursement for repair costs from persons whose actions inflict damage to collector sewers or to service laterals. [Resolution Nos. 645, 779]

5.6.2 Property Owner Responsibilities

The property owner owns and installs, operates, maintains, repairs, and alters, at his/her expense, his/her respective side sewer. The property owner, at his/her expense, installs, operates, maintains, and eliminates blockages from, his/her respective service lateral. The property owner shall maintain his/her service lateral and side sewer to prevent inflow and infiltration. The property owner shall neither connect, nor allow others to connect, non-sanitary sewage facilities or generators, such as gutters, downspouts, sump pumps, foundation drains, storm water collection systems, seeps, or yard drains, to the service lateral or to the side sewer. [Resolution Nos. 645, 779]

5.6.3 Notice to Property Owner

If the District discovers inflow and infiltration entering a collector sewer from a service lateral or side sewer, or if the District discovers that the owner has connected a non-sanitary sewage facility or generator to its collector sewer, the District shall immediately notify the property owner to remedy the condition. [Resolution Nos. 645, 779]

5.6.4 Entry Upon Land, Correction, and Charges

If the property owner fails to remedy the offending condition within 30 days of the original notification date, the District may enter the property owner's property to remedy the condition. If the District remedies an offending condition, it may recover all, or a portion of, its remediation costs by (1) applying a surcharge on the property owner's next regular sewer bill, or (2) mailing the property owner an itemized invoice. [Resolution Nos. 645, 779]

5.6.5 Reduction or Waiver of Charges

The Board may reduce or waive a portion of the charges imposed herein upon compliance by property owners with the requirements of infiltration and inflow prevention programs that may be implemented from time to time by the Board to encourage the voluntary disclosure and removal of unauthorized connections, or upon a determination of good faith compliance with the intent of the District's program to reduce infiltration and inflow. Notwithstanding the foregoing, the District's side sewer inspection fee shall be administratively charged for every connection requiring correction pursuant to this Resolution. Such programs shall be available to all property owners on a uniform basis. [Resolution Nos. 645, 779]

5.6.6 Disconnection of Side Sewer

No structure may be disconnected from a side sewer, and no side sewer may be disconnected from a public sewer, for any reason without prior written notification to, and approval of, the District. No approval shall be given unless the disconnection is permitted under this Code and other applicable rules and regulations and satisfactory protection is given by the owner or his contractor to the public sewers and sewer works of the District, including, but not limited to, the satisfactory capping of the side sewer or public sewer. Sewer service charges for any structure disconnected, or to be disconnected, shall continue until such disconnection is approved by the District, and the side sewer or service lateral is capped or otherwise protected to the satisfaction of the manager. [Resolution Nos. 146]

5.7 Sewer Allocation

5.7.1 Comprehensive Plan Goals and Policies

The District reaffirms the goals and policies set forth in the Comprehensive Sewer Plan. The District recognizes its responsibility of endeavoring to provide appropriate services at an appropriate time, which are also consistent with the Whatcom County Comprehensive Plan and with the District's overall policies and goals. [Resolution Nos. 785]

5.7.2 Regional Sewage Detention Facilities

The District will provide sewer service to other new developments if it can be demonstrated that such new developments will not cause an exceedence in the maximum rate of flow at the point where the District's system feeds into the City of Bellingham's system.

To a) avoid the proliferation of sewage detention facilities, b) manage the District's peak flows in an orderly manner, and c) maintain the District's facilities in an efficient manner, the District may require new applicants to participate in the cost of a regional sewage detention facility or other sewage flow equalization device. Financial participation shall extend to the cost of acquiring land, design costs, construction costs, and the cost of acquiring permits.

Financial participation shall be based upon the ratio of the applicant's connections to the total connections benefiting from (though possibly not flowing to) such facility. Financial participation (as opposed to direct construction) may be required only if the proposed facility has already been included in the District's approved Capital Improvement Plan or amendment thereof. [Resolution No. 578]

5.7.3 Future Modifications

In the event the sewage treatment contract between the District and the City of Bellingham is amended, this Code may be modified. In addition, the District reserves the right to modify this policy regarding flow modifications facilities in the future. [Resolution No. 578]

5.8 Bonded Side Sewer Contractors

5.8.1 Certification

The District maintains a list of certified, District-bonded Contractors (see Section 5.8.3 below) who meet the requirements of the following sections of this Code.

For the purpose of assuring safe and quality construction of side sewers, safe and quality connection of side sewers to the public sewers of the District and affording satisfactory protection to the sewer users of the District, no person may construct, install, repair, reconstruct, excavate, or connect to the public sewer of the District any gravity side sewer, unless he is a District-bonded Gravity Side Sewer Contractor holding a current state contractor's license. No person may construct, install, repair, reconstruct, excavate, or connect to the public sewer of the District any pressure side sewer, unless he is a District-bonded Pressure Side Sewer Contractor holding a current state contractor's license. [Resolution Nos. 146, 785]

5.8.2 Registration, Standards, Application

Gravity Side Sewer Contractors and Pressure Side Sewer Contractors **shall** be certified based on information contained in applications and obtained from other reliable sources relating to the experience, ability to perform the necessary work, and reputation of the applicant and his satisfying the requirements of this title. All registrants shall supply such information as the District shall require relating to his experience, ability to perform side sewer work, and personal, financial, and previous work references. The application may be in the form of a contract whereby the applicant shall agree to abide by the Side Sewer Contractor requirements of this Code. [Resolution Nos. 146, 785]

5.8.3 Bond and Insurance

Every applicant for a District certification must, prior to inclusion on the certified contractors list, deposit with the District:

- a. A surety bond in favor of the District in the amount of \$10,000.00 with a surety of sureties thereon approved by the District Commissioners and conditioned that he will perform the obligations of the application or contract (if the application is in contract form) and the resolutions and requirements of the District relating to side sewers and Side Sewer Contractors, and
- b. Satisfactory proof that the applicant currently carries the following insurance coverage:
 1. Public liability insurance in an amount not less than \$50,000.00 for injuries and accidental death to any one person, and an amount not less than \$100,000.00 for any one accident.
 2. Property damage and fire insurance in an amount not less than \$25,000.00.
 3. Commercial General Liability Insurance in an amount not less than one million dollars (\$1,000,000.00) per occurrence and one million dollars (\$1,000,000.00) in the aggregate in any one year. (From side sewer cont. cert.)

As long as a Side Sewer Contractor is included on the District-certified list, he shall maintain such bond and insurance, and such additional limits as may be required from time to time, and shall

furnish proof thereof to the District whenever a permit is issued or whenever required by District Management. [Resolution Nos. 146, 785]

5.8.4 Responsibilities

Every bonded Side Sewer Contractor or property owner shall:

- a. Post a valid side sewer permit at the site of the work prior to commencing the work relating hereto.
- b. Contract for work using only the standard form of side sewer contract approved by the District Management, executed in duplicate or more, which shall provide a clear description, including a sketch, of the work to be performed and the materials to be used and that workmanship and materials shall be guaranteed for a period of one year after installation and acceptance thereof.
- c. Adhere at all times to the then current requirements of the District for side sewers and Side Sewer Contractors, including such reasonable requirements of the General Manager relating to construction, installation, reconstruction and repair, and
- d. Be liable for damages to the public sewers or sewage works of the District caused by his work.
- e. Be responsible for proper and legal disposal of excess materials following construction.

