RESOLUTION 2003-9

A RESOLUTION APPROVING THE KEY LARGO WASTEWATER TREATMENT DISTRICT'S USE OF THE FLORIDA KEYS AQUEDUCT AUTHORITY ("FKAA") RULES AND REGULATIONS AS NON-RULE POLICY

WHEREAS, Key Largo Wastewater Treatment District intends to use and apply applicable FKAA Rules and Regulations as District policy for Wastewater and Reclaimed Water regulation until such time as the District adopts its own policies;

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE KEY LARGO WASTEWATER TREATMENT DISTRICT:

Pursuant to Chapter 189 and 120, Florida Statutes,

1. The Key Largo Wastewater Treatment District is authorized to utilize non-rule policies to regulate Wastewater and Reclaimed Water projects and activities until such time as the District adopts its own rules.

2. The District Board hereby adopts the FKAA Rules and Regulations regarding Wastewater and Reclaimed Water as District policy as of February 5, 2003 the date this Resolution is passed and adopted.

3. The District will utilize the FKAA Rules and Regulations attached and incorporated herein as Exhibit A as District policy governing the administration of revenues, projects and activities until District rules are adopted pursuant to Chapter 120, Florida Statutes.

PASSED AND ADOPTED this 5th day of ~~January~~ February, 2003.

FAILED this _____ day of January, 2003.

KEY LARGO WASTEWATER TREATMENT DISTRICT GOVERNING BOARD

_____,
Chair, Key Largo Wastewater Treatment District

_____.
Secretary

I:\Client Documents\Key Largo WTD\1724-000\Misc\Resolution re FKAA rules and regs.doc

EXHIBIT "A"

FLORIDA KEYS AQUEDUCT AUTHORITY

RULES FOR:

WATER
WASTEWATER
RECLAIMED WATER

Adopted: 12/19/02; Effective: 01/01/03

FKAA
RULES AND REGULATIONS

CHAPTER 48-101 GENERAL AND PROCEDURAL
CHAPTER 48-201 WATER SERVICE
CHAPTER 48-301 WASTEWATER SERVICE
CHAPTER 48-401 RECLAIMED WATER SERVICE

GENERAL AND PROCEDURAL

CHAPTER 48-101 GENERAL AND PROCEDURAL.....1
48-101.001 Description and Organization.....1
48-101.002 Definitions and Construction.....1
48-101.003 Agency Organization and Operation.....19
48-101.004 Availability of Service.....25
48-101.005 Service Interruption.....26
48-101.006 Right to Refuse Service.....26
48-101.007 Discontinuance or Termination of Service.....26
48-101.008 Notice of Agency Decision; Point of Entry; Right to Administrative Hearing.....27
48-101.009 Reservation of Rights.....27

CHAPTER 48-102 AGREEMENT FOR SERVICE.....29
48-102.001 Agreements for Service; General Conditions.....29
48-102.002 Deferred Payment; System Development Charge.....38
48-102.003 Loan Agreement; Building Service Laterals.....39
48-102.004 Service Temporarily Provided By Alternative Facilities. 40
48-102.005 Forms and Applications.....41
48-102.006 Water Connection Suspension.....41

CHAPTER 48-103 SUPPLEMENTAL AND ALTERNATIVE ASSESSMENT PROCEDURE.....43
48-103.001 Authority.....43
48-103.002 Initial Assessment Resolution.....44
48-103.003 Assessment Roll.....44
48-103.004 Notice of Publication.....44
48-103.005 Notice by Mail.....45
48-103.006 Adoption of Final Resolution.....45
48-103.007 Annual Assessment Resolution.....46
48-103.008 Effect of Assessment Resolutions.....46
48-103.009 Lien of Assessments.....46
48-103.010 Revisions to Assessments.....47
48-103.011 Procedural Irregularities.....47
48-103.012 Correction of Errors and Omissions.....48

48-103.013 Method of Collection. 48
48-103.014 Alternative Method of Collection....49
48-103.015 Responsibility for Enforcement....50
48-103.016 Alternative Method....50

WATER SERVICE

CHAPTER 48-201 PROVISION OF WATER SERVICE....51
48-201.001 Classes of Water Service....51
48-201.002 Residential Water Service....53
48-201.003 Senior Citizens/Disabled American Veteran Water Service....54
48-201.004 Commercial (Single Unit) Service....55
48-201.005 Multiple Unit (Commercial/Residential) Water Service....56
48-201.006 Government/Other Service....57
48-201.007 Non-Profit Service....58
48-201.008 Fire Protection System Service....58
48-201.009 Common Areas Service....59
48-201.010 Marina Water Service....60
48-201.011 Campsite/Recreational Vehicle....60
48-201.012 Construction Meters....61
48-201.013 Developer's Prepayment Agreement; Advance Guarantee of Water Service....62
48-201.014 Cross-Connection Control....63
48-201.015 Off-Shore Islands....64
48-201.016 Irrigation Water Service....65
48-201.017 Special Water Service....65
48-201.018 Inter-Local Water Service....65
48-201.019 Municipal Key West Water Service....66
48-201.020 Navy DOD Water Service....66
48-201.021 Cleaning Only Water Service....66
48-201.022 Seasonal Service....66
48-201.023 Mandatory Water Conservation Program....67

CHAPTER 48-203 BILLING AND PAYMENT FOR SERVICE....69
48-203.001 Billing Period; Due Date....69
48-203.002 Use of Master Meters....69
48-203.003 Description of Monthly Billing Charges....70
48-203.004 Number Retired....72
48-203.005 Fire Protection System....72
48-203.006 Guaranteed Payment Deposit....72
48-203.007 Bank Drafts....73
48-203.008 Delinquent Accounts....74
48-203.009 Billing Disputes; Mistakes....75
48-203.010 Abatement of Water Bills....76
48-203.011 Tampering With Facilities....77

48-203.012 Special Water Service....79

CHAPTER 48-204 WATER MAIN EXTENSIONS....80
48-204.001 General....80
48-204.002 Water Main Extensions; by the Authority....80
48-204.003 Water Main Extensions; When Required....81
48-204.004 Water Main Extensions; Permit Application Procedure....81
48-204.005 Water Main Extensions; Provision of Water Service....82
48-204.006 Acceptance of Water Main Extensions....83
48-204.007 System Design; General Criteria....84
48-204.008 Front Footage Assessments; Water Main Extensions....85

CHAPTER 48-205 ALTERNATIVE WATER SUPPLIES....87
48-205.001 Policy and Purpose....87
48-205.002 Application and Scope....87
48-205.003 Approval Required; Conditions for Approval....87
48-205.004 Exemptions....88
48-205.005 Content of Application for Approval of Alternative Water Supply....89
48-205.006 Agreements for Use of Alternative Water Supplies....90

CHAPTER 48-206 WATER CONNECTION IN WILDLIFE REFUGES....92
48-206.001 General....92
48-206.002 National Wildlife Refuges; Affected Areas....92
48-206.003 Hardwood Hammock Lands....93
48-206.004 Maps Illustrating Affected Areas....94

CHAPTER 48-207 ENGINEERING REQUIREMENTS....95
48-207.001 Potable Water Minimum Design and Construction Standards....95

CHAPTER 48-208 WATER FEES AND CHARGES....96
48-208.001 Service Connection Fees and Charges....96
48-208.002 Guaranteed Payment Deposit (Security Deposit)....102
48-208.003 Water Main Unit Cost Standard (Per Lineal Foot)....103
48-208.004 Monthly Fees and Charges....103
48-208.005 Miscellaneous Fees and Charges....105
48-208.006 Water Restriction Surcharge....106
48-208.007 Annual Water Rate Index....106

WASTEWATER

CHAPTER 48-301 PROVISION OF WASTEWATER SERVICE....107
48-301.001 Classes of Wastewater Service....107
48-301.002 Residential Wastewater Service....107
48-301.003 Non-Residential Wastewater Service....108

48-301.004 Developer's Pre-Payment Agreement; Advance Guarantee of Wastewater Service....109
48-301.005 Pretreatment Program....110
48-301.006 Mandatory Connection to Wastewater System....111
48-301.007 Biennial Review....113
48-301.008 Adoption of User Charge System....114
48-301.009 Notification....114

CHAPTER 48-303 WASTEWATER FACILITIES AND EXTENSION....115
48-303.001 General....115
48-303.002 Wastewater Facilities; by the Authority....115
48-303.003 Wastewater Facilities; When Required....116
48-303.004 Wastewater Facilities; Permit Application Procedure....117
48-303.005 Wastewater Facilities; Provision for Wastewater Service....117
48-303.006 Acceptance of Wastewater Facilities and Service Initiation....118
48-303.007 System Design; General Criteria....120
48-303.008 Wastewater Main Extension Reimbursements....120
48-303.009 Special Assessments; Wastewater....121
48-303.010 Forms and Applications....122

CHAPTER 48-304 WASTEWATER PRETREATMENT....124
48-304.001 Purpose and Policy....124
48-304.002 General Requirements....125
48-304.003 Abbreviations....126
48-304.004 Pretreatment Facility Requirements....126
48-304.005 Permit Requirements....127
48-304.006 Monitoring and Reporting Requirements....128
48-304.007 Sampling Requirements....129
48-304.008 Reviewing Industrial Monitoring Reports (IMR's)....132
48-304.009 Inspections....134
48-304.010 Enforcement....134
48-304.011 Accidental Discharge; Upset and Bypass....135
48-304.012 Significant Industrial User Listing....137
48-304.013 Notification of Applicable Standards and Requirements....137
48-304.014 Records Management....138
48-304.015 Annual Reporting of Pretreatment Program....138
48-304.016 Forms and Applications....139

CHAPTER 48-305 ALTERNATIVE WASTEWATER FACILITIES....140
48-305.001 Policy and Purpose....140
48-305.002 Application and Scope....140
48-305.003 Approval Required; Conditions for Approval....140
48-305.004 Exemptions....141
48-305.005 Content of Application for Approval of Alternative Wastewater Facilities....142

48-305.006 Agreements for Use of Alternative Wastewater Facilities.....143

CHAPTER 48-307 WASTEWATER FEES AND CHARGES.....145
48-307.001 General.....145
48-307.002 Plan Review Fee.....145
48-307.003 Construction Inspection Fee.....146
48-307.004 System Development Charge.....146
48-307.005 Tapping Fees.....155
48-307.006 Service Installation Fees.....156
48-307.007 Guaranteed Payment Deposit.....156
48-307.008 Monthly Customer Fees.....156
48-307.009 Pretreatment Fees.....156
48-307.010 Miscellaneous Fees.....158
48-307.011 Wastewater Project Planning Recovery Charge.....159
48-307.012 Reserved for future renumbering.....160
48-307.013 Reserved for future renumbering.....160
48-307.014 Reserved for future renumbering.....160
48-307.015 Reserved for future renumbering.....160
48-307.016 Reserved for future renumbering.....160
48-307.017 Reserved for future renumbering.....160
48-307.018 Reserved for future renumbering.....160
48-307.019 Reserved for future renumbering.....160
48-307.020 Little Venice Wastewater Non Ad Valorem Assessment.....160
48-307.021 Marathon Central Wastewater Non Ad Valorem Assessment.....160

RECLAIMED WATER

CHAPTER 48-401 PROVISION OF RECLAIMED WATER SERVICE.....162
48-401.001 Classes of Reclaimed Water Service.....162
48-401.002 Residential Reclaimed Water Service.....162
48-401.003 Non-Residential Reclaimed Water Service.....163
48-401.004 Developer's Pre-Payment Agreement; Advance Guarantee of Reclaimed Water Service.....163

CHAPTER 48-403 RECLAIMED WATER FACILITIES AND EXTENSIONS.....165
48-403.001 General.....165
48-403.002 Reclaimed Water Facilities; by the Authority.....165
48-403.003 Reclaimed Water Facilities; When Required.....166
48-403.004 Reclaimed Water Facilities; Permit Application Procedure.....167
48-403.005 Reclaimed Water Facilities; Provision for Reclaimed Water Service.....167
48-403.006 Acceptance of Reclaimed Water Facilities and Service Initiation...168
48-403.007 Reclaimed Water System Design and Construction Criteria.....170

48-403.008 Reclaimed Water Main Extension Reimbursements.....170
48-403.009 Special Assessments; Reclaimed Water.....171

CHAPTER 48-405 RECLAIMED WATER FEES AND CHARGES.....173
48-405.001 General.....173
48-405.002 Plan Review Fee.....173
48-405.003 Construction Inspection Fee.....173
48-405.004 System Development Charge.....174
48-405.005 Tapping Fees.....182
48-405.006 Service Installation Fee.....183
48-405.007 Guaranteed Payment Deposit.....183
48-405.008 Monthly Customer Fees.....183
48-405.009 Miscellaneous Fees.....183
48-405.010 Reclaimed Water Project Planning Recovery Charge.....185
48-405.011 Reserved for future renumbering.....185
48-405.012 Reserved for future renumbering.....185
48-405.013 Reserved for future renumbering.....185
48-405.014 Reserved for future renumbering.....185
48-405.015 Reserved for future renumbering.....185
48-405.016 Reserved for future renumbering.....186
48-405.017 Reserved for future renumbering.....186
48-405.018 Reserved for future renumbering.....186
48-405.019 Reserved for future renumbering.....186
48-405.020 Little Venice Reclaimed Water Non Ad Valorem Assessment....186
48-405.021 Marathon Central Reclaimed Non Ad Valorem Assessment.....186

[Remainder of page intentionally left blank.]

CHAPTER 48-101
GENERAL AND PROCEDURAL

48-101.001 DESCRIPTION AND ORGANIZATION.
48-101.002 DEFINITIONS AND CONSTRUCTION.
48-101.003 AGENCY ORGANIZATION AND OPERATION.
48-101.004 AVAILABILITY OF SERVICE.
48-101.005 SERVICE INTERRUPTIONS.
48-101.006 RIGHT TO REFUSE SERVICE.
48-101.007 DISCONTINUANCE OR TERMINATION OF SERVICE.
48-101.008 NOTICE OF AGENCY DECISION; POINT OF ENTRY; RIGHT TO ADMINISTRATIVE HEARING.
48-101.009 RESERVATION OF RIGHTS.

48-101.001 DESCRIPTION AND ORGANIZATION

The Florida Keys Aqueduct Authority is an agency of the State of Florida subject to the provisions of the Administrative Procedure Act, Chapter 120, Florida Statutes. The provisions of the Uniform Rules of Procedure, as set out in Chapter 28, Florida Administrative Code ("F.A.C."), shall apply. The Authority was created by Special Act, Chapter 76-441, Laws of Florida, which has been amended from time to time. Where any conflict arises between provisions of the Special Act and any other state law or regulation, the provisions of the Special Act shall prevail unless otherwise provided by law.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54 FS. Law Implemented Sections 1, 2, 41, Chapter 76-441, as amended by Section 1, Chapter 77-605, and Section 1, Chapter 98-519, Laws of Florida; 120.54, FS. History – New 9-18-81.

48-101.002 DEFINITIONS AND CONSTRUCTION.

The terms defined in Chapter 120, Florida Statutes, shall have the same meaning when used in these rules, except where a different definition is prescribed by the Special Act, which shall prevail over any other definition. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to these rules; and the term "hereafter" means after, and the term "heretofore" means before the adoption of these rules. Words of one gender include the correlative words of the other gender, unless the sense indicates otherwise. Additionally, the terms set forth below shall have the following meaning except where the context clearly otherwise requires:

(1) "Act" or "the Act" refers to The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(2) "Active Account" means that an Agreement for Service exists between a Owner/ Customer and the Authority, under which the Authority stands ready to serve and Service is rendered or available on demand and payment for said Service is made or due from the recipient on a Monthly basis.

Adopted: 12/19/02; Effective: 01/01/03

(3) "Administrative Hearing" means a hearing under Chapter 28-106, F.A.C.

(4) "Advanced Sewage Disposal System" or "ASDS" means an on-site disposal system permitted and approved by DOH that provides for removal of nutrients (nitrogen and phosphorus) to the extent determined by DOH to be consistent with "best available technology."

(5) "Agency Decision" means an Authority decision or action in which the substantial interests of a party are determined.

(6) "Agreement for Service" means the agreement which establishes the relationship between the Customer and the Authority under which Service to the Customer is rendered and payment to the Authority for said Service is made.

(7) "Alternate System Development Charge" means the assessment of the System Development Charge based on the size of meter provided by the Authority for Service to the premises when Fixture Values cannot be ascertained.

(8) "Alternative Water Supply" means any potable water supply facilities not owned or operated by the Authority, including, but not limited to, Desalinization Water Supply facilities, Wells and Catchment Basins, and Alternative Water Supply Distribution Systems, and shall include all such water supplies subject to Authority jurisdiction except as otherwise provided herein or by law.

(9) "Alternative Wastewater Facilities" means any Wastewater Facilities not owned or operated by the Authority, including but not limited to, individual On-site Wastewater Nutrient Reduction Systems (OWNRS), interim On-site Wastewater Nutrient Reduction Systems, clustered On-site Wastewater Nutrient Reduction Systems, and Package Wastewater Treatment Plants, and shall include all such Wastewater Facilities subject to Authority jurisdiction except as otherwise provided herein or by law.

(10) "Annual Assessment Resolution" means the resolution described in Section 48-103.007, approving an Assessment Roll for a specific Fiscal Year.

(11) "Annual Water Rate Index" means the formula by which the Authority annually adjusts the Base Facility Charge and the Consumption Charge to reflect inflationary increases in the cost of providing services.

(12) "Assessment" means a charge or special assessment (sometimes characterized as a non-ad valorem assessment) imposed by the Authority to fund the Project Cost of Utility Improvements or the Operating Cost of Related Services, as provided for in Chapter 48-103.

(13) "Assessment Area" means any area identified by the Authority pursuant to Section 48-103.002 hereof, that is specifically benefited from Utility Improvements or other Operating Cost of Related Services.

(14) "Assessment Roll" means the special assessment roll relating to Utility Improvements or Related Services, approved by a Final Assessment Resolution pursuant to Section 48-103.006 or an Annual Assessment Resolution pursuant to Section 48-103.007.

(15) "Assessment Unit" means the unit or criteria utilized to determine the Assessment for each parcel of property, as set forth in the Initial Assessment Resolution. "Assessment Units" may include, by way of example only and not limitation, one or a combination of the following: front footage, platted lots or parcels of record, land area, improvement area, equivalent residential connections, permitted land use, usage rates, fixture values, capacity factors under applicable concurrency management regulations, or any other physical characteristic or reasonably expected use of the property that is related to the Utility Improvement or Related Service to be funded from proceeds of the Assessment.

(16) "At Cost" means the current applicable cost of all equipment, labor, fringe benefits, and materials used to perform a defined task including a twenty-five percent (25%) general and administrative fee, with a minimum specified as appropriate.

(17) "Authority" means the Florida Keys Aqueduct Authority, unless a different intent clearly appears from the context.

(18) "Base Facility Charge" means the fixed monthly rate billed to customers based on the customer's meter size, as shown in 48-208.004, and does not include charges for water consumption.

(19) "Base User Fee" for Wastewater means the minimum monthly charge based on the number of Equivalent Dwelling Units (EDU's) served and a predetermined allowed amount of Wastewater anticipated to be generated by any Customer being served; or the minimum monthly charge based on the size of the Customer's Reclaimed Water Meter and a predetermined allowed amount of Reclaimed Water anticipated to be used by a Customer on a monthly basis.

(20) "Biochemical Oxygen Demand" or "BOD" means the quantity of oxygen used in the biochemical oxidation of organic matter at a specified time, at a specified temperature, and under specified conditions. It shall also mean a standard test for assessing Wastewater strength expressed in the demand for oxygen for a five-day period as specified in Chapter 62-160, F.A.C.

(21) "Board" shall mean the Board of Directors of the Authority.

(22) "Boat Slip/Dock/Berth" means a slip, dock or berth bordered by a seawall, or a fixed or floating pier used for mooring or docking boats, houseboats, barges, or other types of floating modules or vessels used for or capable of being used for residential, or non-residential use at either marina facilities or on private waterways.

(23) "Building" shall mean any Premises or structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind, or any other improvement, use, or structure which creates or increases the potential demand on the Water, Wastewater or Reclaimed Water Utility System operated by the Authority. This term shall include trailers, mobile homes, Boat Slip/Dock/Berth, or any vehicle serving in any way the function of a Building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a Building Permit.

(24) "Building Permit" shall mean an official document or certificate issued by the authority having jurisdiction, authorizing the construction or sitting of any Building. The term "Building Permit" shall also include tie-down permits or other similar authorizations for those structures or Buildings, such as a mobile home or a Boat Slip/Dock/Berth, that does not otherwise require a Building Permit in order to be occupied.

(25) "Business Day" means the period of each day from 8:15 A.M. to 4:45 P.M., excluding the Authority's declared holidays and weekends.

(26) "Bypass" means the intentional diversion of Wastewater streams from any portion of an Industrial User's treatment facility.

(27) "Categorical Industrial User" means an Industrial User subject to Categorical Pretreatment Standards.