[Resolution Nos. 146, 785]

5.8.5 Revocation and/or Suspension of Certification

The District's certification of a Side Sewer Contractor may be revoked by the Board of Commissioners, or temporarily suspended by the General Manager until the next meeting of the Board of Commissioners, for any one of the following causes:

- a. Fraud or misrepresentation in applying for or maintaining the license;
- b. Failure to observe the rules and regulations of the District relating to side sewers and Side Sewer Contractors;
- c. Failure to pay for labor or materials used in the construction of side sewers;
- d. Fraud or misrepresentation to the owner, occupant, or agent or representative thereof for the purpose of obtaining a contract for the construction of a side sewer, or during the course of work done pursuant to such contract, and including the failure to adhere to the standard side sewer contract;
- e. Failure to correct work or pay any default covered by the guaranty in the standard side sewer contract;
- f. Failure to pay for work performed by the General Manager or District, or caused to be performed thereby, for which the contractor may be liable, or
- g. Failure to maintain or, when requested, prove the maintenance of the surety bond and insurance required to be maintained by Title 5.9.3.

Prior to the meeting of the Board of Commissioners at which action or de-certification will be taken, the contractor shall be notified and shall be afforded an opportunity to be heard by the Board of Commissioners at that meeting. If the certification is revoked, or suspended, the contractor must forthwith cease any side sewer construction work being performed by him within the District.
[Resolution Nos. 146, 785]

5.8.6 Renewal of Certification

The Side Sewer Contractor's certification may be renewed annually by application as aforesaid and satisfaction of the requirements of this title. [Resolution Nos. 146, 785]

TITLE 6 STATE ENVIRONMENTAL PROTECTION ACT (SEPA)

Text for this Title was adopted in **Resolution No. 808**. Formatting and numbering has been modified to be consistent with the rest of this Code.

6.1 Authority

The District adopts this title under the State Environmental Policy Act (SEPA), RCW 43.21.C.120 as amended. The District adopts by reference the policies of SEPA as set forth in RCW 43.21.C.010 and RCW 43.21C.020 and as stated in WAC 197-11-030.

6.2 General Requirements

6.2.1 Adoption by Reference.

The District adopts by reference Chapter 197-11 of the Washington Administrative Code as hereafter amended, including WAC 197-11-060(3)(c), 197-11-410 and 197-11-440(8), 197-11-040 Definitions, 197-11-050, Lead Agency, 197-11-055 Timing of the SEPA process, 197-11-060 Content of Environmental review, 197-11-070 Limitations on actions during SEPA process, 197-11-080 Incomplete or unavailable information, 197-11-090 Supporting documents, 197-11-100 Information required of applicants.

6.2.2 Additional Definitions

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, when used in this title, the following terms shall have the following meanings, unless the context indicates otherwise;

- a. "Department" means any division, subdivision or organizational unit of the District established by ordinance, rule, or order.
- b. "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.
- c. "Ordinance" means the ordinance, resolution, or other procedure used by the District to adopt regulatory requirements.
- d. "Early notice" means the District's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of non-significance (DNS) procedures).

6.2.3 Responsible Official (WAC 173-806-040)

- a. The Responsible Official shall be the General Manager when the District is the Lead Agency.
- b. The Responsible Official shall carry out the District's duties, functions and procedural responsibilities as Lead Agency under the SEPA Rules and this title.
- c. All decisions of the Responsible Official and the District relating to interpretation and application of the SEPA Rules and this title shall be accorded substantial deference.
- d. For all proposals for which the District is the Lead Agency, the Responsible Official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement and perform any other functions assigned to the "lead agency" or "responsible official" under the SEPA Rules.
- e. The District shall retain all documents required by the SEPA Rules (chapter 197-11 WAC) and this title and make them available in accordance with chapter 42.56.

6.2.4 Lead Agency Determination and Responsibilities

When the District receives an application or initiates a proposal that involves a nonexempt action, the General Manager shall determine the lead agency for that proposal under WAC 197-11-924; unless the lead agency has been previously determined or the District is aware that another agency is in the process of determining the lead agency.

- a. When the District is the lead agency for a proposal, the General Manager shall supervise compliance with the threshold determination requirements and, if an Environmental Impact Statement (EIS) is necessary, shall supervise preparation of the EIS.
- b. When the District is not the lead agency for a proposal, the District shall use and consider, as appropriate either the DNS or the final EIS of the lead agency.
- c. If the District receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination, or the District must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the District may be initiated by the Responsible Official.
- d. The District is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944: Provided, that the Responsible Official and shall approve the agreement.
- e. When making a lead agency determination for a private project, the District shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal.

6.2.5 Timing (WAC 197-11-055)

The following time limits (expressed in calendar days) shall apply when the District processes licenses for all private projects and those governmental proposals submitted to the District by other agencies.

Threshold determinations: When the responsible official requires further information from the applicant or consultation from other agencies with jurisdiction:

- a. The District should request such further information within 15 days of receiving a complete application and completed environmental checklist;
- b. The District shall wait no longer than thirty days for a consulted agency to respond;
- c. The Responsible Official should complete the threshold determination as close as possible to receiving the requested information from the applicant or the consulted agency.
- d. When the District must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the District should complete the studies within thirty days of receiving a complete application and a completed environmental checklist.
- e. The District shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact described in the application, within 15 days of receiving a complete application and completed environmental checklist.

6.2.6 Additional Timing Considerations (WAC 197-11-406)

- a. For nonexempt proposals, the threshold determination or draft EIS for the proposal shall accompany the District's staff recommendation to any appropriate advisory body.

- b. If the District's only action on a proposal is a decision on a permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the District conduct environmental review prior to submission of the detailed plans and specifications.

6.2.7 Emergency Actions

Any action which in the opinion of the Responsible Official must be undertaken immediately, or within a time too short to allow full compliance with the provisions of this title, the SEPA Rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to property (public or private), or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this title, SEPA and the SEPA rules.

6.3 Categorical Exemptions and Threshold Determinations

6.3.1 Purpose of this Part

This part contains the rules for deciding whether a proposal has a "probable significant adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The District adopts the following sections by reference, and as hereafter amended: WAC 197-11-300 Purpose of this part, 197-11-305 Categorical exemptions, 197-11-310 Threshold determination required, 197-11-315 Environmental Checklist, 197-11-330 Threshold determination process, 197-11-335 Additional information, 197-11-340, Determination of non-significance (DNS), 197-11-350 Mitigated DNS, 197-11-360 Determination of significance (DS)/initiation of scoping, 197-11-390 Effect of threshold determination.

6.3.2 Use of Exemptions

- a. When the District receives an application for a license or, in the case of governmental proposals, when it initiates a proposal, the District shall determine whether the license and/or the governmental proposal is exempt. The District's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The District shall not require completion of an environmental checklist for an exempt proposal.
- b. In determining whether or not a proposal is exempt, the District shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the District shall determine the lead agency, even if the license application that triggers the District's consideration is exempt. If a proposal includes both exempt and nonexempt actions, the District may authorize exempt actions prior to compliance with the procedural requirements of this title, except that the District shall not give authorization for:
 - 1. Any nonexempt actions;
 - 2. Any action that would have an adverse environmental impact; or
 - 3. Any action that would limit the choice of alternatives.
 - 4. The District may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
 - 5. The District may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt actions were not approved.

6.3.3 Environmental Checklist

- a. A completed environmental checklist, in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this title; except, a checklist is not needed if the District and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The Responsible Official shall review the environmental checklist to make the threshold determination.
- b. For private proposals, the District will require the applicant to complete the environmental checklist, providing assistance as necessary. For District proposals, the Responsible Official shall complete the environmental checklist for that proposal.

6.3.4 Mitigated Determination of Non-Significance (DNS)

- a. As provided in this section and in WAC 197-11-350, the Responsible Official may issue a DNS based on conditions attached to the proposal by the Responsible Official or on changes to, or clarification of, the proposal made by the applicant.
- b. An applicant may request in writing early notice of whether a DS is likely under WAC 197-11-350. The request must:
 1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
 2. Precede the District's actual threshold determination for the proposal.
- c. The Responsible Official should respond to the request for early notice within 10 working days. The response shall be written, state whether the District currently considers issuance of a DS likely, and, if so, indicate the general or specific area(s) of concern that are leading the District to consider a DS; and state that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- d. As much as possible, the District should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
- e. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the District shall base its threshold determination on the changed or clarified proposal and should make the determination as close as possible to receiving the changed or clarified proposal;
 1. If the District indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the District shall issue and circulate a DNS under WAC 197-11-340(2).
 2. If the District indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the District shall make the threshold determination, issuing a DNS or DS as appropriate.
 3. The applicant's proposed mitigation measures must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct 200-foot stormwater retention pond at Y location" are adequate.
 4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.
 5. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day comment period from the date of issuance of the mitigated DNS and public notice.

6. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the District.
7. If the District's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the District should evaluate the threshold determination to assure consistency with WAC 197-11-340(3) (a)(withdrawal of DNS).
8. The District's written response under subsection (c) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the District to consider the clarifications or changes in its threshold determination.

6.4 Environmental Impact Statements (EIS)

6.4.1 Purpose of the Part and Adoption by Reference

This part contains the rules for preparing environmental impact statements. The District adopts the following sections by reference, and as hereafter amended: 197-11-400 purpose of EIS, 197-11-402 General requirements, 197-11-405 EIS types, 197-11-406 EIS timing, 197-11-408 Scoping, 197-11-410 Expanded scoping, 197-11-420 EIS preparation, 197-11-425 Style and size, 197-11-430 Format, 197-11-435 Cover letter or memo, 197-11-440 EIS contents, 197-11-442 Contents of EIS on non-project proposals, 197-11-443 EIS contents when prior non-project EIS, 197-11-444 Elements of the environment, 197-11-448 Relationship of EIS to other considerations, 197-11-450 Cost-benefit analysis, 197-11-455 Issuance of DEIS, 197-11-460 Issuance of FEIS.

- a. An applicant may be required or authorized by the Responsible Official to participate in EIS preparation if the Responsible Official determines that this will aid in preparing a meaningful environmental analysis. The extent of applicant involvement shall be as specified by the Responsible Official so long as:
 1. The EIS shall be prepared under the direction of the Responsible Official and in conformance with the SEPA Rules and this title; and
 2. The applicant is not required to provide more information than allowed by these SEPA Rules and this title, provided that the Responsible Official may authorize a lesser degree of participation by the applicant than allowed by the SEPA Rules and this title.
- b. The Responsible Official shall prepare and circulate a Request for Proposals to consulting firms which have established expertise on those issues identified in the Determination of Significance. Upon receipt of such proposals, which shall include as a minimum a description of the firm's areas of expertise and experience as well as a detailed cost estimate for the preparation of an EIS, the Responsible Official shall establish a consultant selection panel, at least one member of which shall be a representative of the applicant's choosing. After reviewing submitted proposals, the consultant selection panel shall thereupon select one firm to be retained by the District for the purpose of preparing the EIS.

6.5 Commenting

6.5.1 Adoption by Reference

The District adopts the following sections by reference and as hereafter amended: 197-11-500 Purpose of this part, 197-11-502 Inviting comment, 197-11-504 Availability and cost of environmental documents, 197-11-508 SEPA register, 197-11-510 Public notice, 197-11-535 Public hearings and

meetings, 197-11-545 Effect of no comment, 197-11-550 Specificity of comments, 197-11-560 FEIS response to comments, 197-11-570 Consulted agency costs to assist lead agency.

6.5.2 Public Notice

- a. Whenever the District issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the District shall give public notice as follows:
 1. If public notice is required for a nonexempt license pursuant to authority other than SEPA, the notice shall state whether a DS or DNS has been issued and when comments are due and include if applicable, the scoping procedure.
 2. If no public notice is required for the permit or approval, the District shall give notice of the DNS or DS by publishing notice in a newspaper of general circulation in the county where the proposal is located.
- b. Whenever the District issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by publishing notice in a newspaper of general circulation in the county where the proposal is located.
- c. Whenever possible, the District shall integrate the public notice required under this section with existing notice procedures for the District's nonexempt permits or approvals required for the proposal.
- d. The District may require an applicant to complete the public notice requirements for the applicant's proposal at his or her own expense.

6.6 Using Existing Documents

6.6.1 Purpose of the Part and Adoption by Reference

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the District's own environmental compliance. The District adopts the following sections by reference and as hereafter amended: 197-11-600 When to use existing environmental documents, 197-11-610 Use of NEPA documents, 197-11-620 Supplemental environmental impact statement -- procedures, 197-11-625 Addenda -- procedures, 197-11-630 Adoption -- Procedures, 197-11-635 Incorporation by reference -- procedures, 197-11-640 Combining documents.

6.7 SEPA and Agency Decisions

6.7.1 Purpose of this Part and Adoption by Reference

The District adopts the following sections by reference and as hereafter amended: 197-11-650 Purpose of this part, 197-11-655 Implementation, 197-11-660 Substantive authority and mitigation, 197-11-680 Appeals.