(28) "Capital Cost" means all or any portion of the expenses that are properly attributable to the acquisition, design, construction, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation and relocation) of Utility Improvements and imposition of the related Assessments under generally accepted accounting principles; and including reimbursement to the Authority for any funds advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

(29) "Categorical Pretreatment Standard" refers to the national Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties that may be discharged by existing or new Industrial Users in specific industrial sub-categories, established as separate regulations as promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users and which appears in 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471, as amended. These standards, unless specifically noted otherwise, shall be in addition to all Pretreatment Standards and requirements.

(30) "Cleaning Only" means providing water service for a single residential unit for a period not to exceed seven (7) calendar days for the purposes of cleaning the unit.

(31) "Code of Federal Regulations" or "C.F.R." refers to the codification of the general and permanent rules published in the Federal Register by the Executive Departments and Agencies of the Federal Government. The Code is divided into fifty titles that represent broad areas subject to Federal Regulation. Each title is divided into chapters that usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas of concern.

(32) "Common and Public Bathroom Facilities" means separate multi-fixture installations of various combinations of commodes, urinals, bidets, lavatories, shower stalls, sinks and tubs used for human hygiene and sanitation, serviced by a 5/8 inch meter or larger connection, subject to common usage by human occupants of attendant and near-by camp sites, quarters, rooms, units or other modules, or by the general public.

(33) "Consumption Block" refers to the specific range of monthly water use, depending on meter size, which is used to calculate the Consumption Charge. As shown in Monthly Fees and Charges, 48-208.004, there are five Consumption Blocks, each containing established levels of consumption per meter size, used to calculate the Consumption Charge within each block.

(34) "Consumption Charge" means the charge billed customers per hundred gallons of metered water each month. The Consumption Charge is based on meter size and monthly Consumption Block as shown in Fees and Charges, Section 48-208.004.

(35) "Conventional Pollutant" means any of five Wastewater Pollutants as defined by the Act including B.O.D., suspended solids, fecal coliform, pH, and oil and grease.

(36) "Cost of Funds" means an interest rate equal to either (a) the Authority's average rate of return on current short term investments or (b) the interest rate for a specific borrowing, whichever is applicable.

(37) "County" means Monroe County, a political subdivision of the State of Florida.

(38) "Cross-Connection" means any physical arrangement whereby a Potable Water Supply or a Reclaimed Water Supply is connected, directly or indirectly, with any other system capable of imparting contamination to the Potable Water Supply or Reclaimed Water Supply as the result of backflow.

(39) "Customer" means any Person that accepts or receives Water, Wastewater, or Reclaimed Water Service.

(40) "Day" means one (1) twenty-four (24) hour period.

(41) "Delinquent Account" or "Delinquency" means that for the Active Account, payments for satisfaction of some or all past and current fees and charges are past due by at least two bill payment cycles of said Active Account, but Service has not yet been disconnected.

(42) "Delinquent Account Charge" means the charge billed customers when all or part of the payment on their account has become delinquent. The Delinquent Account Charge is based on the outstanding balance as shown in Fees and Charges 48-208-001.

(43) "Delinquent Account Reactivation Fee" means a charge to be based on the estimated cost of activities associated with such reactivation.

(44) "Department of Environmental Protection" or "DEP" means the State of Florida Department of Environmental Protection.

(45) "Department of Health" or "DOH" means the State of Florida Department of Health.

(46) "Department of Transportation" or "DOT" means the State of Florida Department of Transportation.

(47) "Developer" means a Person developing property for resale, rental or lease, to which Water, Wastewater, and Reclaimed Water Service may be provided by the Authority.

(48) "Director" means the Executive Director of the Authority or his or her designee.

(49) "Discharge" means the introduction of Pollutants into a Wastewater System from any source, directly or indirectly, by means of pipes, conduits, pumping stations, ditches, or tank trucks, and all constructed devices and appliances appurtenant thereto.

(50) "Distribution System" means the pipes owned by the Authority and used for the respective distribution of Water or Reclaimed Water to residential and non-residential Customers.

(51) "Dwelling Unit" means a single unit designated or intended for one-family occupancy (a household of one or more persons), including, but not limited to, one single-family house, one-half of a duplex, one apartment, or one mobile home.

(52) "Easement" means any acquired legal right for the specific use of land owned by others.

(53) "Enforcement" means actions taken by Monroe County, a municipality, the Authority, or any other governmental entity in response to noncompliance with or violation of these rules or any other applicable rules, regulations, ordinances or laws.

(54) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

(55) "Equivalent Dwelling Irrigation Unit" or "EDIU" means a system capacity equivalent that corresponds to five hundred (500) gallons per day of Reclaimed Water

demand by the single-family residential category of Customer usage. This system capacity equivalency unit is used to establish the system demand for various sized connections for the purpose of assessing rates, fees, and charges.

(56) "Equivalent Dwelling Unit" or "EDU" means a system capacity equivalency unit corresponding to an average of one hundred and sixty-seven (167) gallons per day of potable water usage. This system capacity equivalency unit may be utilized to establish the Water and Wastewater demand for the purpose of assessing rates, fees and charges.

(57) "Existing Source" means any building, structure, facility, or installation from which there is or may be a Discharge, the construction of which began before promulgation of Pretreatment Standards applicable to such source.

(58) "Fee Basis" for water means the basic measure or function of the Authority in providing service, or measures of water Service that represent the Customer's demand for and consumption of Water, and for Wastewater means the basic measure or function of the Authority in providing Service or measures of Wastewater Service represented by the Customer's demand for water and resulting generation of Wastewater. Demand shall be represented by the number of water using fixtures, appliances, and other facilities for which shall be calculated the number of fixture values, by employ of the fixture value tables and the methods of determination of those fixture values presented by the American Water Works Association in its publication designated as M22, Sizing Water Service Lines and Meters, dated 1975, hereby incorporated by reference, and fixture values as designated by the Authority.

(59) "Final Assessment Resolution" means the action described in Section 48-103.006, which shall confirm, modify or repeal the Initial Assessment Resolution and which shall be the final proceeding for the imposition of Assessments imposed under the procedures as provided for in Chapter 48-103.

(60) "Fire Device" means the meter and/or reduced pressure zone assembly for the purpose of serving the customer's fire protection system.

(61) "Fire Lines" means the pipe, isolating valves, and fittings of the Authority, which extend from the water main to the property line, and which are used for supplying water exclusively for fire protection purposes. A Customer's fire line and domestic line can be one and the same if the Authority determines such a circumstance will not compromise reasonable health or safety of Person's using the domestic line.

(62) "Fiscal Year" means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the Fiscal Year for the Authority.

(63) "Fixture Review" means the Authority's review of plans for the purposes of calculating the number of Fixture Values to determine the appropriate System Development Charge.

(64) "Fixture Value" means a determination of the amount of water (in gallons per minute) that a water-using fixture will normally demand, or the amount of Wastewater (in gallons per minute) that a water-using fixture is expected to generate, at a typical pressure of thirty-five pounds per square inch (35 psi). (Note: Fixture Values are determined by the American Water Works Association in its publication designated as M22, Sizing Water Service Lines and Meters, dated 1975, hereby incorporated by reference).

(65) "Force Main" means a pipe owned by the Authority and used to transmit Wastewater from a pump station to a treatment facility.

(66) "Front Footage Assessment" means the charge made by the Authority for connection of Water Service to a Premises located along a Water Main Extension in accordance with Section 48-204.008. Such Assessment shall be applicable to the length of the Frontage of the property.

(67) "Frontage" means the actual width of a property along which the proposed water main is to be installed, without regard to the position of any Building located on the Premises. For corner lots, Frontage shall mean the side of the lot that is consistent with the other lots on the same block.

(68) "Guaranteed Payment Deposit" means a security deposit made by a Customer for payment of amounts due the Authority, to be applied first to any outstanding bills or other amounts owed by the Customer upon either discontinuance or termination of Service.

(69) "Inactive Account" means an account for which service by the Authority has been previously rendered, but for which no current Agreement for Service or Guaranteed Payment Deposit is held by the Authority.

(70) "Industrial Discharge Permit" or "IDP" means a written authorization from the utility Owner to Discharge Industrial Wastewater into a Wastewater Collection System and setting certain conditions and restrictions on such Discharge.

(71) "Industrial Monitoring Report" or "IMR" means a report submitted by SIU's indicating the nature and concentration of Pollutants for which the industry is regulated. These reported Pollutants may include local Discharge Standards and Categorical Pretreatment Standards.

(72) "Industrial User" or "IU" means any Non-residential User discharging Industrial Wastewater into a Wastewater Collection System.

(73) "Industrial Wastewater" means Wastewater from industrial operations, trade or business activities as distinct from domestic Wastewater.

(74) "Industrial Wastewater Discharge Permit" means a written authorization from a utility Owner to Discharge Industrial Wastewater into the Wastewater Collection System and setting certain conditions or restrictions on such Discharge.

(75) "Industrial Wastewater Surcharge" means an additional Service charge assessed against Industrial Users of a Wastewater System whose Wastewater characteristics exceed established surcharge limits.

(76) "Initial Assessment Resolution" means the resolution described in Section 48-103.002, which shall be the initial proceeding for the imposition of an Assessment.

(77) "Irrigation" means the use of water to maintain and enhance the growth of lawns, shrubs, trees, or edible crops as set forth in Chapter 62-610, F.A.C.

(78) "Large Meter Service Unit" means a service unit having a potential peak demand for water exceeding the capacity of the Authority's largest customary size service connection of a two inch (2") meter.

(79) "Meter Relocation" means the relocation of a customer's water meter based on the request of the customer or the Authority.

(80) "Minimum Design and Construction Standards and Specifications" means the engineering design and construction specification demands of the Authority related to Water, Wastewater, or Reclaimed Water facilities constructed by any Developer, Owner, Customer or User, which are adopted by reference in these rules.

(81) "Mobile" means a campsite, lot or defined space of ground designed for or capable of being used by a recreational vehicle (RV) or other type of mobile or portable rigid or collapsible structure used for residential or non-residential use at either campsites, RV parks, on public or private property, including tent camp sites. (Permanently located mobile homes are considered single family dwellings).

(82) "Month" or "Monthly" means the time interval between successive meter reading dates, which is approximately thirty (30) calendar days.

(83) "New Source" means Wastewater sources defined as follows:
(a) Any building, structure, facility, or installation from which there is or may be a Discharge, for which construction is commenced after adoption of Pretreatment Standards applicable to such source.
(b) Any Building, structure, facility or installation from which there is or may be a Discharge, for which construction is commenced after the publication of Pretreatment Standards under Section 307(c) of the Act which are applicable to such source if such standards are thereafter promulgated in accordance with that section.
(c) New Sources shall have the following additional characteristics:
1. The building, structure, facility, or installation is constructed at a site at which no other source of Discharge is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or
3. The production or Wastewater generating processes of the building structure, facility, or installation are substantially independent of an Existing Source of Discharge at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is engaged in the same general type of activity as the Existing Source shall be considered; or
4. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(d) Construction of a new source, as defined herein, has commenced if the Owner or Operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or,
2. Caused significant site preparation work, including clearing, excavation, or removal of existing Buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or,
3. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended for use in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under these rules.

(84) "Non-categorical Industrial User" means an Industrial User not subject to Categorical Pretreatment Standards.

(85) "Non-Residential Service" is defined as Service to any Non-Residential Customer or to any separately serviced non-residential activity in an otherwise residential project. Public, commercial, institutional, industrial and all other specialty Users including sprinkler systems are considered non-residential Customers.

(86) "Obligations" means bonds or other evidence of indebtedness, including but not limited to, notes, commercial paper, capital leases or any other obligation issued or incurred to finance capital projects or any portion of the Project Cost of Utility Improvements which may be secured, in whole or in part, by proceeds of the Assessments.

(87) "Off-Site Water Mains" means those water mains located outside a development.

(88) "Oil/Grease Interceptor" or "OGI" means any device, including but not limited to grease traps and oil/water separators, designed and installed to separate and retain floating, deleterious, hazardous, and undesirable matter from Wastewater or liquid wastes, and that discharges to the Wastewater System.

(89) "Oil/Grease Interceptor User" or "OGIU" means establishments that use an Oil Grease Interceptor.

(90) "On-Site Disposal System" or "OSDS" means a Wastewater Treatment System utilizing subsurface effluent disposal (absorption field or Class V injection well) such as a conventional septic tank, aerobic treatment unit (ATU), on-site Wastewater Nutrient Reduction System (OWNRS), package sewage treatment facilities, including those facilities that are in full compliance with the regulatory standards and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal, or other type of Advanced Sewage Disposal System (ASDS). As used in this definition, the reference to "package sewage treatment facilities" includes any Wastewater treatment facility permitted for operation by the Florida Department of Environmental Protection, or its successor in function.

(91) "On-Site Mains" means those water mains located in streets, rights of way, or easements within a development, and those mains located in streets that are peripheral to a development, which are constructed for use by that development, but are owned and operated by the Authority.

(92) "Operating Cost" means all or any portion of the expenses that are properly attributable to Related Services under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the Authority for any funds advanced for Related Services, and interest on any interfund or intrafund loan for such purpose.

(93) "Owner" means a Person who is the record Owner of any Premises.

(94) "Owner's Acknowledgement of Service Restriction" means a legal document establishing restriction of change in conditions at a Premises or location to which Water, Wastewater, or Reclaimed Water Service is provided that impose an increase in potential demand on Authority facilities. The Owner's Acknowledgement of Service Restriction is made for the purpose of protecting the Authority from a Customer modifying the Premises, such that water-using fixtures are added, thereby increasing the potential demand for Water, Wastewater, or Reclaimed Water Service, without the Authority's consent. Such covenants shall be recorded in the Public Records of Monroe County.

(95) "Permanent" means a structure built, sited or installed on a permanent foundation used for residential or non-residential use.

(96) "Person" means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, private or governmental, as the context may require.

(97) "pH" is the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

(98) "Plumbing" means all pipes, fittings and appurtenances on the owner's side of the water meter.

(99) "Point of Service" means:

(a) For Reclaimed Water, the point where the Authority's Reclaimed Water facilities connect to Customer installed, owned, operated and maintained Reclaimed Water facilities;

(b) For Wastewater, the point where the Authority's Wastewater Facilities connect to Customer installed, owned, operated and maintained facilities. In cases where the entire Building Service Lateral is owned and maintained by the Authority, the Point of Service shall be at a point three (3) feet outside of where the gravity Service Lateral enters or is routed under the Building foundation slab. A clean-out shall be located at the Point of Service. The Point of Service shall generally be at the point where the Building gravity Wastewater Service Lateral intersects the right-of-way line or, in the event a utility easement exists adjacent to the right-of-way line, at the point where the Building Wastewater Service Lateral intersects the utility easement line furthest from the vacuum main. A clean-out shall be located at the Point of Service as applicable.

(c) For Water, the point where the Authority's water meter is connected to Customer owned or operated water-using facility, and where Water Service to the Customer begins. If no water meter is required, the Point of Service is the point where the Authority's pipe is connected to Customer owned or operated facility. If a meter or meter assembly is installed at the end of the Service Connection, the Service Connection shall mean the downstream end of the meter or meter assembly. There shall be no unprotected takeoffs from the Customer's service line ahead of any backflow preventer to the Customer's water system.

(100) "Pollutant" means any dredged spoil, solid waste, incinerator residue, Wastewater, garbage, Wastewater Sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt or industrial, municipal, or agricultural waste discharged into water.

(101) "Premises" means any and all real property and tangible personal property affixed to real property served or capable of being served by the Authority as a result of the existence of a Service Connection.

(102) "Pretreatment" means reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to or in lieu of discharging or otherwise introducing such Pollutants into a Wastewater Collection or Treatment System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by Rule 62-625.410(5), F.A.C.

(103) "Pretreatment Facility" means any equipment, system or process intended to reduce or eliminate the amount of Pollutants or alter the nature of prohibited Pollutants prior to a Discharge into the Wastewater Collection System.

(104) "Pretreatment Program" means the provisions and activities related to the regulation of direct and indirect Discharges into the Authority's Wastewater Collection System, including the provisions and activities of the Authority provided for in Chapter 48-304.

(105) "Pretreatment Standards" means the prohibitive discharge standards as set forth in any applicable county or municipal wastewater facilities use ordinance (or similar local government ordinance), State of Florida Pretreatment Standards, Categorical Pretreatment Standards of the EPA, or the Authority Pretreatment Program.

(106) "Project Cost" means
(a) The Capital Cost of a Utility Improvement,
(b) The Transaction Cost associated with the Obligations which financed the Utility Improvement,
(c) Interest accruing on such Obligations for such period of time as the Authority deems appropriate,
(d) The debt service reserve fund or account, if any, established for the Obligations which financed the Utility Improvement, and
(e) Any other costs or expenses related thereto.

(107) "Property Appraiser" means the Property Appraiser of the county in which a benefited Premises is located.

(108) "Reclaimed Water" means water that has received advanced treatment and disinfection and is reused after flowing out of a Wastewater Treatment Facility as set forth in Chapter 62-610, F.A.C.

(109) "Reclaimed Water Distribution System" means the system comprised of all pipes, pumping facilities, storage facilities, and related appurtenances designed to convey and distribute Reclaimed Water from one or more Wastewater treatment facilities to the Point of Service with a Customer.

(110) "Related Service" means the operation and maintenance of a Utility Improvement.

(111) "Residential Service" means Service intended strictly for Dwelling Unit use.

(112) "Residential User" means all Premises used only for human residency and which are connected to the Water, Wastewater, or Reclaimed Water facilities.

(113) "Resolution of Intent" means the resolution expressing the Board's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act.

(114) "Returned Check Charge" or "Bank Draft Charge" is a charge based on the estimated administrative cost of collecting the amount due from the tendered check or bank draft that was not honored by the payer's bank as provided by Section 832.07, Florida Statutes.

(115) "Sample Collection Station" means a manhole or other suitable structure through which the total Wastewater from a facility flows, and that can accommodate equipment for Wastewater sampling and flow measurement.

(116) "Sanitary Conveniences" means facilities such as toilets, urinals, sinks, showers, bathtubs, and bidets which Discharge wash-water or Wastewater to the Building Sewer.

(117) "Sanitary Wastewater" means Wastewater Discharged from the Sanitary Conveniences of dwellings, office buildings, industrial plants, or institutions.

(118) "Seasonal Service" means the status under which an active residential single unit account is placed when a Customer has requested a temporary disconnection of Water Service, and for which the Authority continues to hold an active Agreement for Service.

(119) "Senior Citizen Water Service" means the class of service designated for qualifying Senior Citizens and Disabled American Veterans who fall within the maximum household income limits to qualify for the Senior Citizens'/Disabled American Veterans Water Service as shown in Chapter 48-201.003.

(120) "Service" means availability or the supply of Potable Water or Reclaimed Water, or the readiness to accept, or the acceptance of Wastewater, to or from a Customer at a Point of Service by the Authority. It includes the readiness and ability on the part of the Authority to furnish Water, Wastewater, or Reclaimed Water Service to the Customer on demand due to the presence of a Service Connection.

(121) "Service Charge" means the charge assessed customers, per event, when the Authority travels to the premise or for administrative processing by the Authority.

(122) "Service Connection" means the physical attachment of the Authority's facilities to those facilities of any property through which Water, Wastewater, or Reclaimed Water Service is deliverable.

(123) "Service Initiation" means the date applicable fees are paid, or otherwise become due, for a Potable Water meter, Reclaimed Water meter, or Wastewater connection.

(124) "Service Installation Fee" shall be based on the estimated cost of activities associated with construction of a Water, Wastewater, or Reclaimed Water Service Lateral.

(125) "Service Lateral" means the pipe which connects the Authority's distribution line or collection facilities, as the circumstances require, to the Service Connection at the Point of Service. Said pipe is typically situated on private property and is owned, operated and maintained by the Owner.

(126) "Service Line" means that portion of the Sewer System that extends beyond the end of the building drain and conveys Wastewater to a public, private or individual Wastewater Collection System, or other point of disposal. In cases where the building is served by a Vacuum Sewer, the Building Sewer shall include the gravity line to the vacuum valve collection sump constructed within the public right-of-way or an Easement.

(127) "Service Unit" means Premises, an area, or a module or modules consisting of a delineated space, or an enclosure of one (1) or more spaces or rooms with either appurtenant or common or public bathroom facilities or installations of other water using appliance, or Wastewater generating fixtures, and used for a single residential or non-residential use. Service Units fall into the general categories of Permanent, Boat Slip/Dock/Berth, and Mobile.

(128) "Sewer" means any pipe, conduit, or other device used to collect and transport Wastewater and from which storm water, surface water, and groundwater is generally excluded. As the context requires, the term shall also be synonymous with the term Wastewater or other terms incorporating such term therein.

(129) "Sewer System Impact Development" shall mean development upon lands within the area served by Wastewater Facilities owned and operated by the Authority, which shall be subjected to the System Development Charges (SDC) upon the first occurrence of any of the following:
(a) Whenever any existing building or structure, which has not previously paid a SDC, connects to the Authority's Wastewater Facilities; or
(b) Whenever any existing building or structure or applicable improvement which is connected to interim or Alternative Wastewater Facilities is connected, either directly or indirectly, to the Authority's Wastewater Facilities; or
(c) Whenever any Person applies for a Building Permit to construct a building, structure or applicable improvement within the service area of the Authority, even though the subject lands may receive interim sewer service from a source other than the Authority; or
(d) Whenever a Person applies for a Building Permit to alter an existing building, structure or applicable improvement already connected to the Wastewater System, where such alteration increases the potential demand on the Authority's Wastewater System.