- a. The District may attach conditions to a permit or approval for a proposal so long as:
 1. such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance, and
 2. such conditions are in writing, and
 3. the mitigation measures included in such conditions are reasonable and capable of being accomplished, and
 4. the District has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in subsection (c) of this section and cited in the license or other decision document.
- b. The District may deny a permit or approval for a proposal on the basis of SEPA so long as:
 1. A finding is made that approving the proposal would result in significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and
 2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
 3. The denial is based on one or more policies identified in subsection (c) of this section and identified in writing in the decision document.
 - c. The District designates and adopts by reference the following policies as the basis for the District's exercise of substantive authority pursuant to this section:
 1. The District shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
 - i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
 - ii. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
 - iii. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
 - iv. Preserve important historic, cultural, and natural aspects of our national heritage;
 - v. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
 - vi. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
 - vii. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
 2. The District recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.
 3. The District adopts by reference the policies in the following District plans:
 - i. Lake Whatcom Water and Sewer District Water System Comprehensive Plan;
 - ii. Lake Whatcom Water and Sewer District Comprehensive Sewer Plan;
 - iii. Lake Whatcom Water and Sewer District Water and Sewer Administrative Codes;
 - iv. Resolutions of the Board of Commissioners of Lake Whatcom Water and Sewer District.

6.7.2 Optional Notice of Action

- a. The District, applicant for, or proponent of any action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

6.7.3 Appeals

- a. The District establishes the following administrative appeal procedure under RCW 43.21C.060, 43.21C.075 and WAC 197-11-680:

1. When any proposal or action not requiring a decision of the District's Board of Commissioners is denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the District's Board of Commissioners. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the District's Board of Commissioners shall be on a de novo basis.
2. Any agency or person may appeal the District's procedural compliance with WAC chapter 197-11 for issuance of the following:
 - i. A final DNS: Appeal of the DNS must be made to the Board of Commissioners within 15 days of the date the DNS is final. Appeal of the substantive determination on the action must be made to the Board of Commissioners within 30 days of the issuance of the permit or other license.
 - ii. A DS: The appeal must be made to the Board of Commissioners within 15 days of the date the DS is issued. Appeal of the substantive determination on the action must be made to the Board of Commissioners within 30 days of the issuance of the permit or other license.
 - iii. An EIS: Appeal of the EIS adequacy shall be filed within 15 days of date of issuance of the final EIS or the date whenever any required notice is made, whichever is later, provided that if there are any state statutory requirements for appeals to the District, the time limits for filing appeals specified therein shall control.
3. Any appeal which is timely filed shall be scheduled for a hearing before the Board of Commissioners no later than 30 days after filing of the appeal. The hearing shall be electronically recorded, be conducted on the record consistent with applicable law, provide for testimony under oath and otherwise be in accord with applicable law. Within 10 days of the conclusion of the hearing, the Board shall render its decision accompanied by appropriate findings of fact and conclusions of law. For any appeal under this subsection, the District shall provide a record at the expense of the appellant consisting of the following: (i) findings and conclusions; (ii) testimony under oath; and (iii) a taped or written transcript.
- b. The procedural determination made by the Responsible Official shall carry substantial weight in any appeal proceeding.
- c. No person having a right to judicial appeal shall pursue judicial review without having first used this administrative appeal process prior to seeking judicial review, unless expressly provided otherwise by state statute.
- d. If the notice of action procedures of RCW 43.21.C.080 are used, then the time limits for judicial appeal specified in RCW 43.21.C.080 and 197-11-680(4)(d) shall apply.
- e. The District shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.

6.8 Definitions

The District adopts the following uniform usage and definitions of terms under SEPA by reference and as hereafter amended, 197-11-700 Definitions, 197-11-702 Act, 197-11-704 Action, 197-11-706 Addendum, 197-11-708 Adoption, 197-11-710 Affected tribe, 197-11-712 Affecting, 197-11-714 Agency, 197-11-716 Applicant, 197-11-718 Built environment, 197-11-720 Categorical exemption, 197-11-721 Closed record appeal, 197-11-722 Consolidated appeal, 197-11-724 Consulted agency, 197-11-726 Cost-benefit analysis, 197-11-728 City/county, 197-11-730 Decision maker, 197-11-732 Department, 197-11-734 Determination of non-significance (DNS), 197-11-736 Determination of significance (DS), 197-11-738 EIS, 197-11-740 Environment, 197-11-742 Environmental Checklist, 197-11-744

Environmental document, 197-11-746 Environmental review, 197-11-750 Expanded scoping, 197-11-752 impacts, 197-11-754 Incorporation by reference, 197-11-756 Lands covered by water, 197-11-758 Lead agency, 197-11-760 License, 197-11-762 Local agency, 197-11-764 Major action, 197-11-766 Mitigated DNS, 197-11-168 Mitigation, 197-11-770 Natural environment, 197-11-772 NEPA, 197-11-774 Non-project, 197-11-776 Phased review, 197-11-778 Preparation, 197-11-780 Private project, 197-11-782 Probable, 197-11-784 Proposal, 197-11-786 reasonable alternative, 197-11-788 Responsible official, 197-11-790 SEPA, 197-11-792 Scope, 197-11-193 Scoping 197-11-794 Significant, 197-11-796 State agency, 197-11-797 Threshold determination, 197-11-799 Underlying governmental action.

6.9 Categorical Exemptions

6.9.1 Adoption by Reference

The District adopts by reference the following rules for categorical exemptions, as supplemented in this ordinance and as hereafter amended, including WAC 197-11-800 Categorical exemptions, WAC 197-11-880 Emergencies, and WAC 197-11-890 Petitioning to DOE to change exemptions.

6.10 Compliance

6.10.1 Purpose of this Part and Adoption by Reference

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmentally sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The District adopts the following sections by reference and as hereafter amended: 197-11-900 Purpose of this part, 197-11-902 Agency SEPA policies, 197-11-904 Agency SEPA procedures, 197-11-906 Content and consistency of agency procedures, 197-11-908, Critical areas, 197-11-910 Designation of responsible official, 197-11-912 Procedures of consulted agencies, 197-11-914 SEPA fees and costs, 197-11-916 Application to ongoing actions, 197-11-920 Agencies with environmental expertise, 197-11-922 Lead agency rules, 197-11-924 Determining the lead agency, 197-11-926 Lead agency for governmental proposals, 197-11-928 Lead agency for public and private proposals, 197-11-930 Lead agency for private projects with one agency with jurisdiction, 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city, 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city and one or more state agencies, 197-11-936 Lead agency for private projects requiring licenses from more than one state agency, 197-11-938 Lead agencies for specific proposals, 197-11-940 Transfer of lead agency status to a state agency, 197-11-942 Agreements on lead agency status, 197-11-944 Agreements on division of lead agency duties, 197-11-946 DOE resolution of lead agency disputes, 197-11-948 Assumption of lead agency status.

6.10.2 Fees

No application shall be complete nor shall any environmental document be final until all fees imposed hereby have been paid to the District. The following fees shall be required for District activities conducted as a result of this title and the SEPA Rules:

- a. A fee of \$50.00 shall accompany any Environmental Checklist submitted to the District by an applicant of a proposal, for which the District is to act as the Lead Agency;
- b. For all proposals for which the District is the Lead Agency, and the Responsible Official determines that an EIS is required, the applicant shall pay a fee equal to the administrative costs of supervision and preparation of the draft and final EIS's or any amendments thereof unless otherwise expressly limited by this title and the SEPA rules.