(130) "Significant Industrial User" or "SIU" means:

(a) Any Non-categorical Industrial User that discharges 10,000 gallons per day or more of process Wastewater into a Wastewater System (excluding domestic Wastewater, non-contact cooling and boiler blow-down Wastewater), or that contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the treatment plant operation or for violating any pretreatment standard or requirement (in accordance with Rule 62-625.500(2)(e), F.A.C.); or,

(b) Upon finding that an Industrial User meeting the criteria in paragraph (a) above, has no reasonable potential for adversely affecting the Wastewater System operation or for violating any pretreatment standard or requirement, the Authority may at anytime, on its own initiative or in response to a request received from an Industrial User, and in accordance with Rule 62-625.500(2)(e), F.A.C., determine that such Industrial User is not a Significant Industrial User.

(131) "Sludge" means any solid or semisolid waste generated from a county, municipal, commercial, or Industrial Wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a Wastewater treatment plant.

(132) "South Florida Water Management District" (a.k.a.: SFWMD) is an agency created by Section 373.069, Florida Statutes.

(133) "Special Act" means Chapter 76-441, Laws of Florida, including amendments provided in Chapters 77-604, 77-605, 80-546, 83-468, 84-483, 84-484, 86-419, 98-519, Laws of Florida.

(134) "Special Water Service" means the short-term water service which is metered separately and established for specific purposes such as filling of pools, community events, etc.

(135) "State" means the State of Florida.

(136) "Suspended Solids" means tiny particles of solids disbursed but undissolved in a solid, liquid, or gas, which are removable by laboratory filtration.

(137) "System Development Charge" or "SDC" is a charge to new Customers and to existing Customers who modify, add, or construct facilities that impose a potential increased demand on the Authority's Water, Wastewater or Reclaimed Water Facilities. The SDC is in addition to any amount that may be expended by the Owner/Customer for system improvements and other fees required by the Authority. To the extent such charges are characterized as impact fees, such charges shall be kept in a separate account and used only to expand facilities as necessary to meet the increased demand.

(138) System Development Charge Credit" is a credit vested with the Premises for the fixture values that exist at a premises prior to an event that increases fixture values for

that customer/premises. System Development Charge shall only be due for the additional fixture values based on the SDC dollar amount in effect at the time. In no case shall a recalculation of this basis for assessing the SDC result in a negative assessment of this fee.

(139) "Tampering" means any willful alteration or interference with the water meter, or other Water, Wastewater, or Reclaimed Water system components and facilities owned by the Authority, except for turning the valve associated with the water meter for the purpose of temporary disconnection of service. Tampering includes obtaining unauthorized Service to a Premises or location not subject to an Agreement for Service between the Authority and the present occupants or Owners of said Premises.

(140) "Tapping Fee" means a cost recovery fee based on tap size.

(141) "Tax Collector" means the Tax Collector of the county in which a benefited Premises is located.

(142) "Tax Roll" means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

(143) "Transaction Costs" means the costs, fees and expenses incurred by the Authority in connection with the issuance and sale of any series of Obligations, including but not limited to

(a) Rating agency and other financing fees;
(b) The fees and disbursements of bond counsel;
(c) The underwriters' discount;
(d) The fees and disbursements of the Authority's financial advisor;
(e) The costs of preparing and printing the Obligations, the preliminary official statement, the final official statement, and all other documentation supporting issuance of the Obligations;
(f) The fees payable in respect of any municipal bond insurance policy;
(g) Administrative, development, credit review, and all other fees associated with any pooled commercial paper or interim financing program; and
(h) Any other costs of a similar nature incurred in connection with issuance of such Obligations.

(144) "Transmission Main" means a pipe owned by the Authority and used to transmit Water or Reclaimed Water from its source to the Distribution System.

(145) "Uniform Assessment Collection Act" means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes, authorizing the collection of charges in the form of special assessments, therein characterized as non-ad valorem assessments, on the same bill as ad valorem taxes.

(146) "Upset" means an exceptional incident in which a User unintentionally and temporarily is in a state of noncompliance with the standards adopted under these rules or

established as part of it's Wastewater Discharge Permit, due to factors beyond the reasonable control of the User, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

(147) "User" with regard to Wastewater means any Person responsible for the Discharge of Wastewater into a Wastewater System; with regard to Potable Water or Reclaimed Water, such term means any Person receiving or capable of receiving potable Water or Reclaimed Water.

(148) "Utility Improvement" means a capital improvement constructed or installed by the Authority for the special benefit of a neighborhood, district or other benefited area.

(149) "Wastewater" means liquid and water-carried industrial, domestic, medical, food, superfluous solid, gaseous material, holding tank or other wastes from residences, commercial establishments or manufacturing facilities, whether treated or untreated, which are Discharged into a Wastewater System.

(150) "Wastewater Collection System" means a system for carrying waste including but not limited to, domestic, industrial, medical, holding tank or other waste, to which storm, surface, and groundwater are not intentionally admitted.

(151) "Wastewater Discharge Permit" means a written authorization from the Wastewater System Owner stating the conditions, parameters, or circumstances whereby a User may discharge into the Wastewater Collection System.

(152) "Wastewater Facilities" or "Wastewater System" means the system comprised of all structures, equipment, and processes required to collect, carry away, and treat domestic, industrial, medical, holding tank and other wastes and dispose of the effluent.

(153) "Wastewater Facilities Use Ordinance" means the authority by which Monroe County, a municipality, or any other governmental entity sets forth and enforces uniform requirements for Users of Wastewater Systems in Monroe County, Florida.

(154) "Water Main" means that pipe which is owned or intended to be owned by the Authority to which service lines may be connected.

(155) "Water Main Extension" means a pipeline added to an existing water main of the Authority for the purpose of serving one or more Customers.

(156) "Water Restriction Surcharge" means the surcharge billed to customers during mandatory water restrictions as imposed by the SFWMD. The Water Restriction Surcharge is applied as a percentage of the Consumption Charge, based on the declared Water Shortage Phase, and is not applied to the first consumption block of the customer's meter size or the Base Facility Charge.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54 FS. Law Implemented Sections 2, 3, 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 6, 8, Chapter 98-519, Laws of Florida; 120.54, FS. History – New 9-18-81, Amended 6-21-85.

48-101.003 AGENCY ORGANIZATION AND OPERATION.

The Authority follows the Uniform Rules of Procedure published in Chapter 28, F.A.C. The Statement of Agency Organization and Operation required by Chapter 28-101, F.A.C., is on file in the main office of the Florida Keys Aqueduct Authority. Portions of the Statement of Agency Organization and Operation are reprinted here, not as part of the Rules, but for the convenience of the reader. Those portions are as follows:

(1) **GENERAL PROVISIONS.**

(a) The Florida Keys Aqueduct Authority is an independent special district and an autonomous body corporate and political created by the Special Act.

(b) The primary purposes and functions of the Authority are to (1) obtain, supply, and distribute an adequate water supply for the Florida Keys, and (2) to collect, treat and dispose of Wastewater in the Florida Keys.

(c) The Service area of the Authority includes all of the lands within Monroe County, but the Authority also has the power to obtain potable water outside of its boundaries and transmit it for sale within its geographic boundaries, and to serve Customers residing within one mile of its existing pipeline from its wellfield at Florida City in Miami-Dade County to the territorial boundary of the Authority in Monroe County.

(d) The Authority shall exercise, through the Board, all powers enumerated in the Special Act, including but not limited to the power to adopt rules and regulations relating to the exercise of such powers for the regulation of the use and supply of water systems and sewer systems for the Florida Keys and shall also exercise such other authority as may exist under general or special law.

(e) The Board governs the policymaking and other statutorily prescribed duties and powers of the Authority pursuant to the Special Act. The Board shall consist of five members, appointed by the Governor to terms of office of four years, pursuant to the Special Act.

(f) An Executive Director shall be appointed by the Board to manage the Authority on a day-to-day basis. An administrative staff, including legal and technical staff, and field force shall perform the various functions required for the operation of the Authority under the management of the Director. The Board may retain outside consultants or legal counsel as it deems necessary for the performance of its duties.

(g) The Authority is organized and operated as set forth herein and as further described in "The Florida Keys Aqueduct Authority Chart of Organization," effective date 12/31/00, which is hereby incorporated by reference:

1. The water and Wastewater divisions are, respectively, assigned the duties of obtaining, supplying and distributing an adequate water supply for the Florida Keys and collecting, treating and disposing of wastewater in the Florida Keys, as further described in the Special Act and other provisions of law governing the subject.
2. The water division is responsible for implementing the provisions of the Special Act, and the rules of the Authority.

(2) **OFFICE ADDRESSES**, Office Hours, Information Requests, Electronic Filing and Copies of Documents.

(a) The main office of the Authority is located at 1100 Kennedy Drive, Key West, Florida, 33041-1239, which is also the Authority's mailing address. The telephone number is (305) 296-2454, and toll free telephone numbers to Key West, (305) 743-2643, (305) 852-5441, (305) 245-2679.

(b) The Authority also maintains branch offices at 91620 Overseas Highway, Tavernier, Florida, 33070, (305) 852-8068, and 3200 Overseas Highway, Marathon, Florida 33050, (305) 743-5409.

(c) Office hours are from 8:15 A.M. to 4:45 P.M., Monday through Friday, except on official holidays.

(d) Unless otherwise specifically provided in these rules, all comments, correspondence, communications, or requests for information should be made in writing and addressed to the Director, or his or her designee, at the main office in Key West, Florida. Requests for placement on any notice or mailing list should be made in writing and addressed to the Director at the main office.

(e) Documents cannot be filed by electronic transmission.

(f) The following documents, forms, and applications are hereby incorporated by reference. The documents are available in the main office of the Authority and may be obtained at the address above.

1. Agreement for Service, form GP-001, in effect at the time of rule adoption on July 19, 2001; Agreement for Wastewater Service, form GP-002, in effect at the time of rule adoption on July 19, 2001; Agreement for Reclaimed Water Service, form GP-003, in effect at the time of rule adoption on July 19, 2001.
2. Application for Water Main Extension (also referred to in the Authority's Referenced Documents Notebook as "Application for Water Main Extension Subdivisions, Commercial and Multi-Family Developments"), form W-004, in effect at the time of rule adoption on July 19, 2001.
3. Application for Deferred Payment Plan, form GP-008, in effect at the time of rule adoption on July 19, 2001.
4. Application For Industrial Wastewater Discharge Permit (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Application for Industrial Wastewater Discharge Permit"), form WW-012, in effect at the time of rule adoption on July 19, 2001.
5. Application for Permit to Construct Reclaimed Water Facilities (also referred to in the Authority's Referenced Documents Notebook as "Application for Construction Permit – Reclaimed Water Facilities"), form RW-010, in effect at the time of rule adoption on July 19, 2001.
6. Application for Permit to Construct Wastewater Facilities (also referred to in the Authority's Referenced Documents Notebook as "Application for Construction Permit – Wastewater Facilities"), form WW-020, in effect at the time of rule adoption on July 19, 2001.
7. Application for Use of an Existing Wastewater Collection System, form WW-021, in effect at the time of rule adoption on July 19, 2001.
8. Application for Use, Construction, or Installation of Alternative Water Supply, form GP-012, in effect at the time of rule adoption on July 19, 2001.

9. Attachment to Bill of Sale (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Attachment to Bill of Sale"), form WW-003, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Attachment to Bill of Sale"), form RW-002, in effect at the time of rule adoption on July 19, 2001.
10. Bill of Sale (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Bill of Sale"), form WW-002, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Bill of Sale"), form RW-001, in effect at the time of rule adoption on July 19, 2001.
11. Blanket Utility Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Blanket Utility Easement"), form WW-010, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Blanket Utility Easement"), form RW-009, in effect at the time of rule adoption on July 19, 2001.
12. Capital Improvement Plan, in effect at time of rule adoption on July 19, 2001.
13. Chain Of Custody Record (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Chain of Custody Record"), form WW-017, in effect at the time of rule adoption on July 19, 2001.
14. Claim of Lien for Utility Service (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Claim of Lien for Utility Service"), form WW-008, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Claim of Lien for Utility Service"), form RW-007, in effect at the time of rule adoption on July 19, 2001.
15. Consent and Joinder of Mortgagee for Utility Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Consent and Joinder for Mortgagee for Utility Easement"), form WW-006, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Consent for Joinder of Mortgagee for Utility Easement"), form RW-005, in effect at the time of rule adoption on July 19, 2001.
16. Deferred Payment Plan Lien Certificate of Indebtedness, form GP-009, in effect at the time of rule adoption on July 19, 2001.
17. Distribution System Master Plan in effect at time of rule adoption on July 19, 2001.
18. Enforcement Response Plan in effect at time of rule adoption on July 19, 2001.
19. Example Bill of Sale in effect at time of rule adoption on July 19, 2001.
20. Florida Keys Aqueduct Authority Chart of Organization, effective date December 31, 2000.
21. Indemnity Agreement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Indemnity Agreement"), form WW-007, in effect at the time of rule adoption on July 19, 2001; (also referred to in the

Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Indemnity Agreement"), form RW-006, in effect at the time of rule adoption on July 19, 2001.

22. Industrial Monitoring Report (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Monitoring Report"), form WW-015, in effect at the time of rule adoption on July 19, 2001.
23. Industrial Wastewater Discharge Permit (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit"), form WW-014, in effect at the time of rule adoption on July 19, 2001.
24. Industrial Wastewater Discharge Permit Transmittal Letter (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit Transmittal Letter"), form WW-013, in effect at the time of rule adoption on July 19, 2001.
25. Industrial Wastewater Facility Inspection Report (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Industrial Wastewater Facility Inspection Report"), form WW-018, in effect at the time of rule adoption on July 19, 2001.
26. Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches"); (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches") in effect at time of rule adoption on July 19, 2001.
27. Instructions for Indemnity Agreement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Instructions for Indemnity Agreement"); (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Instructions for Indemnity Agreement") in effect at time of rule adoption on July 19, 2001.
28. Legal Package – Required Documents (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater")(also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water") in effect at time of rule adoption on July 19, 2001.
29. Manual of Cross-Connection Control, dated January, 1998.
30. Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Construction Standards and Specifications"), in effect at the time of rule adoption on July 19, 2001.
31. Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001.

32. Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001.
33. Monroe County Sanitary Wastewater Master Plan, in effect at time of rule adoption on July 19, 2001.
34. Notice Of Violation (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Notice of Violation"), form WW-019, in effect at the time of rule adoption on July 19, 2001.
35. Owner's Acknowledgement of Service Restriction, form GP-013, in effect at the time of rule adoption on July 19, 2001.
36. Property Owner's No Lien Affidavit, (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Property Owner's No Lien Affidavit") form WW-004, in effect at the time of rule adoption on July 19, 2001; (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Reclaimed Water, Property Owner's No Lien Affidavit") form RW-003, in effect at the time of rule adoption on July 19, 2001.
37. Sample Identification (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Sample Indemnification Form"), form WW-016, in effect at the time of rule adoption on July 19, 2001.
38. Satisfaction of Lien System Development Charges and Service Installation Fees, form GP-010, in effect at the time of rule adoption on July 19, 2001.
39. Senior Citizen Certificate Affidavit Application (also referred to in the Authority's Referenced Documents Notebook as "Senior Citizens Service Application/Certificate"), form W-001, in effect at the time of rule adoption on July 19, 2001.
40. Sizing Water Service Lines and Meters, M22, 1975 edition.
41. Standard Methods for the Examination of Water and Wastewater, 1998 edition.
42. Wastewater Discharge Survey (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater Discharge Survey"), form WW-011, in effect at the time of rule adoption on July 19, 2001.
43. Wastewater EDU Data Determination Worksheet, form WW-001, in effect at the time of rule adoption on July 19, 2001.
44. Wastewater Pump Station Site Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Wastewater Pump Station Site Easement"), form WW-09, in effect at the time of rule adoption on July 19, 2001.
45. Wastewater Service Pre-Payment Agreement, form GP-006, in effect at the time of rule adoption on July 19, 2001.
46. For ease of reference, these documents, forms and applications may also be listed and incorporated in the rules to which they pertain.

(3) ACCESS TO PUBLIC RECORDS.

(a) All public records of the Authority, as that term is defined in Chapter 119, Florida Statutes, may be inspected and copied at the Authority's main office during the hours specified in the Statement of Agency Organization and Operation, unless otherwise

restricted by law. Copies of public records not so restricted may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes.

(b) All forms and instructions used by the Authority in conducting its business are available without cost at the main office. Copies of other public records held by the Authority may be made at a charge equal to the cost of reproduction, pursuant to section 119.07(1), Florida Statutes.

(c) If more than ten (10) pages are requested to be copied, the Authority may require that the copies be made at its convenience within a reasonable time to be picked up by the recipient or forwarded to the recipient at his cost. In that event, the Person seeking the public records shall pay the cost of such copies and the estimated postage fee in advance.

(d) Pursuant to the procedures set forth below, it shall be the policy of the Authority to permit maximum public participation by each and every Person affected by its activities.

(e) Public records requests may be made orally or in writing. When a Person asks to see public records, the request will be referred to the Director who shall coordinate the production of such records and, in conjunction with the General Counsel, will assert, on behalf of the Authority, any applicable privilege. All oral requests and responses will be recorded in written form and a copy of the record of the request and production will be maintained on file. The Authority may charge the fees allowed by law for production and copying, including without limitation, the special fees allowed for the extensive use of information technology, resources or labor cost. The Authority will charge $1.00 per page for certified copies or a greater charge as may be subsequently allowed by law.

(4) PROCEDURES FOR MEETINGS, WORKSHOPS, PUBLIC HEARINGS AND PUBLIC FORUMS.

(a) Public Meetings are meetings of the Board for the purpose of conducting public business, and shall be conducted in accordance with section 286.011, Florida Statutes, including the maintenance and recordation of official minutes.

(b) Workshops are gatherings of members of the Board or its staff as designated by the Board for the purposes of discussion of Authority business and projects, at which time rule drafting may occur but no official vote may be taken nor policy adopted. Such workshops shall be open to the public, but it shall be within the sole discretion of the presiding officer, except for workshops such as those described in section 120.54(2)(c), Florida Statutes, whether or not to permit public comment, and such meetings shall be held and recorded in accordance with section 286.011, Florida Statutes.

(c) Public Hearings are public gatherings of the Authority's Board and/or designated Hearing Officer for the sole purpose of obtaining information and receiving public comment on activities proposed by the Board, but at which no official action shall be taken nor policy adopted. Such public hearings shall be electronically recorded and a record of any exhibits maintained in the main office of the Authority.

(d) Whenever the Authority has scheduled a meeting at which official acts are to be taken and has received, at least forty-eight (48) hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, there shall be provided a manner by which such person may attend the meeting or the meeting shall be rescheduled to a site accessible to such person. If a physically handicapped person objects in writing to the use of human physical assistance in lieu of the construction or use of

ramps or other mechanical devices, such human physical assistance shall not be used in lieu of ramps or mechanical devices.

(e) Emergency Meetings are meetings of the Board for the purpose of conducting emergency business and shall be conducted in accordance with section 286.011, Florida Statutes, and Florida Administrative Code, including the maintenance and recordation of official minutes.

(f) Public Forums are public gatherings of the Authority's Board and/or designated representatives for the sole purpose of exchanging information and receiving public comment on activities relative to the Authority, but at which no official action shall be taken nor policy adopted. Such Public Forums shall be electronically recorded and a record of any exhibits shall be maintained in the main office of the Authority.

(5) AUTHORITY CLERK AND OFFICIAL REPORTER.

(a) The Authority Clerk, whose name, address and telephone number is the Director, 1100 Kennedy Drive, Key West, Florida, 33041-1239, (305) 296-2454, shall perform the following duties:

1. Date and file all orders entered by the Board or the Director.
2. Forward to the Authority's official reporter a copy of all orders rendered after a proceeding affecting substantial interests has been held.
3. Act as the "clerk of the lower tribunal" for purposes of the Florida Rules of Appellate Procedure.
4. Receive and file the original of any pleading received by the Authority pursuant to these rules.
5. Appoint such Deputy Clerks as are necessary to perform any of the duties of the Authority Clerk.
6. Perform such other duties as may be authorized or required in this chapter.
7. The Authority designates the Director as its Authority Clerk for the purposes enumerated in subsection (1) above.
8. The Authority designates the Authority Clerk as its official reporter for the purpose of making available and indexing by subject all rules and orders rendered after a proceeding which affects substantial interests has been held.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 1, 4, 8, 9, 41, 45, Chapter 76-441, as amended by Section 1, Chapter 77-605, Sections 4, 6, Chapter 80-546, Section 1, Chapter 83-468, Section 2, Chapter 84-484, and Section 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New 9-18-81, Amended 9-18-86, 8-17-87, 10-26-90, 1-21-94.

48-101.004 AVAILABILITY OF SERVICE.

(1) The existence of a Transmission Main or Force adjacent to or near the Premises of an applicant for Water, Wastewater, or Reclaimed Water Service does not necessarily mean that such service is available to that location. Service in areas where only Transmission Mains or Force Mains exist will normally require the installation of a Distribution System or Wastewater Collection System. The availability of service shall be determined by the Authority. That decision shall constitute an Agency Decision.

Those properties that are determined by the Authority to have Service available shall pay the appropriate availability charges.

(2) In order to avoid economic waste, advance coordination and cooperation with other governmental agencies, and protect the public health, safety and welfare by preserving the integrity of the Authority's facilities and systems, it shall be the responsibility of each Owner to obtain all necessary or applicable permits or other approvals required by other governmental agencies.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 7, 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-101.005 SERVICE INTERRUPTIONS.

The Director shall have the Authority to establish schedules which restrict the use of the water and Reclaimed Water systems at certain times in order to reduce maximum pressure demands on the system and to regulate usage during periods of limited availability.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 7, 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48.101.006 RIGHT TO REFUSE SERVICE.

No payment of costs, submittal of an application, or other act to receive Water, Wastewater, or Reclaimed Water Service shall guarantee such service. The Authority shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of water or Reclaimed Water, lack of treatment capacity, lack of payment of required fees or charges, or for any other reason which, in the judgment of the Director, applying sound engineering principles, will cause the extension not to be of benefit to the Authority. Such action shall be an Agency Decision and the provisions of Section 48-101.008 shall apply.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 7, 9, 16, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48.101.007 DISCONTINUANCE OR TERMINATION OF SERVICE.

The Authority has the power to require and enforce the use of its facilities whenever and wherever they are accessible. The Authority has the power to require use of its Wastewater Facilities and is authorized to prescribe the specific type of measures required in order to manage effluent and Wastewater matters. Accordingly, the Authority may discontinue or terminate Water, Wastewater, or Reclaimed Water Service to any Customer who violates the provisions of these rules, including, but not limited to, Delinquency of any amounts owed the Authority. Any means of Enforcement available to the Authority to require and enforce the use of its facilities shall be alternative and

supplemental to any other means available to the Authority. The aforementioned measures shall be in addition to an Enforcement action pursuant to section 120.69, Florida Statutes. The procedure for termination shall be as described in Section 48-101.008. The action shall be an Agency Decision.

Specific Authority Sections 9, 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 16, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-101.008 NOTICE OF AGENCY DECISION; POINT OF ENTRY; RIGHT TO ADMINISTRATIVE HEARING.

The Authority shall send to the Customer by U.S. mail, addressed to the address of record on file with the Authority, in accordance with Rule 28-106.111, F.A.C., notice of termination of Water, Wastewater or Reclaimed Water Service and of any other Agency Decision.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 7, 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-101.009 RESERVATION OF RIGHTS.

(1) The Authority reserves the right to change its rates for Service and other fees and charges or otherwise vary the terms and conditions of the Agreement for Service, as those terms and conditions are defined in Chapter 48-102, as may be required to reflect changing costs or otherwise facilitate the successful operation of the Authority.

(2) The Authority shall deliver water which meets the minimum quality standards required by law and by applicable federal and state regulations. The Authority shall endeavor to supply a sufficient quantity of water to meet the system demands, however, the Authority has no obligation to deliver water if delivery would violate restrictions imposed by law or by the regulatory agency or agencies having jurisdiction including, but not limited to, the South Florida Water Management District.

(3) In the event that the Authority is subjected to water restrictions imposed by state or federal authorities, the Authority shall automatically and proportionately increase its applicable Base Water Rate or Base User Fee to cover all capital and operating expenses of the Authority. Such an increase shall commence as soon as practicable after each such imposition, notwithstanding a reduced amount of water or availability to any Customer, and shall cease or be adjusted no later than the Authority's next full billing cycle, beginning not less than fifteen (15) days after the Authority has received formal notice that such restrictions have been modified or lifted.

(4) In the event that any fees, rates or charges for the services and facilities of any Water, Wastewater or Reclaimed Water system shall not be paid as and when due, any unpaid balance thereof and all interest accruing thereon shall be a lien on any parcel or property affected thereby. Such liens shall be superior and paramount to the interest on

such parcel or property of any Owner, lessee, tenant, mortgagee or other Person except the lien of county taxes and shall be on a parity with the lien of any such county taxes. In the event that any such fees, rates or charges shall not be paid as and when due and shall be in default for thirty days or more the unpaid balance thereof and all interest accrued thereon, together with attorneys fees and costs, may be recovered by the Authority in a civil action, and any such lien and accrued interest may be foreclosed or otherwise enforced by the Authority by action or suit in equity as for the foreclosure of a mortgage on real property.

(5) Any and all power or authority available to the Authority to enforce the use of its facilities whenever and wherever they are available and enforce, recover or collect any rates, fees or charges imposed by the Authority, or the lien resulting therefrom, shall be cumulative, supplemental and alternative. The Authority shall not be constrained to select a single approach, nor shall it be constrained to seek a single remedy in enforcing any power or authority available to it.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 153.67, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 153.67, FS. History – New 9-18-81, Amended 1-21-94.

CHAPTER 48-102
AGREEMENT FOR SERVICE

48-102.001 AGREEMENTS FOR SERVICE; GENERAL CONDITIONS.
48-102.002 DEFERRED PAYMENT; SYSTEM DEVELOPMENT CHARGES.
48-102.003 LOAN AGREEMENT; BUILDING SERVICE LATERALS.
48-102.004 SERVICE TEMPORARILY PROVIDED BY ALTERNATIVE FACILITIES.
48-102.005 FORMS AND APPLICATIONS.
48-102.006 WATER CONNECTION SUSPENSION

48-102.001 AGREEMENTS FOR SERVICE; GENERAL CONDITIONS.

(1) The Authority shall enter into an Agreement for Service with each Customer, and that Agreement shall define the contractual obligations of the Customer and the Authority. In the event an Agreement for Service has not been entered into between the Authority and the Customer, acceptance and use of any Service shall constitute ratification and acceptance of the terms and conditions of Water, Wastewater and Reclaimed Water Service applicable to all Customers similarly situated who have executed an Agreement for Service, or are otherwise similarly required to execute or enter into an Agreement for Service.

(2) In order to avoid economic waste, advance coordination and cooperation with other governmental agencies, and protect the public health, safety and welfare by preserving the integrity of the Authority's facilities and systems, it shall be the responsibility of each Owner to obtain all necessary or applicable permits or other approvals required by other governmental agencies.

(3) The following general conditions shall apply to all AGREEMENTS FOR SERVICE:

(a) Assignment or Transfer. The Agreement for Service shall not be assigned or transferred.

(b) Duration of Agreement. The Agreement for Service shall remain in effect until the Customer making the Agreement, paying the required System Development Charge, and making the required Guaranteed Payment Deposit requests that Service be discontinued and the account final billed. However, a new Customer presenting proof of lawful occupancy of the Premises, executing an Agreement for Service, and paying currently required fees and deposits, shall result in:

1. The final billing of the said account to the previous account holder; and
2. The establishment of a new Service account.

(4) GUARANTEED PAYMENT DEPOSIT.

The Authority shall require each Customer entering into an Agreement for Service to pay a "Guaranteed Payment Deposit" prior to the commencement of Service for the purpose of securing payment for such service.

(5) METERS.

Meters shall be furnished by the Authority and remain the property of the Authority. They shall be placed in a convenient location in a dedicated public right of way, Easement or license area designated for utility use adjacent to the Premises. If a meter malfunctions or fails to register, or if the Authority is unable to obtain access, the Customer will be charged for Service based on the prior twelve months average consumption as shown by the meter when in proper working order. All meters shall be installed, or the installation shall be inspected and approved, by an employee or agent of the Authority and shall not be removed or disturbed, except by an employee or agent of the Authority. All flow through the meter will be charged to the Customer unless otherwise provided herein. The Customer shall take reasonable precautions to protect the meter from damage and shall be liable for the loss or damage of the meter, normal wear and tear excepted. Meter size shall be based on the peak probable demand which shall be calculated by the Authority using fixture values. Customers may install shut off valves on their Premises for the purposes of turning said valve off and on as needed, but without interfering with the meter or the Authority's Service to Customers served through said meter. Customers may turn-off the water at the meter in the event of hurricane evacuation, or other like emergency.

(6) CONNECTIONS.

(a) **Water.**

Except as provided herein, the Authority or its authorized agent shall make all connections to mains or distribution lines and shall furnish all materials therefore. However, whenever water Service is required, the Owner of the property shall have the option of retaining authority over the installation on the affected property except only as specifically limited by the Authority's Minimum Design and Construction Standards and Specifications for Potable Water Systems, Minimum Design and Construction Standards and Specifications for Potable Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Construction Standards and Specifications"), in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference, and applicable growth management, plumbing, and building regulations and codes. Specifically, each Customer shall enjoy the option of (1) authorizing the Authority to perform the installation and connection, or (2) immediately causing the installation and connection by a qualified contractor. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. The installation and connection process shall provide the Owner of the property with the right to control the placement, manner, use and disposition of the installation, subject to the engineering standards and practices of the Authority reasonably necessary to protect the efficiency and integrity of the Authority's water system. Such control is afforded to the Owner in order to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Moreover, unless the Owner has authorized otherwise, the Owner shall be deemed to own such installation located on the affected property and may repair, demolish, or construct in the area of the

improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Potable Water Systems, and applicable growth management, plumbing, and building regulations and codes.

(b) **Reclaimed Water.**

Except as provided herein, the Authority or its authorized agent shall make all connections to Reclaimed Water mains or distribution lines and shall furnish all materials therefore. The Owner shall be responsible for the installation of Reclaimed Water facilities, subject to the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems, (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference, and applicable growth management, plumbing, and building regulations and codes. The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum design and construction standards of the Authority reasonably necessary to protect the efficiency and integrity of the Authority's Reclaimed Water system. Such control being afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on private property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems, and applicable growth management, plumbing, and building regulations and codes.

(c) **Wastewater.**

1. Whenever and wherever the Authority's Wastewater Facilities are available, each Owner shall, upon notice, be obligated to connect to the Authority's Wastewater System.
2. Connections by Owner. Whenever Wastewater Service is required, the Owner shall retain a qualified contractor to install the required facilities extension(s) and connections. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. All facilities shall conform to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems, (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, and hereby incorporated by reference, and applicable growth management, plumbing, and building regulations and codes. The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum

design and construction standards of the Authority and as is reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Such control is afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems, and applicable growth management, plumbing, and building regulations and codes.

3. Connections by Authority. In cases where the Owner fails or refuses to connect the Premises to the Authority Wastewater Facilities, the Authority shall be entitled to seek and employ any legally available remedy to cause the installation of on-site Wastewater Facilities necessary to effectuate the connection of the Premises to the Wastewater Collection System. Under such circumstances, any installation by the Authority shall be performed after reasonable efforts by the Authority to solicit, and in deference to, the Owner's requests, if any, concerning the placement, manner, use and disposition of the installation on the Premises subject to the applicable Authority's Minimum Design and Construction Standards and Specifications which are reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Upon connection, the Owner shall thereafter be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Authority shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems, and applicable growth management, plumbing, and building regulations and codes.

(7) CROSS-CONNECTIONS.

Any physical arrangement or connection of pipes, fixture or other water facility between a system containing potable water and a system containing Reclaimed Water or Wastewater or any other substance is strictly prohibited. Should such a connection be determined to exist, Service shall be terminated until such time as the connection or arrangement of systems has been reconnected to the Authority's satisfaction. In such event the Customer may reapply for Service, subject to all applicable fees and charges.

(8) When applicable, Vacuum Valve Chambers shall be furnished by the Authority and remain the property of the Authority. Vacuum valve chambers shall be placed in a convenient location in a dedicated right-of-way, Easement or license area designated for utility use adjacent to the Premises. Vacuum valve chambers, if required, shall be

installed by a licensed underground contractor working for the Owner. The installation(s) shall be inspected and approved by the Authority and shall not be tampered with or removed or disturbed, except after advance written notice to the Authority.

(9) DUTY TO PROVIDE ACCESS:

(a) The Owner shall provide access to the Premises served during reasonable times to duly authorized and identified agents of the Authority for the purpose of installing, servicing, repairing, maintaining, inspecting or removing the Authority's property and for other purposes incidental to performance or termination of the Agreement for Service. The Owner shall not install any lock on any meter or otherwise impede free access to any Authority facilities or other infrastructure connected to or served by Authority facilities.

(b) The Authority shall charge a Non-Access Charge for each billing period during which it is unable to obtain access to the Premises for the purposes described above.

(c) In the event the Authority is unable to obtain access, water Service shall be terminated and the Owner required to make a new application for Agreement for Service. Service shall be restored upon payment of all outstanding amounts due, including the Non-Access Charge.

(d) The Authority shall at all times have the right, but not the duty, to make on-site inspections.

(10) TAMPERING.

(a) Tampering with the Authority's Water, Wastewater, or Reclaimed Water system components or facilities, including but not limited to, water and Transmission Mains, distribution lines, meters, gravity collection mains, manholes, vacuum collection mains, Force Mains, pump stations, vacuum valve chambers, vacuum valves, fixtures, appurtenances, security devices, signs, or enclosures is prohibited by section 812.14, Florida Statutes.

(b) Tampering is a crime under section 812.14, Florida Statutes. Any Person who willfully violates section 812.14, shall be guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or 775.083, Florida Statutes.

(c) Section 812.14, Florida Statutes, provides for civil remedies against Tampering. Any Person found in a civil action to have violated the provisions of section 812.14, Florida Statutes, shall be liable to the Authority in an amount equal to 3 times the amount of services unlawfully obtained or $1000.00, whichever is greater.

(d) The Owner shall promptly report any Tampering to the Authority and shall be responsible for any Tampering caused by its agents or other Persons using the Premises with or without the Owner 's consent.

(e) Tampering will be presumed to have been caused by the Customer or Owner that receives a monetary or other economic benefit therefrom.

(f) Tampering that results in a substantial reduction in the cost of services received by a Customer will be presumed to have been known to the Customer if not reported to the Authority within one billing period after the reduction in the cost of the Service received becomes evident. In such event it will be presumed that the Tampering was willfully allowed to persist by the Customer.

(g) The Authority shall, without prior written authorization, confiscate any materials or facilities that are connected to the Authority's Water, Wastewater, or Reclaimed Water systems for use as evidence in further legal proceedings.

(11) USE OF SERVICE; RATIFICATION OF AGREEMENT FOR SERVICE.
When Water, Wastewater, or Reclaimed Water Service is rendered under an Agreement for Service entered into between the Authority and the Owner, or authorized agent thereof, the use of such Service by the Customer shall constitute ratification of the Agreement for Service.

(12) INDEBTEDNESS.
An Agreement for Service shall not be entered into with a Person, which is in any way indebted to the Authority until such debt is made current or has been satisfied. Debts which are incurred by one spouse shall be imputed to both spouses if incurred during the course of the marriage.

(13) JOINT SERVICE.
When two or more separate residential or non-residential Premises are served by one Service Connection, both or all of the Owners must sign the Agreement for Service. The Owners of each Premises shall be held jointly and severally liable for all debts to the Authority incurred in connection with the Service and its use.

(14) CLEANING ONLY SERVICE.
Where property is managed for the common benefit of more than one Owner, application and execution of the Agreement for Service for cleaning purposes only may only be made by a duly authorized representative of the entity managing or operating the property, in accordance with Section 48-201.021.

(15) CHANGE OF OCCUPANCY.
When change of occupancy of any Premises occurs, prior notice thereof shall be given in writing by the outgoing Customer to the nearest Authority customer service office. The outgoing Customer shall be responsible for all Service rendered to the Premises up to the date of change of occupancy. Transfers must also be made in writing and in Person at any of the Authority's customer service offices. If the Customer shall vacate the Premises, the Owner shall be held responsible for all debts due the Authority for Service.

(16) TEMPORARY SHUT-OFF OF WASTEWATER SERVICE.
Temporary disconnection of Water, Wastewater, or Reclaimed Water Service by the Authority for emergency maintenance, repair or replacement shall be exempt from payment of a Service charge for reconnection. Such temporary disconnection of Service shall not affect the Agreement for Service.

(17) LIMITATIONS ON USE OF SERVICE.
(a) Service shall be used by the Customer only for the purposes specified in the Agreement for Service.

(b) No Customer shall extend Water, Wastewater, or Reclaimed Water lines across a public street, alley, or other public or private highway or property line not included in the Agreement for Service to furnish Service to adjacent Premises through a single water meter, even if such adjacent Premises, are owned by the Customer. All lands constituting the Premises contained within the Agreement for Service must be contiguous.

(18) DUTY TO MAKE PAYMENT.

(a) The Customer that enters into the Agreement for Service shall be responsible for all Water, Wastewater and Reclaimed Water Service provided to the Premises and all fees and charges incurred in connection with the rendering of service. Failure to pay amounts due the Authority within the time designated for payment shall result in the disconnection of potable water Service until all amounts due the Authority, including delinquent fees and accrued interest, have been paid in full.

(b) The Owner that fails or refuses to connect its Premises to the Authority Wastewater Facilities within the time specified after receipt of written notification of the availability of Service, shall then be responsible for the payment of all fees and charges imposed by the Authority in connection with the provision of Wastewater Service availability. Failure to pay amounts due the Authority within the time designated for payment shall result in an Agency Decision causing disconnection of potable water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The Authority shall give forty-eight (48) hours notice by hand delivery, use of a door hanger, or telephone of proposed disconnection to the Customer and said notice shall advise the Customer of the right to an informal hearing before a designated Authority representative to be held within three (3) days of the notice. That hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(c) In the event that any fees, rates or charges from any water Service, Wastewater Service or Reclaimed Water Service provided the Premises covered by this agreement are not paid when due, said unpaid balance thereof and all interest accruing thereon shall be a lien on the Premises.

(19) DUTY TO PROTECT AUTHORITY'S PROPERTY.

(a) The Customer shall be under a duty to exercise due care to protect any Water, Wastewater and Reclaimed Water facilities that are located on the property.

(b) The Customer shall not allow anyone access to such facilities, except the Authority's agents or Persons otherwise authorized by law, each of whom shall first display to the Customer identification and evidence of authorization for entry.

(c) When the Authority's facilities are damaged by contractors, governmental agencies, or others, such damage shall be repaired by the Authority and the total cost thereof charged to the Persons causing the damage.

(d) In the event of any loss or damage to the Authority's property or any Water, Wastewater or Reclaimed Water facilities arising from the negligence or intentional misuse by the Customer, its agents, invitees, or assignees, the total cost of replacing such

loss or repairing such damage shall be charged to the Owner, and shall be subject to payment in accordance with these rules.

(20) CUSTOMER'S INSTALLATION; DUTY TO MAINTAIN.

(a) Water and Reclaimed Water. The Customer's water or Reclaimed Water installation shall extend to the Authority's meter assembly, which is ordinarily located on the front property line at one side of the lot. The Authority owned water and Reclaimed Water facilities may be installed in other locations subject to a license granted as a result of an Agreement for Service determined by the Authority's Engineering Department, after consultation with the Owner.

(b) Wastewater. Owner's Building Service Lateral shall extend to the Authority's Wastewater Collection System that is ordinarily located in the public road right-of-way or utility Easement in the front of the property. The Authority owned Wastewater Facilities may be installed in other locations subject to a license granted as a result of an Agreement for Service determined by the Authority's Engineering Department, after consultation with the Owner.

(c) The Customer shall not utilize any appliance or device which may adversely affect water Service. The Authority reserves the right to withhold or to discontinue water Service whenever any such apparatus or device is being used.

(d) The Customer's water pipes, apparatus and equipment shall be maintained in sound operating condition in accordance with standard practice, the rules of the Authority, and all other governmental regulations applicable thereto.

(e) No changes in the Owner's installation that will materially affect the proper operation of the Authority's water or Wastewater Facilities shall be made without the prior written consent of the Authority. The Customer shall be liable for any damage resulting from a violation of this provision.

(f) Any violation of this subsection may result in termination of service, an Enforcement action pursuant to section 120.69, Florida Statutes, or any other action available to the Authority by law. Petitions for Enforcement may request declaratory relief; temporary or permanent equitable relief; any fine, forfeiture, penalty or other remedy provided by statute; any combination of the foregoing; or, in the absence of any other specific statutory authority, a fine not to exceed $1000.00.

(21) INSPECTION OF CUSTOMER INSTALLATION.

(a) All installations of Water, Wastewater, and Reclaimed Water facilities or changes therein shall be inspected by the Authority to ensure that piping, equipment and other facilities have been installed in accordance with the Authority's Minimum Design and Construction Standards and Specifications.

(b) The Authority shall have the right, but not the duty, to inspect the Customer's installation prior to rendering Service and from time to time thereafter to ascertain the Owner's/Customer's compliance with the Agreement for Service and the provisions of Service policies, but assumes no responsibility whatsoever for any defects that are not detected by any such inspection.

(22) DUTY TO CONVEY PROPERTY RIGHTS.

(a) It shall be the duty of the Owner to convey, or cause to be conveyed, to the Authority without charge all Easements, permits, licenses, or other property rights reasonably necessary for rendering and maintaining Service.

(b) The Authority has the right, through an Agency Decision, to refuse to provide Service or discontinue Service. Failure to comply with the requirements of this subsection may result in an enforcement action pursuant to section 120.69, Florida Statutes, disconnection of service through an Agency Decision, or both. In the case of Agency Decision, the Authority shall give forty-eight (48) hours notice by hand delivery, use of a door hanger, or telephone of proposed disconnection to the Customer, and said notice shall advise the Customer of the right to an informal hearing before a designated Authority representative to be held within three (3) days of the notice. That hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making or its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

(23) TRANSFER OF DEBT.