1. The amount of the fee shall be based upon the actual total costs for services and materials plus reimbursement for out-of-pocket expenses (including but not limited to consultant reports) borne by the District in complying with this title and the SEPA Rules. It shall not include costs for obtaining information from consulted agencies or efforts related to pre-draft consultation.
 2. The applicant shall make an initial payment of \$500.00 to the District or post bond in an amount equal to the projected costs as estimated by the Responsible Official, whichever is greater.
 3. All fees shall be paid in full before the document being prepared is finalized.
 4. If a proposal is modified so that an EIS is no longer required, the Responsible Official shall refund any fees collected under this subsection which remain after incurred costs are paid.
- c. The District may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this ordinance relating to the applicant's proposal.
 - d. The District may charge any person for copies of any document prepared under this ordinance, and for mailing the document, in the manner provided by chapter 42.17 RCW.

6.11 Forms

6.11.1 Adoption by Reference

The District adopts the following forms and sections by reference and as hereafter amended: 197-11-960 Environmental checklist, 197-11-965 Adoption notice, 197-11-970 Determination of non-significance (DNS), 197-11-980 Determination of significance and scoping notice (DS), 197-11-985 Notice of assumption of lead agency status, 197-11-990 Notice of action.

6.12 Supplementary Procedures

The Responsible Official is authorized to develop and promulgate such procedures as he/she deems appropriate for implementing this title and the SEPA Rules. The Responsible Official shall provide for responses on behalf of the District when it is a consulted agency pursuant to WAC 197-11-912 and as hereafter amended.

6.13 Severability

If any provision of this title or their application to any person or circumstance is held invalid, the remainder of this title or the application of the provision to the other persons or circumstances shall not be affected thereby.

TITLE 7 FIXED ASSET POLICY

7.1 Fixed Assets

To ensure that all District-owned real and personal property is adequately protected and that its use is properly managed, particularly with respect to custody, insurance, maintenance, and planning, the District will establish guidelines and criteria for what a capital asset is and what is an attractive asset, monitor and safeguard District assets, comply with state regulatory requirements and provide accurate information for financial reports.

[Resolution No. 742]

7.1.1 Definitions

Fixed Asset – Any District-owned real and personal property that the District intends to use or keep for more than one year and exceeds the cost threshold amount.

Attractive (theft sensitive) Asset – Portable, durable items that do not meet the minimum capitalization threshold but require special attention because of their potential to be stolen. Examples of these items include but are not limited to computers, printers, copiers, digital cameras, and DVD players; regardless of initial acquisition cost. These objects are tagged and tracked by the District, but are not capitalized.

Infrastructure – Water treatment plants, water transmission and distribution systems, sewage collection and conveyance systems.

Capitalize – To formally record a fixed asset for depreciation purposes.

Depreciate – To expense the original acquisition value of a capitalized fixed asset over a specified time period.

District Official – Commissioners and staff.

[Resolution No. 742]

7.1.2 Custody

All District officials are equally responsible for the care and proper use of District-owned property. [Resolution No. 742]

7.1.3 Marking

The District shall mark District-owned motor vehicles as prescribed by RCW 46.08.065. The District shall mark, tag, or engrave all other fixed assets at the General Manager's discretion, and shall establish corresponding procedures.

The District identifies and monitors Attractive Assets (theft sensitive) that cost less than the minimum capital asset cost threshold. These items are tagged and tracked by the District. Specifically excluded are keyboards, cellular phones, pagers and other similar electronics.

[Resolution No. 742]

7.1.4 Records

The District shall establish and maintain internal control procedures and documents to track fixed asset acquisition, annual verification of existence, physical condition, relocation, maintenance and/or repair, alteration, transfer, and disposal. [Resolution No. 742]

7.1.5 Capitalization

The District shall capitalize the following categories of fixed assets:

- Valued at more than \$5,000.00 at the time the District originally acquires the fixed asset.
- Assets purchased with grant funds may have a different threshold amount as stipulated by the grant.

[Resolution No. 742]

7.1.6 Original Acquisition Value Determination

The District shall determine the acquisition value of any given fixed asset in priority sequence as follows:

- Vendor's invoiced cost to the District, including shipping and interest charges.
- District Engineer's evaluation.

[Resolution No. 742]

7.1.7 Useful Life Determination

The District Engineer shall determine the useful life of all infrastructure fixed assets, as well as all improvements to existing infrastructure fixed assets. The useful life of all other types of fixed assets shall be determined either by using standard United States Internal Revenue Service guidelines, or by the District's CPA. [Resolution No. 742]

7.1.8 Depreciation

The District shall depreciate each capitalized fixed asset at its value at original acquisition using the straight-line method, starting in the year following the fixed asset's original acquisition. [Resolution No. 742]

7.1.9 Acquisition

The Board shall approve the acquisition of fixed assets through the Budget process. [Resolution No. 742]

7.1.10 Disposal

The Board shall pre-approve all disposal actions of any capitalized fixed assets not being replaced in kind. The General Manager shall pre-approve all other fixed asset disposal actions. [Resolution No. 742]

7.1.11 Existence Verification

The General Manager shall ensure that all fixed assets undergo physical existence verification periodically. Verification results will be presented to the Board with the Budget for the following year. Physical condition assessments will be performed under the Maintenance Planning Program. [Resolution No. 742]

7.1.12 Spare Parts, Raw Materials and Supplies

The District shall maintain stocks of spare parts, raw materials, and supplies at the minimum levels necessary to perform its work safely, consistently, and reliably. [Resolution No. 742]

7.1.13 Adoption of Other Relevant Authority

The District hereby adopts the BARS Manual references noted above for additional guidance and procedures. [Resolution No. 742]

TITLE 8 PURCHASE POLICY

Lake Whatcom Water and Sewer District will acquire equipment, materials, and services in a manner that results in the most efficient delivery of services considering cost and value received.

To avoid conflicts of interest, procurement will be impartial. Procurement of goods and services will provide the District with the best quality for the best value. Purchases will be made within budget limits and to meet goals and objectives approved in the District's budget. Potential purchases that are not within budget limits will be pre-approved through a budget amendment process. [Resolution No. 755]

8.1 Purchase of Supplies, Materials or Equipment

8.1.1 Purchases less than \$40,000.00

The District is not required to use a formal bidding process when the total cost of the purchase does not exceed \$40,000.00. Special attention should be paid to items less than \$40,000.00 that may be purchased repeatedly during the course of the year. Purchase orders shall be used as described in Title 8.1.5. [Resolution No. 755]

8.1.2 Purchases less than \$50,000.00

The District may solicit and document telephone quotes from three vendors on the District's established current vendor list. The District may then document and choose the vendor that gives the greatest value. Procedures for establishing and maintaining a vendor list are described in Title 8.1.4.