The Authority reserves the right to transfer debts owed by a Owner/Customer for Service provided to a given Premises to any other Active Account for which that Customer has an existing Agreement for Service, and to take appropriate measures for securing payment of such debt; including the discontinuance of water Service.

(24) COMPLIANCE WITH RULES AND REGULATIONS.

(a) The Owner/Customer shall be under a duty at all times to comply with the rules and regulations of the Authority as they exist at the time of execution of the Agreement for Service, or as may subsequently be revised, amended, or adopted.

(b) The Authority has the right, through an Agency Decision, to refuse to provide Service or discontinue Service. Failure to comply with the requirements of this subsection may result in an enforcement action pursuant to section 120.69, Florida Statutes, disconnection of service through an Agency Decision, or both. In the case of Agency Decision, the Authority shall give forty-eight (48) hours notice by hand delivery, use of a door hanger, or telephone of proposed disconnection to the Customer, and said notice shall advise the Customer of the right to an informal hearing before a designated Authority representative to be held within three (3) days of the notice. That hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making or its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 120.69, 153.76, 812.14, FS. Law Implemented Sections 9, 12, 13, 14, 16, 19, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, Section 2, Chapter 83-468, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 120.69, 812.14, 153.67, FS. History – New.

48-102.002 DEFERRED PAYMENT; SYSTEM DEVELOPMENT CHARGE.

(1) **Wastewater:**

(a) Owners converting from on-site Wastewater treatment and disposal systems to Authority Wastewater Facilities may make application for a deferred payment plan, subject to the Authority's approval. This deferred payment plan may be selected if Wastewater Service is readily available to the property.

(b) Only System Development Charges may be entered into a deferred payment plan. The Owner shall agree to the terms set forth in the Application for Deferred Payment Plan, form GP-008, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003), and the Certificate of Indebtedness, in a form approved by the Authority. A Certificate of Indebtedness shall be recorded in the public records of Monroe County by the Authority. Upon recording, the Certificate of Indebtedness shall be deemed perfected and shall constitute a lien against the Premises equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(c) The payment period for System Development Charges for Wastewater Service under the deferred payment plan shall be based on the financial terms of system development for the applicable wastewater district service area. The System Development Charge(s) or any portion thereof, may be paid in full without interest within thirty (30) calendar days from the date of the deferred payment plan application.

(d) All deferred payment installments under a deferred payment plan shall bear interest at a rate of two percent (2%) above the Cost of Funds, from the date of Service initiation and shall be payable in equal monthly installments over the payment period. Unless provided otherwise by the Authority, monthly installments shall be included in the Owner's monthly bill for water and Wastewater Service.

(2) **Reclaimed Water.**

(a) Owners converting from a landscape Irrigation system fed by potable water, a private well, a cistern, or other source of non-potable supply to Authority Reclaimed Water facilities may make application for a deferred payment plan, subject to the Authority's approval. This deferred payment plan may be selected if Reclaimed Water Service is readily available to the property.

(b) Only System Development Charges and Service Line Installation Fees may be entered into a deferred payment plan. The Owner shall agree to the terms set forth in the Application for Deferred Payment Plan and the Certificate of Indebtedness, in a form acceptable to the Authority. A Certificate of Indebtedness shall be recorded in the public records of Monroe County by the Authority. Upon recording, the Certificate of Indebtedness shall be deemed perfected and shall constitute a lien against the Premises equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(c) The payment period for System Development Charges and Service Line Installation Fees for Reclaimed Water Service under the deferred payment plan shall be based on the financial terms of system development for the applicable wastewater district service area. The deferred amount, or any portion thereof, may be paid in full without interest within thirty (30) calendar days from the date of the deferred payment application.

(d) All deferred payment installments under a deferred payment plan shall bear interest at a rate two percent (2%) above the Authority's Cost of Funds, from the date of Service initiation and shall be payable in equal monthly installments over the payment period. Unless provided otherwise by the Authority, monthly installments shall be included in the Owner's monthly bill for water and Reclaimed Water service.

(3) The Authority does not accept applications for deferred payment plans for potable water Service on new residential and commercial structures.

(4) Failure to pay any portion of the bill for Wastewater, or Reclaimed Water service, including any deferred payment installment of principal or interest, when due shall result in a late fee of $10.00, including additional accrued interest. The Authority, subject to the right of the affected Customer to a pre-termination hearing, shall discontinue water Service to the Premises benefiting from the deferred payment plan if any portion of the monthly bill for Service, including deferred payment installments, remains delinquent after ten (10) business days of the bill date containing said Delinquency.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 12, 13, 14, 16, 19, 34, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, Section 7, Chapter 80-546, Section 2, Chapter 83-468, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-102.003 LOAN AGREEMENT; BUILDING SERVICE LATERALS.

(1) Owners converting from on-site Wastewater treatment and disposal systems to Authority Wastewater Facilities may finance through the Authority the cost of installation of the gravity Wastewater Service Lateral from the Building to the property line, subject to the Authority's approval. This loan agreement may be selected if Wastewater Service is readily available to the property. Only the cost of the Building Service Lateral installation and property restoration costs directly associated with the installation may be entered into a loan agreement.

(2) The Owner shall agree to the terms set forth in the loan application and the Certificate of Indebtedness, in a form acceptable to the Authority. A Certificate of Indebtedness shall be recorded in the public records of Monroe County by the Authority. Upon recording, the Certificate of Indebtedness shall be deemed perfected and shall constitute a lien against the Premises equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

(3) The payment period for Service Lateral installation costs under the Loan shall not exceed twenty (20) years and shall be consistent with the terms typically required for commercial borrowing. The amount of the loan principal, or any portion thereof, may be paid in full without interest within thirty (30) calendar days from the date of the loan agreement.

(4) The outstanding loan amount shall bear interest at two percent (2%) above the Authority's Cost of Funds, from the date of the Service Initiation and shall be payable in equal monthly payments over the payment period. Monthly installment amounts due shall be included in the Owner 's monthly bill for water and Wastewater Service.

(5) Failure to pay any portion of the bill for Service, including the loan installment of principal or interest, when due shall result in a late fee of $10.00, in addition to accrued interest. The Authority, subject to the right of the affected Customer to a pre-termination hearing, shall discontinue water Service to the Premises benefiting from the loan if any portion of the monthly bill for Service, including monthly loan installments, remains delinquent after ten (10) business days of the bill date containing said Delinquency.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 12, 13, 14, 16, 19, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, Section 2, Chapter 83-468, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History - New.

48-102.004 SERVICE TEMPORARILY PROVIDED BY ALTERNATIVE FACILITIES.

Circumstances occasionally may merit the consideration of temporary provision of water and Wastewater Service to a property by facilities other than those that will be the Authority's future Permanent facilities. The following policies shall govern consideration and implementation of such requests:

(1) The Authority and the Owner shall covenant that temporary water or Wastewater Service shall be provided until such time as Authority Wastewater Facilities are available to furnish Service to the Premises or affected property. Within thirty (30) calendar days of the availability of Service from such Authority facilities, the temporary water or Wastewater Facilities shall be decommissioned and the property connected to the Authority Wastewater Facilities at the Owner's expense. All System Development Charges, decommissioning costs, and abandonment costs shall be borne by the Owner.

(2) The Authority and the benefiting Owner shall enter into an agreement outlining the terms of the temporary service arrangement.

(3) Any installation of temporary or alternative facilities shall conform to the design and construction standards of the Authority.

(4) Approved construction plans shall facilitate the eventual transfer of Service to the Authority.

(5) The benefiting Owner shall pay all applicable fees for plan review and inspection. There shall be no credits granted to the Owner for the costs incurred to provide temporary or Alternative Wastewater Facilities or Service.

(6) Any such agreement shall expressly provide the basis for concluding the temporary or alternative Service arrangement at the designated time and at no cost to the Authority.

(7) No temporary or alternative Service agreement shall be approved if it would serve the purpose of delaying the extension of Authority Wastewater Facilities to an area. Temporary or alternative facilities shall only be approved if such facilities timely facilitate the initiation of Wastewater Service to a Premises or affected property.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 12, 13, 14, 16, 19, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, Section 2, Chapter 83-468, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-102.005 FORMS AND APPLICATIONS.

(1) The following forms and applications relate to the subject matter of this Chapter. They are hereby incorporated by reference and available in the main office of the Authority (see Section 48-101.003).
(a) Wastewater Service Pre-Payment Agreement, form GP-006, in effect at the time of rule adoption on July 19, 2001.
(b) Application for Deferred Payment Plan, form GP-008, in effect at the time of rule adoption on July 19, 2001:
(c) Deferred Payment Plan Lien Certificate of Indebtedness, form GP-009, in effect at the time of rule adoption on July 19, 2001.
(d) Satisfaction of Lien System Development Charges and Service Installation Fees, form GP-010, in effect at the time of rule adoption on July 19, 2001.

(2) A complete list of all documents, forms, and applications referred to in these rules can be found in Section 48-101.003.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 2, 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-102.006 WATER CONNECTION SUSPENSION

(1) To the extent that the actual consumption or, using sound financial planning and engineering judgment, anticipated consumption expressed on an annual average daily flow and/or maximum daily flow basis will exceed the permitted water withdrawal capacity as defined in the water use permit issued by the South Florida Water Management District or the design capacity of the Authority water supply and treatment facilities located at Florida City, the Director shall notify each local government

responsible for issuing Building Permits and shall suspend approval of all new connections to the water system. All then valid Building Permits, approved and issued prior to such notice will be allowed to be completed and connected to the water system. All applicants who do not have a valid Building Permit or have a Building Permit which was issued subsequent to the foregoing notice of suspension shall not be allowed to connect to the water system.

(2) No water connection suspension shall continue for more than ninety (90) days after notice of a water connection suspension to local governments responsible for issuing Building Permits, without a public hearing to consider comments from the public, regulatory bodies or other interested parties.

(3) During the period of water connection suspension, the Authority shall not issue a letter of water main inquiry, water availability, or any other notification of water availability to any applicant requesting additional water capacity which is required for the issuance of a Building Permit. The Authority shall not charge or receive any System Development Charge from any new applicant during any water suspension period nor shall any receipt of such charges be deemed to vest any new applicant with any right to connect to the water system.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 120.69, 153.76, 812.14, FS. Law Implemented Sections 1, 2, 3, 4, 7, 9, 16, 41, 45, Chapter 76-441, as amended by Sections 1, 6, 7, Chapter, 76-605 Section 4, 6, and 7, Chapter 80-546, Section 1, Chapter 83-468 Section 2, Chapter 84-484 Section 1 Chapter 87-454 Section 1, 2, 5, 6, and 8, and Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-103
SUPPLEMENTAL AND ALTERNATIVE ASSESSMENT PROCEDURE

48-103.001 AUTHORITY.
48-103.002 INITIAL ASSESSMENT RESOLUTION.
48-103.003 ASSESSMENT ROLL.
48-103.004 NOTICE OF PUBLICATION.
48-103.005 NOTICE BY MAIL.
48-103.006 ADOPTION OF FINAL RESOLUTION.
48-103.007 ANNUAL ASSESSMENT RESOLUTION.
48-103.008 EFFECT OF ASSESSMENT RESOLUTIONS.
48-103.009 LIEN OF ASSESSMENTS.
48-103.010 REVISIONS TO ASSESSMENTS.
48-103.011 PROCEDURAL IRREGULARITIES.
48-103.012 CORRECTION OF ERRORS AND OMISSIONS.
48-103.013 METHOD OF COLLECTION
48-103.014 ALTERNATIVE METHOD OF COLLECTION
48-103.015 RESPONSIBILITY FOR ENFORCEMENT
48-103.016 ALTERNATIVE METHOD

48-103.001 AUTHORITY.

The Authority is expressly authorized to prescribe, fix, establish and collect rates, fees and charges which shall be a lien upon any parcel of property except the lien of county or municipal taxes, and which shall be on parity with such taxes. The Authority is also expressly authorized to adopt by reference and utilize and take advantage of any relevant provisions of Chapters 100, 153, 159, and 170, Florida Statutes. The foregoing provisions provide for the imposition and collection of charges in the form of special assessments; such impositions are also sometimes characterized as non-ad valorem assessments. Section 197.3631, Florida Statutes, provides that the Uniform Assessment Collection Act is additional authority for local governments to impose and collect non-ad valorem assessments supplemental to other laws. The provisions of this rule shall be deemed to provide supplemental and alternative procedures to impose and collect charges in the form of non-ad valorem assessments in conformance with the Special Act and the Uniform Assessment Collection Act. Nothing herein shall preclude or otherwise constrain the Authority from using any other procedure available or authorized by law. The Board may impose Assessments against property located within an Assessment Area to fund the Project Cost and Related Services of Utility Improvements. Any such Assessment shall be computed in a manner that fairly and reasonably apportions the Project Cost among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 14, 16, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.002 INITIAL ASSESSMENT RESOLUTION.

The initial proceeding for imposition of an Assessment, pursuant to this rule, shall be the Authority's adoption of an Initial Assessment Resolution. The Authority shall identify a specific Assessment Area or district that encompasses only that property specially benefited by the Utility Improvements proposed for funding from the proceeds of Assessments to be imposed pursuant to the procedures in this rule. The Initial Assessment Resolution shall (1) describe the Utility Improvement proposed for funding from proceeds of the Assessments; (2) estimate the Capital Cost; (3) describe with particularity the proposed method of apportioning the Capital Cost among the parcels of property located within the Assessment Area, such that the Owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and (4) include specific findings that recognize the equity provided by the apportionment methodology.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.003 ASSESSMENT ROLL.

(1) The Director shall prepare a preliminary Assessment Roll that contains the following information:
(a) A summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
(b) The name of the Owner of record of each parcel, as shown on the Tax Roll;
(c) The number of Assessment Units attributable to each parcel;
(d) The estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and
(e) The estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

(2) Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Director and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal available to the public.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.004 NOTICE BY PUBLICATION.

After filing the Assessment Roll in the office of the Director, as required by this rule, the Director shall publish once in a newspaper of general circulation within the Monroe County a notice stating that at a meeting of the Board on a certain day and hour, not

earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the Board will hear objections of all interested Persons to the Final Assessment Resolution and approve the aforementioned initial Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, F.S. History – New.

48-103.005 NOTICE BY MAIL.

In addition to the published notice required by this rule, the Director shall provide notice of the proposed Assessment by first class mail to the Owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least twenty (20) calendar days prior to the hearing to each Owner at such address as is shown on the Tax Roll on the twentieth calendar day prior to the date of mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Director may provide proof of such notice by affidavit. Failure of the Owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Assessment Roll nor release or discharge any obligation for the payment of an Assessment imposed by the Board pursuant to this rule.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. History – New.

48-103.006 ADOPTION OF FINAL RESOLUTION.

At the time named in such notice, or such time to which an adjournment or continuance may be taken, the Board shall receive written objections and hear testimony of interested Persons and may then, or at any subsequent meeting of the Board, adopt the Final Assessment Resolution which shall (1) confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the Board; (2) establish the maximum amount of the Assessment for each Assessment Unit; (3) approve the Assessment Roll, with such amendments as it deems just and right; and (4) determine the method of collection.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635 FS. History – New.

48-103.007 ANNUAL ASSESSMENT RESOLUTION.

During its budget adoption process, the Board shall adopt an Annual Assessment Resolution for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll shall be prepared in accordance with the Initial Assessment Resolution, as confirmed or amended by the Final Assessment Resolution. If the proposed Assessment for any parcel of property exceeds the maximum amount established in the notice provided pursuant this rule or if an Assessment is imposed against property not previously subject thereto, the Board shall provide notice to the Owner of such property in accordance with Sections 48-103.004 and 48-103.005 and conduct a public hearing prior to adoption of the Annual Assessment Resolution. Failure to adopt an Annual Assessment Resolution during the budget adoption process for a Fiscal Year may be cured at any time. Adoption of the Resolution shall constitute an Agency Decision.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635 FS. History – New.

48-103.008 EFFECT OF ASSESSMENT RESOLUTIONS.

The adoption of the Final Assessment Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are timely initiated pursuant to section 120.569, Florida Statutes, or as may be otherwise provided by law, to secure relief. Upon adoption of the Final Assessment Resolution, the Authority shall mail or deliver to the Owner of each parcel of property subject to the Assessment, the appropriate notice required by section 120.569, Florida Statutes. The Assessments for each Fiscal Year thereafter shall be established upon adoption of the Annual Assessment Resolution. The Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector, or such other official as the Board by resolution deems appropriate.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 120.569, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 120.569, 197.3631, 197.3632, 197.3635 FS. History – New.

48-103.009 LIEN OF ASSESSMENTS.

(1) Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem Assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles

and claims, until paid. The lien shall be deemed perfected upon adoption by the Board of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

(2) Upon adoption of the Final Assessment Resolution, Assessments to be collected under any alternative method of collection provided in Section 48-103.014 shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem Assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Monroe County, Florida.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.010 REVISIONS TO ASSESSMENTS.

If any Assessment made under the provisions of this rule is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the Board is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the Board has failed to include any property on the Assessment Roll which property should have been so included, the Board may take all necessary steps to impose a new Assessment against any property benefited by the Utility Improvement or Related Service, following as nearly as may be practicable, the provisions of this rule and in case such second Assessment is annulled, the Board may obtain and impose other charges until a valid special assessment is imposed.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.011 PROCEDURAL IRREGULARITIES.

Any irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this rule shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all other proceedings adequate to such Assessment were duly had, taken and performed as required by this rule; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.012 CORRECTION OF ERRORS AND OMISSIONS.

(1) No act of error or omission on the part of the Board, Director, Property Appraiser, Tax Collector, or their respective deputies, employees or agents, shall operate to release or discharge any obligation for payment of any Assessment imposed by the Board under the provisions of this rule.

(2) The Assessments imposed pursuant to this rule will be imposed by the Board, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this rule shall be construed solely as ministerial.

(3) The number of Assessment Units attributed to a parcel of property may be corrected at any time by the Director. Any such correction which reduces an Assessment shall be considered valid from the date on which the Assessment was imposed and shall in no way affect the enforcement of the Assessment imposed under the provisions of this rule. Any such correction which increases an Assessment or imposes an Assessment on omitted property shall first require notice to the affected Owner in the manner described in Section 48-103.005, providing the date, time and place that the Board will consider confirming the correction and offering the Owner an opportunity to be heard.

(4) After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform Assessment Collection Act, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.013 METHOD OF COLLECTION.

Unless directed otherwise by the Board, Assessments (other than Assessments imposed against government property) shall be collected pursuant to the Uniform Assessment Collection Act, and the Authority shall comply with all applicable provisions thereof. The Resolution of Intent required by the Uniform Assessment Collection Act may be adopted either prior to or following the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted prior to January 1 (or March 1 with consent of the Property Appraiser and Tax Collector) of the year in which the Assessments are first collected on the ad valorem tax bill. Any hearing or notice required by this rule, the Special Act, or any other law, rule or regulation applicable to the Authority, may be combined with any other hearing or notice required by the Uniform Assessment Collection Act.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6,

Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, 197.3635 FS. History – New.

48-103.014 ALTERNATIVE METHOD OF COLLECTION.

In lieu of using the Uniform Assessment Collection Act, the Authority may elect to collect the Assessment by any other method which is authorized by law or as provided by this rule as follows:

(1) The Authority shall provide assessment bills by first class mail to the Owner of each affected parcel of property. Such bills may be combined with any other mailing of the Authority. The bill or accompanying explanatory material shall include (a) a brief explanation of the Assessment; (b) a description of the Assessment Units used to determine the amount of the Assessment; (c) the number of Assessment Units attributable to the parcel; (d) the total amount of the parcel's Assessment for the appropriate period; (e) the location at which payment will be accepted, (f) the date on which the Assessment is due; and (g) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem Assessments.

(2) A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Monroe County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

(3) The Authority shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The Authority or its agent shall notify any Owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the Authority or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law. In the case of government property, such notice may state in effect that the Authority will initiate a mandamus or other appropriate judicial action to compel payment. Provided, however, that the failure to timely provide such notice shall not serve as a bar to later enforcement.

(4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the Authority may be the purchaser to the same extent as an individual Person or corporation. The Authority may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent Owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the Authority and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the Authority as a result of such delinquent Assessments

including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(5) In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (a) notice is provided to the Owner in the manner required by law and this rule; and (b) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

(6) Assessments imposed against governmental property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

(7) As an alternative to the foregoing, an Assessment imposed against any property may be collected on the bill for any utility service provided to such property. The Board may contract for such billing services with any utility or service provider.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-103.015 RESPONSIBILITY FOR ENFORCEMENT.

The Authority and its agent, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-103.016 ALTERNATIVE METHOD.