Purchases may also be made from the vendor lists established by other cities, counties, or the State of Washington as outlined in RCW 57.08.050. Purchase orders shall be used as described in Title 8.1.5. [Resolution No. 755]

8.1.3 Purchases greater than \$50,000.00

The District must competitively bid the purchase per RCW 57.08.050. Purchase orders shall be used as described in Title 8.1.5.

8.1.4 Establishing a Vendor List

Per RCW 57.08.050 and RCW 39.04.190 the District may establish a vendor list for purchases of supplies, materials, or equipment less than \$50,000.00.

Publication of List: Twice a year the District shall publish in a local newspaper notice of the existence of the District's roster of vendors, and shall solicit names of vendors for the roster. [Resolution No. 755]

8.1.5 Purchase Orders

Purchase orders shall be used for all purchases greater than \$500.00. For purchases less than \$500.00 a signed receipt must be turned into the accounting department. A District manager may designate a monthly purchase order for vendors with repeated purchases. [Resolution No. 789]

8.1.6 Approval of Purchases

A manager acting within the budget is authorized to provide for purchases of supplies, materials, or equipment. [Resolution No. 755]

8.2 Public Works Contracts

8.2.1 Contracts less than \$20,000.00

The District need not comply with formal bidding procedures as set forth in RCW 57.08.050 when the estimated cost does not exceed \$20,000.00. Instead, the District may establish a small works roster as described in Title 8.2.4. The District may also participate in a shared small works roster. [Resolution No. 755]

8.2.2 Contracts less than \$300,000.00

As an alternative to (8.2.1), the District may use the small works roster as described in RCW 39.04.155(1). [Resolution No. 755]

8.2.3 Establishing a Small Works Roster

The District may create a single roster, join a shared roster, or create multiple rosters for different categories of anticipated work.

The roster shall consist of contractors who have requested to be on the roster, and are properly licensed and bonded to perform work in the State of Washington.

Publication: At least once a year on behalf of the District, Municipal Research Services Center shall publish in the local newspaper of record a notice of the existence of the roster and solicit the names of contractors for such roster. [Resolution No. 755]

8.2.4 Conflicts of Interest

The District will not accept donations of materials or services in return for a commitment to continue or initiate a purchasing agreement. [Resolution No. 755]

8.3 Other Purchase Procedures

8.3.1 Procedure to Acquire Low-Cost Parcels for Easement Purposes, Without Formal Appraisal

- a. The District General Manager is authorized to waive the requirement for a written appraisal for acquisitions which he or she determines are uncomplicated and which are of property valued at \$5000.00 or less, as identified by its Engineer in the Project Funding Estimate process.
- b. The District shall nevertheless obtain a written appraisal in the event the property owner requests one or if a condemnation action is commenced.
- c. Before initiating negotiations for real property acquisition, the District shall establish an amount which it believes to be just compensation therefore, and shall make a prompt offer to acquire the property for the full amount so established. The District shall provide the property owner with a written statement of, and summary of the basis for, the amount established as

just compensation. Where appropriate, the amounts for the real property acquired, for damages to remaining property, and for benefits to remaining real property shall be separately stated.

- d. The District will negotiate directly or through its agents for acquisition of the real property or property rights at just compensation. If the price to be paid is different from that established before negotiations commenced, memorandum stating the price to be paid and the basis for it, shall be prepared. The memorandum shall be distributed to the General Manager, Engineer, and Attorney, to the extent that they are not the generator of the memorandum, and placed in the District's project file.

[Resolution No. 665]

TITLE 9 MASTER FEES AND CHARGES SCHEDULE

The Board sets rates and charges for the District in accordance with RCW 57.08.005. The District periodically adjusts its fees and/or charges to better reflect the actual cost of services rendered.

9.1 Master Fees and Charges Schedule Revision Log

Schedule #20	Resolution 774	Effective March 30, 2011
Schedule #21	Resolution 798	Effective January 1, 2014
Schedule #22	Resolution 806	Effective January 1, 2015

Resolution #806 Schedule 22

Item	Administrative Fees	Fee/Charge	Reference
1.	Equipment Charge, Hourly		
	Air Compressor–Ingersol/Rand 185 CFM Diesel	\$20.00	Resolution 798
	Backhoe – John Deere 580D	\$45.00	
	Boom Truck – 6,000 Pound	\$30.00	
	Combination Vacuum/Flush Truck	\$100.00	
	Sewer Camera Van	\$75.00	
	Dump Truck – 2-Yard	\$25.00	
	Dump Truck – 5-Yard	\$45.00	
	Equipment Trailer – 14,000 Pound	\$15.00	
	Flush Truck	\$65.00	
	Portable Engine Pump – 600 gpm @130-Feet	\$40.00	
	Portable Generator – 75 kw	\$45.00	
	Portable Generator – 250 kw	\$85.00	
	Tanker Truck – 3,000 Gallon	\$75.00	
	Tool Truck	\$20.00	
2.	Information Reproduction		
	Digital Recording - Board Meeting	\$35.00	Resolution 680
	Document – standard size – less than 10 pages	No charge	Resolution 680
	Document – standard size –more than 10 pages	.15 per page	Resolution 717
	Document – non-standard size – deposit	\$50.00	Resolution 680
	Document – non-standard size – reproduction	Cost	Resolution 680
3.	Labor, Hourly		
	Accounting Clerk	\$34.00	Resolution 798 Direct Labor Costs
	Accounts Payable/Payroll	\$38.00	
	Accounts Receivable	\$38.00	
	Administrative Assistant	\$46.00	
	Construction Engineer	\$53.00	
	District Engineer	\$71.00	
	Engineering Technician	\$42.00	
	Finance Manager	\$62.00	
	General Manager	\$80.00	
	Maintenance Electrician	\$53.00	
	Maintenance Supervisor	\$57.00	
	Maintenance Worker	\$42.00	
	Utility Systems Support Specialist	\$42.00	
	Water Treatment Plant Operator	\$46.00	
	Wilson Engineering Consultation - Current hourly rate + 10%		Resolution 798
4.	Document Recording Fees		
	Document Recording	\$105.00	Resolution 753
	Lien Record/Release	\$150.00	Resolution 756
	Transfer, real estate closing	\$30.00	Resolution 806
	Segregation of assessment	\$100.00	Resolution 680
	Assessment transfer	\$250.00	Resolution 680
5.	Payment return item	\$40.00	Resolution 744