This rule shall be deemed to provide an additional and alternative method for the imposition and collection of charges authorized by Special Act and the Uniform Assessment Collection Act and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 5, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-301
PROVISION OF WASTEWATER SERVICE

48-301.001 CLASSES OF WASTEWATER SERVICE
48-301.002 RESIDENTIAL WASTEWATER SERVICE
48-301.003 NON-RESIDENTIAL WASTEWATER SERVICE
48-301.004 DEVELOPER'S PRE-PAYMENT AGREEMENT; ADVANCE GUARANTEE OF WASTEWATER SERVICES
48-301.005 PRETREATMENT PROGRAM
48-301.006 MANDATORY CONNECTION TO WASTEWATER SYSTEM
48-301.007 BIENNIAL REVIEW
48-301.008 ADOPTION OF USER CHARGE SYSTEM
48.301.009 NOTIFICATION

48-301.001 CLASSES OF WASTEWATER SERVICE

The Authority renders Wastewater Service to the following general classes of Customers:
(1) Residential Service is defined as service intended strictly for Dwelling Units.

(2) Non-Residential Service is defined as service to any non-residential Customer or to any separately serviced non-residential activity in an otherwise residential project. Public, commercial, institutional, industrial and all other Specialty Users are considered non-residential Customers.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.002 RESIDENTIAL WASTEWATER SERVICE

(1) To obtain residential Wastewater Service from an existing Wastewater Collection System an application shall be made at the Authority's offices. The applicant must complete and sign an Agreement for Service, hereby incorporated by reference, and available at any of the Authority's offices (see Section 48-101.003). The applicant shall also provide proof of ownership or occupancy of the premises, together with suitable identification (preferably a Social Security Card and valid Driver's License or picture I.D.). The Customer shall insure that its name, the street address and an accurate legal description of the property and its use, and other required information, are correctly entered upon the Agreement for Service. Upon payment of all required fees and charges, the Authority shall issue an Agreement for Service to be executed by the parties. The Agreement for Service shall constitute the contract that establishes the relationship between the Customer and the Authority under which the Customer is rendered Wastewater Service and payment to the Authority for said service is made.

(2) If the property to be served is one where no Wastewater Service is currently available, or where modifications are made to the premises where service is provided, the

Owner shall be required to present acceptable evidence of building and zoning approval by all appropriate governmental agencies for any building constructed or to be constructed, modified or to be modified, on the premises. Provide a signed and sealed boundary survey and a legal description of the property to be served and pay all applicable fees and charges, and insure the availability of an adequately sized Wastewater Collection Main in accordance with subsection (4) below.

(3) The Authority shall provide Wastewater Service to the Owner of a parcel located within an improved subdivision or a subdivision designated single family residential, without the Owner having constructed a building on the premises, upon the Owner's completion and signing of an Agreement for Service and payment of all appropriate fees and charges, including the System Development Charge (SDC), and upon execution of an Owner's Acknowledgement of Service Restriction, form GP-013, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available at the Authority's main office (see Section 48-101.003), and written approval from the Monroe County Growth Management Division (or a comparable municipal entity).

(4) Prior to entering into an Agreement for Service, the applicant shall determine by inquiry to the Authority's Environmental Services Department whether the property to be served is adjacent to an adequately sized Wastewater Collection Main of the Authority's Wastewater Collection System. In the event that it is not, the applicant shall cause to be constructed an adequately sized Wastewater Main Extension at the applicant's expense from the nearest existing adequately sized Wastewater Collection Main, as determined by the Authority, in accordance with the Authority's extension requirements and the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-303.007).

(5) The Owner/Developer will be required to present plans and specifications that have been approved by the appropriate local governmental entities for review by the Authority's Environmental Services Department prior to the acceptance of any fees or deposits, or the execution of an Agreement for Service. Said plans and specifications shall be in conformity with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.003 NON-RESIDENTIAL WASTEWATER SERVICE

To obtain non-residential Wastewater Service, application shall be made in the same manner as for Residential Wastewater Service, with the following additional requirements:

(1) Evidence that the premises to be served are or will be employed for a non-residential purpose. Documentation of such use by presentation by the applicant of such documents as occupational and business licenses may be required.

(2) In the case of new Non-Residential Service, or when a modification is made to a premises such that a non-residential operation of any type will be located in a formerly residential building, the Owner will be required to present plans and specifications that have been approved by the appropriate local governmental entities for review by the Authority's Environmental Services Department prior to the acceptance of any fees or deposits, or the execution of an Agreement for Service.

(3) An Agreement for Service, hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003), shall be executed by an authorized officer of the entity. Confirmation of authorized officer status is required and may be provided in the form of: articles of incorporation, minutes, by-laws, partnership agreements, or the like. If such person's representative capacity is not indicated on the Agreement for Service, such person shall be personally responsible for the Account.

(4) Execution of an Owner's Acknowledgement of Service Restriction, form GP-013, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available at the Authority's main office (see Section 48-101.003), shall be required for existing or proposed non-residential premises that impose a potential increased demand on the Wastewater System.

(5) The Authority shall provide non-residential Wastewater Service to the Owner of a parcel located within an improved commercial subdivision or a subdivision designated commercial development, without the Owner having constructed a building on the premises, upon the Owner's completion and signing of an Agreement for Service and payment of all appropriate fees and charges, including System Development Charges, upon execution of an Owner's Acknowledgement of Service Restriction, and receipt of written approval from the Monroe County Growth Management Division (or a comparable municipal entity). Application for Wastewater Service by a non-residential entity shall be executed by a duly authorized officer thereof. If such person's represented capacity is not indicated on the Agreement for Service, such person shall be personally responsible for the account.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida.. History – New.

48-301.004 DEVELOPER'S PRE-PAYMENT AGREEMENT; ADVANCE GUARANTEE OF WASTEWATER SERVICE

(1) Prior to the commencement of construction of facilities or structures on an individual premises or on an approved development, the Authority may enter into a Developer's Pre-Payment Agreement with a Owner/Developer for the purpose of guaranteeing the availability of Wastewater Service to the development upon completion

of construction. Such guarantee is conditioned upon fulfillment by the Owner/Developer of the requirements of the Agreement for Service, hereby incorporated by reference and available in any of the Authority's offices (see Section 48-101.003).

(2) To obtain such a guarantee the Owner/Developer must pay in advance all System Development Charges, Tapping Fees, Guaranteed Payment Deposits, and other fees and charges required under the Developer's Pre-Payment Agreement and the Agreement for Service.

(3) Failure to comply with the terms of the Developer's Pre-Payment Agreement may result in the Authority through an Agency Decision declining to provide Wastewater Service upon completion of the development, until the terms of the Agreement for Service and the Developer's Pre-Payment Agreement are fully satisfied, including payments of applicable assessments and Delinquent Account penalties.

(4) The execution of a Developer's Pre-Payment Agreement does not exempt the Owner/ Developer from ultimate compliance with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-303.007), and the obligation to obtain all requisite federal, state, and local governmental permits, licenses, or approvals.

(5) Wastewater Service will not be provided until full compliance with said standards has been achieved.

(6) The Developer's Pre-Payment Agreement shall not constitute an Agreement for Service.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.005 PRETREATMENT PROGRAM

(1) The Pretreatment Program provides for the regulation of direct and indirect Discharge into the Authority's Wastewater Collection System through the issuance of permits to non-domestic Users (Industrial Users), and through enforcement of general requirements for other Users. Such program does not apply to residential connections.

(2) Under the Pretreatment Program the Authority (either on its own or in conjunction with any other governmental entity) is authorized to:

(a) Implement monitoring activities, enforcement activities, user reporting, and provide for the setting of fees for the equitable distribution of costs resulting from the program establishment, implementation, and enforcement.

(b) Regulate Users that might discharge hazardous, toxic, or unusually strong discharges into the Wastewater Collection System, regardless of volume, in accordance

with local pre-treatment requirements, including but not limited to any applicable county or municipal wastewater facilities use ordinance or similar local government ordinance.
(c) Prevent the introduction of Pollutants into the collection and treatment system that could interfere with the operation of the system, contaminate the effluent, contaminate the resulting residual biosolids, or pass through into the receiving waters or the atmosphere.
(d) Provide uniform requirements for Industrial Wastewater Discharge.
(e) Protect the Wastewater Treatment Plant Operators, transmission system workers, Wastewater Collection and Treatment System Facilities, the public, and the environment from harmful Pollutants in the Wastewater System.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 163.01, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 163.01, FS. History – New.

48-301.006 MANDATORY CONNECTION TO WASTEWATER SYSTEM.

(1) In adopting this rule, the Authority has ascertained, determined and declared that:
(a) The Florida Legislature has identified the Florida Keys as an area of critical state concern; pollution and questionable water quality resulting from the absence of adequate Wastewater Treatment throughout the Florida Keys is a threat to the environment and the health, safety and welfare of landowners and persons inhabiting the Florida Keys.
(b) The Florida Legislature has charged the Authority with the responsibility to plan and provide for water and sewer systems within the Florida Keys and to enforce the use of its Wastewater Facilities whenever and wherever they are accessible.
(c) The Florida Legislature has empowered the Authority to both prohibit the use of and mandate the use of Wastewater Facilities within the Florida Keys.
(d) The Florida Legislature has authorized, and Monroe County has enacted, local legislation that:
1. Requires connection to a central sewage system within specified time periods; and
2. Provides a definition of on-site sewage treatment and disposal systems that does not exclude package sewage treatment facilities even if facilities are in full compliance with all regulatory requirements and treat sewage to advanced wastewater treatment standards or utilize effluent reuse as their primary method of effluent disposal.
(e) The Authority has embarked upon the creation of Wastewater System to equitably, ecologically and economically manage Wastewater and improve the water quality in the Florida Keys. The presence of the Authority's Wastewater Facilities will enhance and benefit the environment and the health, safety and general welfare of landowners and persons inhabiting the Florida Keys.
(f) Mandatory connection to the Authority's Wastewater System is fundamental to the successful financing, creation and operation of the Authority's Wastewater System. Mandatory connections to a governmental utility system and the subsequent charges flowing therefrom have long been held to be a proper exercise of a governmental power to regulate and protect the welfare of the public.

(2) The Owner of a premises or other improved parcel of land shall, at the Owner's expense, connect any On-Site Disposal System (including decommissioning any such On-site Disposal system and connection of the collection facilities served thereby to the Authority's Wastewater System) and or a building's plumbing to the Authority's Wastewater System upon written notification that the Authority's Wastewater Facilities are available for connection. For purposes of this rule, "available" means that the Authority Wastewater Collection Facilities exist within a public easement or right-of-way that abuts or is within two hundred and fifty (250) feet of the property line of the lot, residence, establishment, building, premises, or On-site Disposal System or within such greater distance therefrom as provided for by applicable local ordinance. Connection shall occur within thirty (30) days, or as otherwise provided by law.

(3) No less than one (1) year prior to the date the Authority's Wastewater System is expected to become available, the Authority shall notify the affected Owners of the anticipated availability of such Wastewater Facilities and that such Owners will be required to connect, at their expense, to the Authority's Wastewater Facilities within thirty (30) days of actual availability, or as otherwise may be provided by law. Failure to timely provide such notice or failure of any individual Owner to timely receive such notice shall not serve as a bar to enforcement of mandatory connection by the Authority.

(4) Where the Authority's Wastewater System is available to a premises with an existing On-site Disposal System, the Owner shall decommission, abandon, or otherwise disconnect from the existing On-Site Disposal System in accordance with the requirements of the Florida Department of Health and the Florida Department of Environmental Protection, and shall connect the buildings on the property or premises to the Authority's Wastewater System.

(5) All connections shall be consistent with and governed by the Authority's Agreement for Service provisions and other rules relating to Water and Wastewater and the provision thereof.

(a) Whenever Wastewater Service is required, the Owner shall retain a qualified contractor to install the required facilities' extension(s) and connections. Alternatively, the Owner may cause the required facilities' extension(s) and connections through the applicable local government owner/builder permitting process. All facilities shall conform to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-303.007). The installation and connection process shall provide the Owner with the right to control the placement, manner, use and disposition of the installation on private property, subject to the minimum design and construction standards of the Authority and as is reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Such control being afforded to the Owner to minimize the physical, aesthetic, and other effects of the installation or connection on the affected property. Upon connection, the Owner shall be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise

maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems.

(b) In the event an Owner fails or refuses to timely connect the premises, any On-Site Disposal System or a building to the Authority Wastewater Facilities within the time prescribed herein, or by state or local rules and regulations, the Authority, shall be entitled to seek and employ any legally available remedy to cause the installation of on-site Wastewater facilities necessary to effectuate the connection of the Premises to the Wastewater Collection System. Under such circumstances, any installation by the Authority shall be performed after reasonable efforts by the Authority to solicit, and in deference to, the Owner's requests, if any, concerning the placement, manner, use and disposition of the installation on the premises subject to the applicable Authority's Minimum Design and Construction Standards and Specifications which are reasonably necessary to protect the efficiency and integrity of the Authority's Wastewater System. Upon connection, the Owner shall thereafter be deemed to have granted a license to the Authority to enter upon the affected property to inspect, repair, reconstruct or otherwise maintain the installation or connection. Unless authorized otherwise, the Owner shall be deemed to own such installation(s) located on the property and may repair, demolish, or construct in the area of the improvement served by the installation or connection, subject to the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems.

(c) In the event an Owner fails or refuses to timely connect the premises, any On-Site Disposal System or a building to the Authority's Wastewater Facilities within the time prescribed herein, the Authority shall:

1. Render an Agency Decision to discontinue Water Service after proceeding in the manner provided in Section 48-101.007, until such time as the Owner properly connects to the Authority's Wastewater System; or alternatively or concurrently,
2. Seek to otherwise compel connection by any other available means, including judicial process.

(d) In the event the Authority is required to seek a writ or order, or otherwise litigate any action compelling connection, all costs of such action experienced by the Authority including attorney fees and court costs shall be assessed to the Owner.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.007 BIENNIAL REVIEW.

The Authority shall review, no less often than every two years, the contribution of wastewater to its treatment systems and its user charge system to ensure that proportionate distribution of operation and maintenance costs are properly maintained among system users and classes of users. Upon such review, user charges shall be

revised as necessary to sustain proportionate distribution of operation and maintenance costs and generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance of the treatment works. Any excess revenues collected from a user class shall be applied to operation and maintenance costs attributable to that class for the next year and rates shall be adjusted accordingly.

Specific Authority Section 10, Chapter 76-441, Laws of Florida as amended by Chapter 86-419, Laws of Florida; 120.54, FS. Law Implemented Sections 3, 9,14 and 41, Chapter 76-441, as amended by Chapters 77-604, 80-54, 83-468 and Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.008 ADOPTION OF USER CHARGE SYSTEM.

Municipal and County Government of areas served by the Authority's Wastewater Treatment Systems must adopt the Authority's User Charge System by municipal or county ordinance in accordance with Code of Federal Regulations 35.920-2(e). Where the Authority proposes to construct regional wastewater systems that will accept flows across political jurisdictional boundaries, each government from areas that contribute wastewater flow to the system must adopt the Authority's User Charge System by jurisdictional legislative enactment. Affected municipal and county governments shall be responsible for informing their constituents of the financial impact of the User Charge System on them and shall consult the constituency before adopting the system in accordance with 40 CFR part 25.

Specific Authority Sections 10, Chapter 76-441, Laws of Florida as amended by Chapter 86-419, Laws of Florida; 120.54, FS. Law Implemented Sections 3, 9, 10,11,12,14 41 and 48 Chapter 76-441, as amended by Chapters 77-604, 80-546, 83-468 and Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-301.009 NOTIFICATION.

The Authority shall annually notify each system user, in conjunction with a regular bill, of the rate and portion of the user charge attributable to wastewater treatment services.

Specific Authority Section 10, Chapter 76-441, Laws of Florida as amended by Chapter 86-419, Laws of Florida; 120.54, F.S. Law Implemented Sections 3, 9, 10,11,12,14 41 and 48 Chapter 76-441, as amended by Chapters 77-604, 80-546, 83-468 and Chapter 98-519, Laws of Florida; 120.54, F.S. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-303
WASTEWATER FACILITIES AND EXTENSION

48-303.001 GENERAL.
48-303.002 WASTEWATER FACILITIES; BY THE AUTHORITY.
48-303.003 WASTEWATER FACILITIES; WHEN REQUIRED.
48-303.004 WASTEWATER FACILITIES; PERMIT APPLICATION PROCEDURE.
48-303.005 WASTEWATER FACILITIES; PROVISION FOR WASTEWATER SERVICE.
48-303.006 ACCEPTANCE OF WASTEWATER FACILITIES AND SERVICE INITIATION.
48-303.007 SYSTEM DESIGN; GENERAL CRITERIA.
48-303.008 WASTEWATER MAIN EXTENSION REIMBURSEMENTS.
48-303.009 SPECIAL ASSESSMENTS; WASTEWATER.
48-303.010 FORMS AND APPLICATIONS.

48-303.001 GENERAL.

This Chapter provides information regarding the Authority specifications, requirements and procedures for obtaining a commitment for Wastewater Service to new or existing facilities on a property. These general requirements shall also be followed by persons desiring to obtain service for an existing or proposed single-family dwelling. Initial coordination provides information as to whether Wastewater Service is available, the amount of fees to be paid, and whether the installation of Wastewater Facilities is required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.002 WASTEWATER FACILITIES; BY THE AUTHORITY.

(1) The Board of Directors of the Florida Keys Aqueduct Authority adopted on June 21, 2000, the Monroe County Sanitary Wastewater Master Plan, hereby incorporated by reference, as a comprehensive planning document for the implementation of Wastewater Service in Monroe County. Such wastewater master plan outlines recommendations for the Authority and Monroe County to effectuate the provision of Wastewater Service to unincorporated Monroe County and designated incorporated areas.

(2) As funding is made available by local, state, and federal government, or as may be mandated by governmental regulatory agencies, the Authority will construct Wastewater Collection, Treatment and Disposal Systems. The Authority shall establish rates, fees and charges to recover the costs of system development, operation and maintenance.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.003 WASTEWATER FACILITIES; WHEN REQUIRED.

(1) An Owner seeking to obtain a commitment for Wastewater Service from the Authority for new development or re-development of an existing property that may require the installation or extension of Wastewater Facilities must identify system capacity needs for, or must have previously identified the number of EDU's corresponding to the anticipated requirements of the project. The Owner shall complete and provide to the Authority a Wastewater EDU Data Determination Work Sheet, form WW-001, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available at the Authority's main office (see Section 48-101.003).

(2) The Authority shall advise the Owner with a "coordination letter" as to whether Wastewater Service is available and whether the installation of Wastewater Facilities is required. The issuance of a coordination letter by the Authority shall not constitute an absolute assurance of Wastewater Service. Such service shall be conditioned upon compliance with the rules of the Authority, and the terms and conditions of any contract which may be entered into between the Owner/Developer and the Authority.

(3) Wastewater Facilities shall be required when there are no existing facilities to a property or when the Authority's Engineering Department determines that existing facilities are not of adequate capacity to provide Wastewater Service for the project. When the Authority's Engineering Department determines that Wastewater Facilities are required, the Authority will further stipulate the location, length, type, size and capacity of the facilities to be installed.

(4) The Owner shall provide Wastewater Facilities at no cost to the Authority. All Wastewater Facilities shall be designed and constructed in accordance with the minimum standards of the Authority. Wastewater Facilities up to the Point of Service shall be conveyed to the Authority by bill of sale, free and clear of all encumbrances, with related cost documentation, perpetual right-of-way and Easements for appropriate access, and completed as-built drawings for all such facilities prior to acceptance and initiation of service.

(5) To facilitate Wastewater Service to all properties in the Authority's Service area, Wastewater Mains (i.e., gravity mains, vacuum mains, pressure Force Mains, and the like) shall be extended along the full length of the road frontage for properties obtaining service. The Authority may require Wastewater Main Extensions through said property if an adjacent property is to be served in the future.

(6) A Wastewater Main Extension can be exempt when there is no possibility of future development beyond the property requesting service. In those cases where the property is at the end of a line, the Owner/Developer shall extend the Wastewater Main at least ten (10) feet beyond the property line.

Specific Authority Section 10, Chapter 76-441, Laws of Florida, 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida. History – New.

48-303.004 WASTEWATER FACILITIES; PERMIT APPLICATION PROCEDURE.

(1) The Authority will review and approve the plans and specifications for all Wastewater Facilities to be installed by the Owner or the Owner's contractors. The Authority shall charge a Plan Review Fee and Inspection Fee based upon the magnitude of the project. The fees for plan review and inspection services are designed to defray the cost of providing said services.

(2) An Application for Permit to Construct Wastewater Facilities (also referred to in the Authority's Referenced Documents Notebook as "Application for Construction Permit – Wastewater Facilities"), form WW-020, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available in the Authority's main office, shall be submitted and signed by the Owner or Developer desiring service. The application shall include the Wastewater Facilities application fee and the following information:

(a) Name, address and signature of the Owner or Developer.

(b) Legal description of the property for which Wastewater Service is desired as prepared by a licensed land surveyor.

(c) For a recorded subdivision, a copy of the recorded plat.

(d) For new subdivisions, an approved tentative plat, or if available, a master development plan; a preliminary utility plan indicating the location of the proposed Wastewater Facilities within rights-of-way and utility easements; and proof of zoning.

(e) For all projects, except an individual Owner constructing a single-family residence, a complete set of drawings including site plans, building layouts, and plumbing plans, indicating all proposed Wastewater Facilities and Main Extensions.

(f) A statement indicating which new required Wastewater Facilities located within the project, if any, the applicant will convey to the Authority for perpetual ownership, operation and maintenance.