Item	Billing – SEWER SERVICE		Fee/Charge	Reference
	Regular Customer Charge Per Billing Cycle - Sewer			
6.	Effective January 1, 2015			
	Billing Cycle Charge		\$148.03	Resolution 806
	Account Charge	\$7.03		
	Volume Charge per dwelling unit	\$141.00		
	Low Income Senior/Disabled Rate 40% Discount	\$88.82		
7.	Effective January 1, 2016			
	Billing Cycle Charge		\$151.74	Resolution 806
	Account Charge	\$7.21		
	Volume Charge per dwelling unit	\$144.53		
	Low Income Senior/Disabled Rate 40% Discount	\$91.04		
8.	Effective January 1, 2017			
	Billing Cycle Charge		\$155.53	Resolution 806
	Account Charge	\$7.39		
	Volume Charge per dwelling unit	\$148.14		
	Low Income Senior/Disabled Rate 40% Discount	\$93.32		
9.	Effective January 1, 2018			
	Billing Cycle Charge		\$159.42	Resolution 806
	Account Charge	\$7.57		
	Volume Charge per dwelling unit	\$151.85		
	Low Income Senior/Disabled Rate 40% Discount	\$95.65		
10.	Effective January 1, 2019			
	Billing Cycle Charge		\$163.40	Resolution 806
	Account Charge	\$7.76		
	Volume Charge per dwelling unit	\$155.64		
	Low Income Senior/Disabled Rate 40% Discount	\$98.04		
11.	Late Fee – One late fee per account per year refundable with General Manager’s approval.		10% of past due utility services balance	RCW 57.08.081(3)
12.	Bulk sewage disposal		\$100.00 + 0.0018/gallon	Latest actual bill from COB

Item	Billing – WATER SALES	Fee/Charge	Reference
	Regular Customer Charge Per billing cycle – up to 600 cubic feet of water		
13.	5/8 x 3/4 Inch Meter		
	Effective January 1, 2015	\$52.68	Resolution 806
	Low Income Senior/Disabled Rate	\$31.61	
	Effective January 1, 2016	\$57.29	
	Low Income Senior/Disabled Rate	\$34.37	
	Effective January 1, 2017	\$62.31	
	Low Income Senior/Disabled Rate	\$37.39	
	Effective January 1, 2018	\$67.60	
	Low Income Senior/Disabled Rate	\$40.56	
	Effective January 1, 2019	\$70.31	
	Low Income Senior/Disabled Rate	\$42.19	
14.	1 Inch Meter		
	Effective January 1, 2015	\$69.88	Resolution 806
	Effective January 1, 2016	\$75.99	
	Effective January 1, 2017	\$82.64	
	Effective January 1, 2018	\$89.67	
	Effective January 1, 2019	\$93.25	
15.	1½ Inch Meter		
	Effective January 1, 2015	\$96.40	Resolution 806
	Effective January 1, 2016	\$104.83	
	Effective January 1, 2017	\$114.00	
	Effective January 1, 2018	\$123.69	
	Effective January 1, 2019	\$128.64	
16.	2 Inch Meter		
	Effective January 1, 2015	\$133.19	Resolution 806
	Effective January 1, 2016	\$144.84	
	Effective January 1, 2017	\$157.52	
	Effective January 1, 2018	\$170.91	
	Effective January 1, 2019	\$177.74	
17.	3 Inch Meter		
	Effective January 1, 2015	\$263.40	Resolution 806
	Effective January 1, 2016	\$286.45	
	Effective January 1, 2017	\$311.51	
	Effective January 1, 2018	\$337.99	
	Effective January 1, 2019	\$351.51	
18.	Usage Over 600 Cubic Feet		
	Effective January 1, 2015	\$7.48	Resolution 806
	Effective January 1, 2016	\$8.13	
	Effective January 1, 2017	\$8.85	
	Effective January 1, 2018	\$9.60	
	Effective January 1, 2019	\$9.98	
	Low Income Senior/Disabled Rate	40% Discount	

19.	Usage Over 2,500 Cubic Feet		Resolution 806
	Effective January 1, 2015	\$9.35	
	Effective January 1, 2016	\$10.17	
	Effective January 1, 2017	\$11.06	
	Effective January 1, 2018	\$12.00	
	Effective January 1, 2019	\$12.48	
20.	Late Fee – One late fee per account per year refundable with General Manager's approval.	10% of past due utility services balance	Resolution 766 RCW 57.08.081(3)

Item	Miscellaneous Water Charges	Fee/Charge	Reference
21.	Water Interruption - Voluntary		
	<u>With</u> Billing Suspension		Resolution 661
	Lock curb stop valve		
	During normal business hours	\$150.00	
	Outside normal business hours	\$175.00	
	<u>With</u> billing suspension		Resolution 661
	Unlock curb stop valve		
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
22.	<u>Without</u> Billing Suspension		Resolution 661
	Lock curb stop valve	\$50.00	Resolution 661
	Unlock curb stop valve		
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
23.	Water interruption - Involuntary		
	Delinquent Account - Lock curb stop valve	\$50.00	
	Unlock curb stop valve		
	During normal business hours	No charge	
	Outside normal business hours	\$150.00	
24.	Water interruption - Other		Resolution 661
	Failure to comply with emergency order	Same as above	
	Failure to eliminate cross connection	Same as above	
	Failure to repair leak	Same as above	
	Request of agency/higher authority	No charge	
	Visible leak in vacant building or Disaster	No charge	
25.	Unauthorized Lock Removal Fee		
	When customer cuts or removes lock from meter without District authorization.	\$150.00	Resolution 726
26.	Damaged Meter		
	If meter damaged by the customer	Material & labor to repair meter + \$150.00	Resolution 726
27.	Clear obstructed water meter after request to customer to remove is refused	\$50.00	Board meeting 11/10/99
28.	Hydrant meter, fire hose, fittings		
	Equipment rental – single continuous use	\$35.00	Board meeting 11/10/99
	Bulk water purchase with hydrant meter	\$0.0357/cf	Resolution 696

Item	Developer Extension Agreements	Fee/Charge	Reference
29.	Initial Fees		
	Application – Good for 60 days	\$300.00	Resolution 680
	Conformance Deposit	\$1,000.00	Resolution 680
	General Administration	\$750.00	Resolution 680
30.	Final Design Review		
	District Engineer	Cost + 2%	Resolution 680
31.	Design Review and Inspection*		
	Initial Deposit	\$5,000.00	Resolution 680
	Supplemental Deposit	\$2,000.00	Resolution 680
32.	Contract noncompliance	Cost + 2%	Board Meeting 5/14/97
33.	Latecomers Reimbursement Agreements, Reimbursement processing	\$185.00 per connection	Board Meeting 6/10/09 + Resolution 753
34.	Special Agreements	Cost + 2%	Board Meeting 5/14/97
35.	Third Party Claims	Cost + 2%	
36.	Time Extension		
	Before expiration date	\$250.00	
	After expiration date	\$750.00	

*The name of this fee was changed from Facilities Inspection to Design Review and Inspection deposit. Reference April 11, 2007 Minutes

Item	Permitting				Fee/Charge	Reference
37.	Water Permit					
Water General Facilities & Installation	Meter Size	Continuous Flow Rating (GPM)	Meter Capacity Ratio	Permit Fee	Installation	Resolution 747 Effective 1/1/2009
	5/8 x 3/4	15	1	\$4,110.00	\$700.00	
	1"	30	2	\$8,220.00		
	1.5"	75	5	\$20,550.00		
	2"	120	8	\$32,880.00	\$4,200.00	
	3" Compound	330	22	\$90,420.00		
	4" Compound	440	29.33	\$120,546.30		
38.	Permit administration and processing				\$40.00	Board Mtg 1/30/03
	Initial Water Inspection				\$25.00	Resolution 667
	Subsequent Water Inspection				\$75.00	Board Mtg 8/16/96
39.	Water Permit – Special Charges					
	Agate Heights Water Latecomer's Fee – Class A				\$9,860.38	Giesbrecht
	Agate Heights Water Latecomer's Fee – Class B				\$2,129.12	Evergreen View Vent
	Agate Heights Water Latecomer's Fee – 10" Well				\$227.12	NS Well Users Group
	Columbus Street Water Latecomer's Fee				\$528.50	Pennington
	North Shore and Eagleridge/COB Reimbursement				\$300.00	6/10/88 Agreement
40.	Sewer Permit					
Sewer General Facilities	Meter Size	Meter Capacity Ratio		Permit Fee	Installation	Resolution 747 Effective 1/1/2009
	5/8 x 3/4	1		\$5,201.00	To be done by Owner's Bonded Side Sewer Contractor	
	1"	2		\$10,402.00		
	1.5"	5		\$26,005.00		
	2"	8		\$41,608.00		
	3" Compound	22		\$114,422.00		
	4" Compound	29.33		\$152,545.33		
41.	Service Installation – If District installed stub exists				\$755.00	
	Permit Processing				\$40.00	
	Initial Sewer Inspection				\$75.00	
	Subsequent Sewer Inspection				\$100.00	
42.	Sewer Permit – Special Charges					
	Agate Heights Sewer Latecomer's Fee				\$1,077.46	Sunny Cove Ct Sew
	Sewer Collection Special Benefit Fee				\$6,000.00	Board Mtg 8/29/03
	ULID #18 Latecomers Fee – see table, next page				See table	Resolution 672
43.	Other Sewer Charges					
	Grinder Pump Installation – Customer own/maintain				\$150.00	Resolution 645
	Review waiver of claim agreements for customer owned side sewers with less than 2% slope				\$50.00	Resolution 645
	Unauthorized Connection to Sewer					
	Investigation, testing, inspection				\$500.00	Resolution 645
	Repair and correction				Cost + 2%	Resolution 645
	Disconnect monitoring/enforcement after 90 days				\$25.00/day	Board Mtg 8/29/03
	Voluntary sewer service interruption					
	Permit to install two-way clean out				Permit processing & inspection fee	
	Suspend billing – insert plug into side sewer				\$250.00	Resolution 709
	Resume billing/remove plug /business hours				No charge	
	Resume billing/remove plug/after business hrs				\$150.00	

44. ULID #18 LATECOMER FEE

Year	Equivalent to Assessment	Latecomer Penalty	Total	Reference
2003	\$2,792.78	\$265.31	\$3,058.09	Resolution 672
2004	\$2,792.78	\$530.63	\$3,323.41	
2005	\$2,792.78	\$795.94	\$3,588.72	
2006	\$2,792.78	\$1,061.26	\$3,854.04	
2007	\$2,792.78	\$1,326.57	\$4,119.35	
2008	\$2,792.78	\$1,591.88	\$4,384.66	
2009	\$2,792.78	\$1,857.20	\$4,649.98	
2010	\$2,792.78	\$2,122.51	\$4,915.29	
2011	\$2,792.78	\$2,387.83	\$5,180.61	
2012	\$2,792.78	\$2,653.14	\$5,445.92	
2013	\$2,792.78	\$2,918.46	\$5,711.24	
2014	\$2,792.78	\$3,183.77	\$5,976.55	
2015	\$2,792.78	\$3,449.08	\$6,241.86	
2016	\$2,792.78	\$3,714.40	\$6,507.18	
2017	\$2,792.78	\$3,979.71	\$6,772.49	
2018	\$2,792.78	\$4,245.03	\$7,037.81	
2019	\$2,792.78	\$4,510.34	\$7,303.12	
2020	\$2,792.78	\$4,775.65	\$7,568.43	
2021	\$2,792.78	\$5,040.97	\$7,833.75	
2022	\$2,792.78	\$5,306.28	\$8,099.06	

NOTE: As described in Resolution 672, ULID #18 Latecomer Charges were created to put parcels not assessed on the same footing as those that were assessed for the ULID. Assessed parcels could, and many did, prepay their assessments. To provide the same opportunity for non-assesed parcels, prepayment of ULID 18 Latecomer Charges will also be accepted. Therefore, paid in full ULID Latecomer Charges satisfy the ULID Latecomer Charges permanently.

45. VIOLATIONS of Administrative Code

Labor	Staff hourly rates – See page 2	Resolution No. 798
Equipment use	Hourly rate – See page 2	
Materials	Cost of materials used	
Attorney's Fees and Expenses	Reimburse District's Costs	
Administrative Fee	10% of total expenses	

Any person who violates any provision of the Administrative Code shall be liable to the District for any expense, loss, damage, cost of inspection or cost of correction incurred by the District by reason of such violation, including any expenses and attorney fees incurred by the District in collecting from such person of such loss, damage, expense, cost of inspection or cost of correction, plus an administrative fee equal to 10% of the total expenses. (Administrative Code Section 3.3.1 Liability to District)

TITLE 10 REFERENCE TO OTHER DISTRICT STANDARDS, POLICY AND PLANNING DOCUMENTS

10.1 Comprehensive Water Plan

The "Lake Whatcom Water and Sewer District Comprehensive Water Plan" is hereby included into this Code by reference. The plan can be viewed at the District office during normal business hours or online at the District website.

10.2 Comprehensive Sewer Plan

The "Lake Whatcom Water and Sewer District Comprehensive Sewer Plan" is hereby included into this Code by reference. The plan can be viewed at the District Office during normal business hours or online at the District website.

10.3 Water Use Efficiency Plan

The "Lake Whatcom Water and Sewer District Water Use Efficiency Plan" is hereby included into this Code by reference. The plan can be viewed at the District office during normal business hours or online at the District website.

10.4 District Design and Construction Standards

The "Lake Whatcom Water and Sewer District Design and Construction Standards" are hereby included into this Code by reference. The standards can be viewed at the District office during normal business hours and online at the District website.

10.5 District Personnel Policy Manual

The District's "Personnel Policy Manual" is hereby included into this Code by reference. The manual can be viewed at the District office during normal business hours.

10.6 Safety Manual

The District's Safety Manual is hereby included into this Code by reference. The manual can be viewed at the District office during normal business hours.

10.7 District Emergency Management Plan

The "Lake Whatcom Water and Sewer District Emergency Management Plan" is hereby included into this Code by reference. The plan can be viewed at the District office during normal business hours.

10.8 Cross Connection Control Program

The "Lake Whatcom Water and Sewer District Cross Connection Control Program" is hereby included into this Code by reference. The CCCP plan can be viewed at the District office during normal business hours.

[Resolution No. 227]