(3) The submittal of an Application for Permit to construct Wastewater Facilities shall include a ratification and acceptance by the Owner of all the provisions of the Authority's rules as terms and conditions applicable to the provision of Wastewater Service by the Authority.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.005 WASTEWATER FACILITIES; PROVISION FOR WASTEWATER SERVICE.

(1) After permits have been approved, the Authority may enter into a "Developer's Prepayment Agreement" in accordance with Section 48-301.004 and these rules.

(2) The Authority shall periodically inspect the installation of all Wastewater Facilities during construction in accordance with the terms of the construction permit and shall indicate compliance therewith. Such inspections are intended to assure that the Wastewater Facilities are installed in accordance with the approved design, are consistent

with the criteria and specifications governing the kind and quality of such installations, and constitute the documentation indicating construction and testing in accordance with the minimum standards of the Authority. The Authority will be present at tests of component parts of the Wastewater System for the purpose of determining that the system, as constructed, conforms to the Authority's criteria for infiltration, inflow, pressure testing, line, grade, operation, maintenance, repair and replacement. Testing will be performed by the Owner's contractor but only under the direct observation of the Authority's construction coordinator and the Owner's engineer. No connection to an existing Authority facility shall be made except in the presence of the Authority's construction coordinator.

(3) Wastewater Service shall be initiated upon satisfactory completion of all engineering requirements, acceptance of any Wastewater Facilities to be transferred to the Authority for ownership, operation and control, and execution of an Agreement for Service.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.006 ACCEPTANCE OF WASTEWATER FACILITIES AND SERVICE INITIATION.

(1) The Authority may agree to accept Wastewater Facilities for ownership, operation, and maintenance subject to the conditions and standards described in this Section.

(2) Prior to Service Initiation and prior to transferring ownership of Wastewater Facilities to the Authority, the Owner shall obtain and provide to the Authority a "Domestic Wastewater Collection/Transmission System Certificate of Completion of Construction" from DEP.

(3) The Authority will assume operation and maintenance responsibility of said facilities upon signing the applicable certification(s), it being understood that the Owner is still required to meet the Authority's minimum standards and obtain final inspection and final acceptance from the Authority. The Owner must fulfill a variety of prerequisites, depending upon specific project circumstances, prior to securing partial or full clearance from the DEP for Service Initiation.

(4) For projects with only one connection, the Authority will only permit Service Initiation on a one-time, full completion (final acceptance) basis. For projects with more than one connection, the Authority will authorize Service Initiation on a partial basis subject to accomplishment of prerequisites by the Owner. In addition to construction requirements as set forth herein, the Owner shall submit the documents in a form acceptable to the Authority (see Section 48-303.010).

(5) A conditional final inspection or partial acceptance that will allow partial Service Initiation does not constitute an acknowledgment by the Authority that a project is

complete, but rather that there remain deficiencies or other uncompleted requisites. The Authority may approve Service Initiation on a project or phase of a project on a conditional basis, dependent upon full satisfaction of all final acceptance requirements. In lieu of such full satisfaction and final acceptance, the Authority may accept a Maintenance Bond, a Clean Irrevocable Letter of Credit, or a Cashier's Check, in the amount of one hundred and ten percent (110%) of the construction cost (as estimated by the Owner's engineer and verified by the Authority) to cover all outstanding construction requirements.

(6) Wastewater Facilities will not be accepted for ownership, operation, and maintenance unless the applicant demonstrates that:

(a) The Wastewater mains are located in a public right-of-way or within a platted or dedicated utility easement of sufficient width.

(b) The Wastewater Facilities have not been installed under any building or appurtenance thereto.

(c) There exists clear access to all easement areas, with adequate legal rights to assure that such access shall be maintained.

(d) All necessary easements have been conveyed to the Authority by a separate, legally sufficient instrument that can and will be recorded in the public records of Monroe County, Florida.

(e) All construction has been performed under the observance of the Authority.

(f) The Wastewater Facilities have been constructed and tested in accordance with the Minimum Design and Construction Standards and Specifications of the Authority and are free from any and all defects in materials and workmanship.

(g) All materials and labor meet the current specifications of the Authority.

(h) All necessary permits have been received from federal, state, and local regulatory agencies.

(7) Acceptance of Wastewater Facilities located within an easement available to the Authority shall be subject to the exercise of sound engineering judgment taking into consideration the size of the facilities, topography, and maintenance and operating constraints. Generally, right-of-way or easements located along rear or side-lot lines shall be avoided.

(8) Prior to acceptance, the Owner shall provide a written warranty (in a format approved by the Authority) on all Wastewater Facilities, wherein the contractor guarantees correction of any defects in the work for a period of one year (or five years in the case of lift station and vacuum station pump and motor assemblies) from the date of final DEP certification. Any contractor who fails to correct any such defect(s) may be required to provide the Authority a maintenance bond or irrevocable letter of credit, up to the amount of one hundred and ten percent (110%) of actual construction cost, for any subsequent Wastewater Facilities construction.

(9) All Wastewater Facilities to be accepted for ownership, operation and maintenance by the Authority shall be conveyed by adequate legal instrument. Prior to conveyance, the Developer/Owner shall provide the Authority with:

(a) A breakdown of the actual construction cost of said facilities.
(b) Copies of paid bills and lien waivers, releases or satisfactions, sufficient to indicate that all contractors, subcontractors and material men have been paid in full. In lieu of such bills, waivers, releases, or satisfactions, a payment bond and transfer of liens to security may be substituted as deemed appropriate by the Authority's legal counsel.
(c) One set of as-built drawings indicating the specific locations, depths, and other dimensions of all Wastewater Facilities and appurtenances as actually constructed.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.007 SYSTEM DESIGN; GENERAL CRITERIA.

(1) The Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, are hereby incorporated by reference and include:
(a) General Criteria.
(b) Design Guidelines.
(c) Approved Materials and Specifications.
(d) Wastewater Collection and Transmission Main Design and Construction.
(e) Wastewater Lift Station and Vacuum/Pump Station Design and Construction.
(f) Inspections and Authority of Construction Coordinators.
(g) Authority of Non-Resident Construction Coordinators.
(h) Record Information.

(2) A copy of the Minimum Design and Construction Standards and Specifications for Wastewater Systems are available through the Authority's Wastewater Engineering Section, located at the Authority's Main Office, 1100 Kennedy Drive, Key West, Florida, (305) 296-2454.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.008 WASTEWATER MAIN EXTENSION REIMBURSEMENTS.

(1) When an Owner or the Authority extends a Gravity Wastewater Collection Main or a Vacuum Wastewater Collection Main that is immediately available to serve adjacent lots with no existing service; and such lots are not owned by said Owner, an equitable reimbursement shall be collected by the Authority for these lots from the Owner(s) at the time when Wastewater Service is provided. The Authority shall refund the amount collected in accordance with the Agreement between the Authority and the Owner responsible for the Wastewater Main Extension.

(2) Reimbursements shall be based upon the front footage of the lot(s), or by such other method determined by the Authority to be most equitable to all impacted properties, and the installed value of the Wastewater Main Extension.

(3) The installed value of a Wastewater Main Extension shall be the actual construction cost, as certified by the contractor.

(4) The Authority shall collect the reimbursement amounts for the original Customer of the Authority for a period of twenty (20) years from the date Wastewater Service is first provided through the Wastewater Main Extension. The amount of reimbursement collected during the term of the Agreement shall be based on the method of reimbursement specified in the Agreement. This policy shall apply to Wastewater Gravity Collection Mains eight (8) inches or larger in diameter and Vacuum Wastewater Collection Mains four (4) inches or larger in diameter, accepted for ownership by the Authority.

(5) In no event shall any person entitled or claiming entitlement to a Wastewater Main Extension reimbursement offset or be permitted to offset the reimbursement, or any part thereof, against any sum owing by such person to the Authority (such as unpaid Potable Water, Wastewater or Reclaimed Water Service charges and fees).

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-303.009 SPECIAL ASSESSMENTS; WASTEWATER.

(1) If either the Authority or any Property Owner desire to acquire, construct, install or extend any aspect of Authority's Wastewater System to serve any unimproved property or existing development, the Authority may do so in accordance with the rules providing for special assessments (also sometimes referred to as non-ad valorem assessments) adopted by the Authority. The cost of such improvements shall be shared among all benefited Owners.

(2) All such Wastewater System improvement projects coordinated through the Authority will be processed from initiation of the project through final completion and recovery of funds expended in accordance with relevant laws, ordinances or resolutions and any amendments thereto. All Wastewater Facilities shall be designed and constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-303.007). All costs relating to the project, including but not limited to legal, surveying, drafting, engineering, construction, inspection fees, and administration and other related project costs shall be included in the project. Administration fees shall be assessed at five percent (5%) of construction costs. Inspection fees shall be assessed at two percent (2%) of construction costs. A

construction contingency of ten percent (10%) of the construction costs shall be provided with unused contingencies and construction under-runs to be credited in accordance with an implementing resolution adopted by the Authority.

(3) Unless expressly provided otherwise, Owners are responsible for all improvements on their side of the Point of Service, including all permits and fees.

(4) Most Wastewater Collection Systems constructed by the Authority will utilize Vacuum Collection Systems so extraneous flows (i.e., inflow/infiltration) into the system are not anticipated to a significant degree. However, in the event extraneous flows do intrude into the collection system, all costs of operation and maintenance for extraneous flows not directly attributable to a user or class of user will be distributed among all users of the wastewater system. The cost distribution will be structured to reflect the same distribution as for actual use.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 197.3631, 197.3632, FS. History – New.

48-303.010 FORMS AND APPLICATIONS.

(1) The following specimen forms and applications relate to the subject matter of this Chapter. They are hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003):

(a) Wastewater EDU Data Determination Worksheet, form WW-001, in effect at the time of rule adoption on July 19, 2001.

(b) Application for Permit to construct Wastewater Facilities, (also referred to in the Authority's Referenced Documents Notebook as "Application for Construction Permit – Wastewater Facilities"), form WW-020, in effect at the time of rule adoption on July 19, 2001.

(c) Legal Package – Required Documents Required Documents (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater") in effect at time of rule adoption on July 19, 2001.

(d) Example Bill of Sale in effect at time of rule adoption on July 19, 2001.

(e) Bill of Sale (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Bill of Sale"), form WW-002, in effect at the time of rule adoption on July 19, 2001.

(f) Attachment to Bill of Sale (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Attachment to Bill of Sale"), form WW-003, in effect at the time of rule adoption on July 19, 2001.

(g) Property Owner's No Lien Affidavit (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Property Owner's No Lien Affidavit") form WW-004, in effect at the time of rule adoption on July 19, 2001.

(h) Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches (also referred to in the Authority's Referenced

Documents Notebook as "Legal Package – Wastewater, Instructions and Minimum Requirements for Preparing Easement Documents, Legal Descriptions and Sketches"); in effect at time of rule adoption on July 19, 2001.

(i) Consent and Joinder of Mortgagee for Utility Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Consent and Joinder for Mortgagee for Utility Easement"), form WW-006, in effect at the time of rule adoption on July 19, 2001.

(j) Instructions for Indemnity Agreement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Instructions for Indemnity Agreement") in effect at time of rule adoption on July 19, 2001.

(k) Indemnity Agreement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Indemnity Agreement"), form WW-007, in effect at the time of rule adoption on July 19, 2001.

(l) Claim of Lien for Utility Service (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Claim of Lien for Utility Service"), form WW-008, in effect at the time of rule adoption on July 19, 2001.

(m) Wastewater Pump Station Site Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Wastewater Pump Station Site Easement"), form WW-09, in effect at the time of rule adoption on July 19, 2001.

(n) Blanket Utility Easement (also referred to in the Authority's Referenced Documents Notebook as "Legal Package – Wastewater, Blanket Utility Easement"), form WW-010, in effect at the time of rule adoption on July 19, 2001.

(2) A complete list of all documents, forms, and applications referred to in these rules can be found in Section 48-101.003.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 3, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-304
WASTEWATER PRETREATMENT

48-304.001 PURPOSE AND POLICY.
48-304.002 GENERAL REQUIREMENTS
48-304.003 ABBREVIATIONS.
48-304.004 PRETREATMENT FACILITY REQUIREMENTS.
48-304.005 PERMIT REQUIREMENTS.
48-304.006 MONITORING AND REPORTING REQUIREMENTS.
48-304.007 SAMPLING REQUIREMENTS.
48-304.008 REVIEWING INDUSTRIAL MONITORING REPORTS (IMR'S).
48-304.009 INSPECTIONS.
48-304.010 ENFORCEMENT.
48-304.011 ACCIDENTAL DISCHARGE; UPSET AND BYPASS.
48-304.012 SIGNIFICANT INDUSTRIAL USER LISTING.
48-304.013 NOTIFICATION OF APPLICABLE STANDARDS AND REQUIREMENTS.
48-304.014 RECORDS MANAGEMENT.
48-304.015 ANNUAL REPORTING OF PRETREATMENT PROGRAM.
48-304.016 FORMS AND APPLICATIONS.

48-304.001 PURPOSE AND POLICY.

This Chapter provides for the regulation of direct and indirect Discharge into the Authority's Wastewater Collection System through the issuance of permits to non-domestic Users (Industrial Users), and through enforcement of general requirements for other Users. This Chapter does not apply to Residential Connections as defined herein. The Authority (either on its own or in conjunction with any other governmental entity) is authorized to:

(1) Implement monitoring activities, Enforcement activities, User reporting, and provide for the setting of fees for the equitable distribution of costs resulting from establishment, implementation and Enforcement of the program.

(2) Regulate Users that might Discharge hazardous, toxic or unusually strong Discharges into the Wastewater Collection System, regardless of volume.

(3) Prevent the introduction of Pollutants into the collection and treatment system which could interfere with the operation of the system, contaminate the resulting Sludge, or pass through into the receiving waters or the atmosphere.

(4) Provide uniform requirements for Industrial Wastewater Discharge.

(5) Protect the Wastewater treatment plant operators, transmission system workers, collection and Wastewater treatment facilities, the public, and the environment from harmful Pollutants in the Wastewater System.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 163.01, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 163.01, FS. History – New.

48-304.002 GENERAL REQUIREMENTS.

All existing and proposed non-residential Users shall complete a Wastewater Discharge Survey (see Section 48-304.016) in conjunction with the submittal of construction plans, as set forth herein. The plans shall show all Discharge Points into the Authority's Wastewater System. The plans shall show sample points if required.

(1) The following Industrial Users shall file a written notice of intent with the Authority at least ninety (90) calendar days before commencing Discharge in the Authority's Wastewater System.
(a) Users purchasing an existing facility from which a Discharge of Industrial Wastewater into the Authority Wastewater System is proposed.
(b) Users constructing a new facility from which a Discharge of Industrial Wastewater into the Authority Wastewater System is proposed.
(c) Users proposing to Discharge Industrial Wastewater into the Authority Wastewater System from a facility which currently does not Discharge Industrial Wastewater.
(d) Users planning to alter or change the activity at the User's facility that will significantly increase or decrease the volume or alter the content of any Existing Source of Wastewater Discharge into the Authority Wastewater System. This does not include changes in volume or content resulting from shifts in existing production levels at the User's facility. For purposes of this Chapter, a significant increase or decrease is defined as a twenty percent (20%) increase or decrease in the volume or the organic strength/solids loading of Industrial Wastewater currently being Discharged. An alteration is defined as any change in chemicals utilized within a process that will significantly alter the characteristics of the Waste Discharge.
(e) Users proposing to alter or change the listed or characteristic hazardous wastes for which the User has submitted notification under 40 C.F.R. 403.12(p).

(2) The notice of intent shall be submitted in writing and shall contain such information as required to allow the Authority to evaluate the effect of the proposed Discharge on its facilities and operations and to assure compliance with any applicable wastewater facilities use ordinance or similar local government ordinance. The notice of intent shall be signed by the User, a principal executive officer of the User's company, or an authorized representative. The User must receive written approval from the Authority before commencing Discharge. Based upon the Authority's evaluation of the notice of intent, the User may be issued a Wastewater Discharge Permit or a permit modification, as appropriate.

(3) All domestic Wastewater from restrooms, showers, drinking fountains, etc., shall be kept separate from all Industrial Wastewater until the Industrial Wastewaters have

passed through any required Pretreatment Systems or devices and the sampling or flow measuring point(s).

(4) No person shall connect or cause to connect any roof downspout, exterior foundation drain, areaway drain, or other source of surface runoff or groundwater to a building, Wastewater Service Line or drain which in turn is connected directly or indirectly to the Authority Wastewater System.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 163.01, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 163.01, FS. History – New.

48-304.003 ABBREVIATIONS.

When used in these rules, the abbreviations set forth below have the following meanings:

(1) C.F.R. - Code of Federal Regulations.
(2) EPA - United States Environmental Protection Agency.
(3) F.A.C. - Florida Administrative Code.
(4) DEP - Florida Department of Environmental Protection.
(5) IMR - Industrial Monitoring Report.
(6) IU - Industrial User.
(7) IWWDP - Industrial Wastewater Discharge Permit.
(8) OGI - Oil/Grease Interceptor.
(9) OGIU - OGI User.
(10) SIU - Significant Industrial User.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 10, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.004 PRETREATMENT FACILITY REQUIREMENTS.

(1) Significant Industrial Users (SIU), shall design, construct, operate, and maintain, at their sole expense, those Pretreatment Facilities necessary to meet the Authority's standards. Any SIU required to construct Wastewater Pretreatment Facilities shall provide plans, specifications, and other pertinent data or information prepared by a Registered Professional Engineer in the State of Florida to the Authority for review and approval. Any subsequent modifications shall be made only upon prior written approval from the Authority.

(2) Industrial Users (IU), shall design, construct, operate, and maintain, at their sole expense, those Pretreatment Facilities necessary to meet the Authority's standards. A Registered Professional Engineer acting on behalf of the User shall determine the type, capacity, and location of the Pretreatment Facilities, subject to review and approval by the Authority. All modifications to or abandonment of Pretreatment Facilities shall require prior written approval from the Authority.

(3) Establishments whose wastes containing oil or grease that are discharged into the Authority Wastewater System shall be required to have an OGI. OGI's shall be designed, constructed, and maintained at the Owner's expense. A Registered Professional Engineer acting on behalf of the User shall determine the capacity and location of the OGI. All modifications to or abandonment of OGI's shall require prior written approval from the Authority. All OGI's shall be maintained to meet the Authority's Discharge Standards and are subject to surcharges for noncompliance with Conventional Pollutants. OGI's shall be pumped out and cleaned as necessary, but in no instance shall the frequency be less than once per year. The Authority shall be provided with written documentation verifying this upon request. An OGI Fee will apply to each OGI (see Section 48-307.009).

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.005 PERMIT REQUIREMENTS.

(1) **General Requirements.**

SIU's shall complete an Application for Industrial Wastewater Discharge Permit (IWWDP), (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Application for Industrial Wastewater Discharge Permit"), form WW-012, in effect at the time of rule adoption on July 19, 2001, hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003). All SIU's shall obtain an IWWDP as required by any applicable wastewater facilities use ordinance (or similar local government ordinance) prior to discharge. In addition, IU's which have the potential to impact the Authority's Wastewater System, shall be required to obtain an IWWDP. IWWDP permit fees will be billed annually. A specimen IWWDP transmittal letter and permit are available at the Authority's main office (see Section 48-101.003).

(2) **Permit Renewal.**

The IWWDP will be renewed annually on the permit anniversary date unless:

(a) The Authority determines that the IWWDP permit conditions have changed; or,

(b) The IU notifies the Authority that permit conditions have changed.

(3) **Permit Modification.**

(a) IWWDP's may be modified by the Authority at any time for the following causes:

1. Substantial alterations to the Discharger's processes, or Discharge parameters;
2. Correction of errors and omissions in the permit;
3. Reflection of transfer of the facility ownership or operation to a new Owner/Operator; and,
4. Fulfillment of request from the permittee, provided such request does not create a violation of any applicable requirement, standard, law, rule, or regulation.

(b) Requests for IWWDP modifications shall be made in writing and include facts or reasons which support the request. If the new or changed conditions are the result of new

or changed Pretreatment Regulations, those Regulations will stipulate the compliance period.

(4) **Permit Suspension/Termination.**

(a) Failure or refusal to pay any fees or charges in a timely manner shall result in Termination of Service (see Section 48-304.010). In addition, IWWDP's and utility Service may be suspended or terminated for falsifying self-monitoring reports, Tampering with monitoring equipment, refusing to allow timely access to the facility premises and records, and failure to meet effluent limits, to pay fines, or meet compliance schedules. Permits shall be suspended immediately if the discharge poses immediate serious danger to the public health, safety, or welfare.

(b) Except in the case of immediate suspension under (a) above, written notification of intent to terminate or suspend permit and utility service due to the above violations shall be made by the Authority to the county/city and to the holder of the permit and the Authority shall proceed pursuant to Section 48-101.008. Failure to pay amounts due the Authority within the time designated for payment shall result in an Agency Decision causing disconnection of Potable Water Service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The Authority shall give forty-eight (48) hours notice by hand delivery, use of a door hanger, or telephone of proposed disconnection to the Customer and said notice shall advise the Customer of the right to an informal hearing before a designated Authority representative to be held within three (3) days of the notice. That hearing shall not result in an Agency Decision but shall be solely for the purpose of giving the Customer an opportunity to provide the Authority with relevant information to assist the Authority in making its subsequent Agency Decision, which Agency Decision shall be based upon all information available to the Authority, including but not limited to information provided by the Customer.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 120.569, 120.57, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 120.569, 120.57, FS. History – New.

48-304.006 MONITORING AND REPORTING REQUIREMENTS.

(1) **Self Monitoring.**

(a) General. SIU's are required to submit baseline monitoring reports, semi-annual IMR's, and Accidental Discharge Plans as required by the Authority in accordance with DEP Regulations 62-625, F.A.C. and any applicable wastewater facilities use ordinance (or similar local government ordinance). The Authority may require SIU's to submit an IMR more frequently than twice a year, if deemed necessary, to have sufficient representative data for compliance assessment. All IMR's shall be prepared using the form listed in Section 48-304.016. Other IU's may be required to submit an IMR (or maintenance records), as deemed necessary by the Authority, to ensure compliance with the Discharge Standards. Costs for sampling required by an Industrial Discharge Permit shall be borne by the discharger. If the discharger does not comply with sampling schedules, or other terms and conditions established by the Authority, the Authority may

collect samples and analyze for the permit parameters. All expenses incurred by the Authority shall be billed directly to the discharger At Cost.

(b) Notification of Permit Violations. SIU's are required to notify the Authority within 24 hours of becoming aware of a permit violation. The SIU is also required to immediately repeat the sampling and Pollutant analysis and submit to the Authority, in writing, the results of the second analysis within thirty (30) calendar days of the first violation unless the Authority performs sampling at the SIU between the time when the SIU performs its initial sampling and the time when the SIU receives the results of the sampling.

(2) **Authority Monitoring.**

(a) IWWDP Monitoring. The Authority shall periodically conduct independent sampling of Industrial Discharges. State Regulations (Chapter 62-625, F.A.C.) require the Authority to conduct at least one inspection and sampling visit annually to all SIU's. Samples taken by the Authority during these visits will be analyzed for all pollutants regulated at that SIU. Authority monitoring may be conducted more frequently in order to obtain data representative of the nature and volume of the IU's Wastewater. Upon completion of the Authority's sampling activities, an IMR will be completed and placed in the appropriate Industrial Pretreatment Program file. Analytical results received from the laboratory and copies of the chain-of-custody document tags will also be retained.

(b) OGI Monitoring: Authority or its authorized representative will, at a minimum, conduct annual independent sampling of all OGI's. Samples taken by the Authority during these visits shall be analyzed for Conventional Pollutants. Authority sampling may be conducted more frequently, if deemed necessary. In the event an OGI fails to meet the Authority's Discharge Standards, the User will be given thirty (30) calendar days to show proof that the subject OGI has been cleaned or repaired, or an Industrial Wastewater Surcharge will be levied until compliance is demonstrated. Costs for annual sampling of OGI's shall be borne by the Authority. Costs for additional Authority sampling to demonstrate compliance shall be borne by the discharger.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.007 SAMPLING REQUIREMENTS.

The type of sample to be collected depends on the purpose of the sampling survey and the nature of the wastestream being sampled. The permit will specify the sample collection method or type of sample(s) for each pollutant to be monitored. Most samples should be collected as composite samples except for those parameters that must be collected on a grab basis.

(1) **Sample Types.**

(a) "Grab Sample" is a singular discreet sample collected without any regard to the wastestream flow. This sample may be used when both Wastewater Flow and Pollutant Concentration (i.e., loading) are constant over time. This sample may be used for Batch Discharges, such as a contaminated process tank that is periodically discharged. A Batch

Discharge must be homogeneous in order to be accurately represented by a grab sample. Grab samples should be used when storing or compositing of a sample will alter the concentration or characteristics of Pollutants being measured. Parameters that necessitate grab sample techniques include pH, temperature, volatile organics, gases, oil and grease, and phenols.

(b) "Composite Samples" are used to measure the average amount of pollutants discharged by the IU during the composite period. Composite samples are preferred when evaluating compliance with twenty-four (24) hour or daily average concentration limits and mass limits. Samples may be obtained as either time-proportional or flow proportional. Time-proportional composite samples are generally collected under conditions of constant or slightly fluctuating effluent flows. A timed composite shall be collected continuously, or at constant sample volume with a constant time interval between samples. Flow-proportional composite samples are collected when both an IU's effluent flow and pollutant concentrations or loadings exhibit irregular changes. A flow proportional composite shall be collected continuously, proportional to stream flow. The Authority must approve the type of composite sampler which is used. In case of collection samples for BOD, the samples must be immediately refrigerated after collection, otherwise organic decomposition will take place and the accuracy of the sample will be in question.

(c) "Split Samples" are proportioned into two or more containers from a single sample container. Proportioning assumes adequate mixing to assure "split samples" are identical. Usually used so that the industry will have an identical sample for its own analysis.

(d) "Duplicate samples" are collected simultaneously from the same source under identical conditions into separate containers, usually as a quality control measure.

(2) **Sample Locations.**

Sample points shall be readily accessible to the Authority and located upstream of all domestic Wastewater from restrooms, washrooms, showers, drinking fountains, and the like. If this is not possible, then the sample point shall be located at the nearest point where Industrial Wastewater Discharges to the Wastewater Collection System.

(3) **Sample Collection Stations.**

(a) The following buildings shall be required to have a suitable Sample Collection Station constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference:

1. Buildings equipped with a grease interceptor, lint trap, or oil/sand interceptor;
2. Buildings with restroom facilities used by the public; and,
3. Buildings discharging Industrial Wastewater.

(b) Sample collection stations are to be installed at the Owner's expense.

(c) Any User discharging a new source of Industrial Wastewater into the Authority Wastewater System shall construct and maintain a Sample Collection Station to allow inspection, sampling and flow measurement of each Industrial Wastewater Discharge to

the Authority Wastewater System. This requirement may be waived by the Authority in writing, based upon sound engineering judgment that such a Sample Collection Station is not necessary.

(d) Any User discharging an existing source of Industrial Wastewater into the Authority Wastewater System, shall, construct and maintain a Sample Collection Station to allow inspection, sampling and flow measurement of each Industrial Wastewater Discharge to the Authority Wastewater System.

(e) There shall be ample room in or near such Sample Collection Station to allow accurate sampling and preparation for samples or analysis. The facility shall be maintained at all times in a safe and proper operating condition at the expense of the User. Access to the Sample Collection Station shall be available at all times.

(f) To assure that any Sample Collection Station is constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications for Wastewater Systems acceptable for use by the Authority, drawings and specifications for such facilities shall be submitted to the Authority for review and must be approved in writing by the Authority before construction of the facility.

(4) **Sample Collection and Analysis.**

(a) Accurate sample collection and analysis are essential to determine compliance status with applicable Pretreatment Regulations. All samples must be properly collected and preserved until they are analyzed. It is important to use the right container for sample collection and storage. Large samples should be divided for appropriate pollutant preservation as soon as possible, but no longer than twenty-four (24) hours. Proper sample preservation techniques shall be used and the recommended sample holding times shall be followed.

(b) The Authority operates a certified Environmental Laboratory that performs analyses and uses contracted certified laboratory services. State Regulations (see Chapter 62-625, F.A.C.) require all analysis to determine compliance with Pretreatment Standards be performed in accordance with Rule 62-160.670, F.A.C., "Data Reporting Requirements." The Authority must verify all individual laboratory analysis for industrial self-monitoring samples and samples collected by the Authority are performed according to these State Requirements. Analytical techniques for additional pollutants not contained in Chapter 62-160 must be performed using validated analytical methods.

(5) **Sample Identification.**

(a) Proper identification of samples is essential to maintain the integrity of analytical results. Samples collected for field analysis shall be identified by recording the data directly into a field logbook. The date and time of collection shall be recorded, as well as the conditions under which the measurements were made. Samples collected for further analysis must be identified with a standard field label attached to the sample container. The following information shall be recorded on the tag and field book:

1. Industry name.
2. Field identification number.
3. Date and time of collection.
4. Designation of the sample as grab or composite.
5. Type of sample and brief description of the sampling location.

6. Signature(s) of the sampler(s).
7. Whether the sample is preserved or unpreserved.
8. Field observations.
9. Laboratory analysis to be conducted.

(b) If a sample is split with the IU, sample labels with identification information shall be attached to each sample container. All labels for field blanks or duplicate samples should be marked "blank" or "duplicate" respectively.

(c) Chain-of-custody procedures provide a method of tracing the sample from the time of collection to the sample analysis. It is essential these procedures be followed to maintain defensible sampling results.

(d) Sample custody is defined as possession of the sample. A sample is in custody if it is physically in the investigators possession, in view of the investigator or has been secured to prevent Tampering. Samples that are collected and delivered to the laboratory for analysis may have several individuals responsible for sample custody. Each sample must have an identification label and chain-of-custody record (see Section 48-304.016). All chain- of-custody records must be kept with the project file.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.008 REVIEWING INDUSTRIAL MONITORING REPORTS (IMR'S).

(1) IMR's are the basis of the Authority's Compliance and Enforcement Program. The report provides information on IU flows, analytical data on effluent for specific Discharge Limits and Pretreatment Standards, and certification by signature that all conditions of the permit have been met. IMR's are reviewed and evaluated for compliance by the Authority. A log shall be maintained for tracking of significant dates due and receipt schedule compliance, report completeness, and authorized signature. Flow data shall be evaluated for slug discharges and noncompliance of mass discharges. The Authority shall review, at least once every two years, whether each SIU needs to modify the Accidental Discharge Plan in order to control slug discharges. Accidental Discharge Plans and Procedures are detailed in Section 48-304.011.

(2) If the IU meets permit requirements, the reports shall be appropriately filed. Any discrepancy found in an IU's IMR shall require clarification and correction. A violation of the permit indicated by IMR, occurring subsequent to clarification and correction, shall prompt the Authority to initiate an enforcement action. All alleged violations shall be referred to the Director for noncompliance evaluation and noted in the IU's file. This information shall serve as a log for the compliance history of the IU and the enforcement responses of the Authority.

(3) The IU shall be subject to surcharges for noncompliance with Conventional Pollutant Limitations. Surcharges shall be calculated based on the reported discharge concentrations and shall be applied to the IU's monthly billing statement.

(4) Deleterious Discharges.

If any Industrial Wastewater is discharged or proposed to be discharged to a Wastewater System that contains substances in excess of the standard strength for Wastewater, the IU shall be subject to Sewer Surcharge Fees equal to the additional cost of receiving, transporting, and treatment of those substances. These surcharges are in addition to standard User Charges or Pretreatment and Permitting Requirements. The standard strength for Wastewater is defined as follows

Parameter	Standard Strength	Maximum Allowable
C.O.D.	500 ppm	1,000 ppm
B.O.D.	250 ppm	400 ppm
Suspended Solids (SS)	250 ppm	400 ppm
Total Fats, Oil, and Grease (TFOG)	75 ppm	150 ppm

(b) Discharges containing quantities of any of the above substances in excess of maximum allowable strength shall be subject to Pretreatment guidelines contained herein.

(c) The average concentration or strength of the Discharged Wastewater shall be determined. Samples may be taken without advance notice. Test results made and approved shall be final in fixing the applicable rate. However, the User may request in writing and secure a portion of the sample for independent laboratory testing, in which case the average of the two tests results shall be used. The sample split shall be obtained by the testing laboratory personnel with appropriate chain of custody documentation.

1. Sampling shall be a minimum of four (4) grab samples over a one (1) hour period and may extend to a twenty-four (24) hour composite series of grab samples. Frequency of sampling shall equal the frequency of meter reading for general billing of User charges and that volume of Wastewater used to calculate the volume, in pounds, of the excessive substances.
2. Unless otherwise provided, the quantity of wastewater discharged to the Wastewater System by Industrial Users shall be assumed as the same volume of potable water delivered and metered. Water obtained from sources other than those provided by the Authority shall be metered and meter readings shall be made available, or amounts of wastewater discharged may be estimated.
3. The document entitled "Standard Methods for the Examination of Water and Wastewater," dated 1998 and published by the American Public Health Association, is hereby incorporated by reference. All measurements, tests, and analyses of these characteristics shall be determined in accordance with the Standard Methods. Sampling shall be at the most accessible point downstream of the wastewater source that can be safely utilized.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.009 INSPECTIONS.

(1) **Purpose.**
Surveillance and monitoring procedures are necessary to determine, independent of information supplied by IUs, compliance with applicable Pretreatment Standards and requirements. Inspections that determine an IU to be in noncompliance shall result in enforcement action.

(2) **Frequency of Inspections.**
The Authority shall inspect each Pretreatment Facility at least once a year. A facility may be inspected at any time.

(3) **Access to Facilities and Records.**
Entry into the IU's Premises shall generally be made during the IU's working hours, unless a concern exists that physical conditions or records may be altered. The contact person shall be notified upon arrival by Authority personnel. As long as Authority personnel are allowed to enter, entry is considered voluntary and consensual. If Authority personnel are denied entry, the Authority shall obtain a probable cause inspection warrant in accordance with Chapter 933, Florida Statutes. All costs of obtaining such a warrant shall be assessed and charged to the Customer, including attorney fees. During the inspection, the Authority may collect and confirm detailed information concerning the facility, the discharge source or treatment system, and the records including, but not limited to, compliance with applicable Pretreatment Standards and requirements.

(4) **Inspection Reports.**
Immediately following an inspection, an Industrial Wastewater Facility Inspection Report (see Section 48-304.016) shall be completed by the Pretreatment Program Coordinator. If requested, a copy shall be provided to the IU.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Section 9, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.010 ENFORCEMENT.

The Authority shall use the Enforcement Response Plan (see Section 48-304.016) to determine the appropriate enforcement action for non-compliance with the provisions of this program, any applicable wastewater facilities use ordinance, or similar local government ordinance.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.011 ACCIDENTAL DISCHARGE; UPSET AND BYPASS.

(1) Accidental Discharge Plan and Procedure.

(a) Each IU shall provide and maintain at their expense protection from the accidental discharge of prohibited material, slug loads, or other substances regulated by any applicable wastewater facilities use ordinance, or similar local government ordinance. In addition, all SIU's who are required to submit an accidental discharge plan, shall be notified by return receipt letter to complete such a plan within sixty (60) calendar days of notification.

(b) No IU shall be permitted to discharge pollutants that violate the discharge standards of any applicable wastewater facilities use ordinance, or similar local government ordinance, until an accidental discharge procedure has been approved by the Authority. Detailed plans and operating procedures to provide this protection shall be submitted to the Authority for review and approval. At a minimum, the plan shall include, but is not limited to, a description of discharge practices, including non-routine batch and slug discharges, stored chemicals, containment areas, and necessary procedures to prevent accidental spills. Authority approval shall not relieve the IU from responsibility of modifying the facility, if necessary, to meet any requirements of any applicable wastewater facilities use ordinance, or similar local government ordinance. The following are required elements of an accidental discharge plan:

1. Description of discharge practices, including non-routine batch discharges.
2. Description of stored chemicals and containment areas.
3. Necessary procedures to prevent accidental spills, including:
   a. Maintenance of storage areas.
   b. Handling and transfer of materials.
   c. Loading and unloading operations
   d. Control of plant site stormwater run-off.
   e. Worker training.
   f. Building containment structures for equipment.
   g. Measures for controlling toxic Pollutants (including solvents).
   h. Procedures and equipment for emergency response.
   i. Proposed follow up practices to limit damage to the environment or the Authority's equipment.

(2) **Upset.**

An Upset means an incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof. If unintentional and temporary noncompliance with Pretreatment Standards occurs because of factors beyond the reasonable control of the IU, the IU must demonstrate, with relevant evidence, that:

(a) The IU has identified the cause of the Upset; and,

(b) The IU's facility was being properly operated; and,

(c) The IU properly notified the Authority of the Upset in accordance with the procedures set forth below.

(3) **Bypass.**

An IU may allow a Bypass to occur which does not cause a violation of the Pretreatment Standards or requirements but only if it is for essential maintenance of the Pretreatment Facility to assure efficient operation. If an IU knows in advance of the need for a Bypass, a notice to the Authority at least ten (10) calendar days before the date of the Bypass shall be submitted. A Bypass that exceeds applicable Pretreatment Standards is prohibited, and the Authority shall take enforcement action against an IU for a Bypass, unless:

(a) The Bypass was unavoidable to prevent loss of life, personal injury or severe property damage as defined in Rule 62-625.200, F.A.C.; and

(b) There were no technically feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(c) The IU properly notifies the Authority of the Bypass in accordance with the procedures set forth below.

(4) **Notification of Accidental Discharge, Upset or Bypass.**

(a) Immediate Notification. In the event of an Accidental Discharge, Upset or Bypass, the IU shall take the necessary measures to stop, limit, or control the discharge. The IU shall immediately notify the Authority's Communication Section at (305) 296-2454 of the incident. The notification shall include:

1. Name and phone number of IU;
2. Address of the Discharge;
3. Type of Discharge;
4. Concentration of Pollutants in the Discharge;
5. Volume of Discharge; and
6. Corrective measures taken.

(b) Written Notification. Within five (5) calendar days of the Accidental Discharge, Upset or Bypass, the IU shall submit a written report to the Director. The report shall include, but is not limited to:

1. Name and address of IU;
2. Type of Discharge;
3. Concentrations;
4. Volume;
5. Cause of the event;
6. Duration of the event;
7. Corrective measures taken; and
8. Measures to be employed to prevent future incidents.

(c) In the event further information is requested, the discharger shall provide such information within forty-eight (48) hours of the request.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Section 6, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.012 SIGNIFICANT INDUSTRIAL USER LISTING.

(1) The Authority shall maintain and regularly update a listing of all SIU's. This listing shall include, but is not limited to, the following information:

(a) Name;
(b) Location;
(c) Customer account number;
(d) Waste characterization;
(e) Effluent limits;
(f) Discharge rates;
(g) Permit status;
(h) Compliance dates and other special requirements;
(i) Industrial category; and
(j) Significant process and Discharge changes.

(2) Information collected through the ongoing sampling and inspection activities by the Authority, as well as information on changes reported by the IU shall be reviewed and promptly incorporated.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.013 NOTIFICATION OF APPLICABLE STANDARDS AND REQUIREMENTS.

The Authority shall notify SIU's of applicable federal, state and local pretreatment requirements. The Authority will stay informed of regulatory changes and provide SIU's with timely and effective notification of all applicable changes to pretreatment requirements.

(1) Two methods that the Authority shall use to notify SIU's of applicable regulations are:

(a) Mailing notifications to affected SIU's by certified mail with return-receipt requested;

(b) Timely amendments to the permits. Such amendments, acknowledged by signature of company official, ensure that the SIU is aware of new regulations and significant regulatory modifications.

(2) If the Authority updates the local discharge limits, public notification will be provided in the local newspaper so that both the IU and the general public may respond. If specific questions concerning implementation of new regulations and regulatory modifications arise, the Authority shall contract the approval authority (DEP) to ensure that correct interpretations are made. If a category determination request needs to be made, procedures specified in Rule 62-625.410(2), F.A.C. must be followed.

(3) However, the failure of the Authority to provide any notice shall not relieve any IU of the Obligation to abide by any applicable pretreatment requirements.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.014 RECORDS MANAGEMENT.

(1) The Authority maintains a records management system through the use of both a conventional filing system and a computerized records system. All records of Pretreatment Program activities are maintained for a minimum of three (3) years.

(2) The records management system contains a copy of the permit, monitoring reports, results of sampling surveys and inspections, monitoring and compliance schedules and other pertinent permit data regarding the IU.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.015 ANNUAL REPORTING OF PRETREATMENT PROGRAM.

The Authority shall report at least annually to DEP on the status of the Pretreatment Program. Specific reporting requirements are established in the DEP General Operating Permit. The annual Pretreatment report information may include, but is not limited to:

(1) Summary of treatment plant monitoring efforts (influent, effluent and Sludge);
(2) Updated SIU listing;
(3) Summary of permitting efforts;
(4) Inspection and monitoring efforts;
(5) Reporting frequency of Industrial Users;
(6) Summary of compliance status;
(7) Description of each Significant Industrial User;
(8) Changes in Discharge rates or characteristics of Pollutants;
(9) Identification of new Pollutants;
(10) List of Industrial Users in Noncompliance and Significant Noncompliance;
(11) List of interference/Upset/pass-through;
(12) Permit violations;
(13) Notification efforts;
(14) Summary of Enforcement actions (violation dates, Enforcement responses, compliance dates);
(15) Evaluation of program effectiveness, local limits, resources, and program changes; and
(16) Summary of public participation efforts.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-304.016 FORMS AND APPLICATIONS.

(1) The following specimen forms and applications relate to the subject matter of this Chapter. They are hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003):

(a) Wastewater Discharge Survey (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater Discharge Survey"), form WW-011, in effect at the time of rule adoption on July 19, 2001.

(b) Application For Industrial Wastewater Discharge Permit (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Application for Industrial Wastewater Discharge Permit"), form WW-012, in effect at the time of rule adoption on July 19, 2001.

(c) Industrial Wastewater Discharge Permit Transmittal Letter (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit Transmittal Letter"), form WW-013, in effect at the time of rule adoption on July 19, 2001.

(d) Industrial Wastewater Discharge Permit (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Wastewater Discharge Permit"), form WW-014, in effect at the time of rule adoption on July 19, 2001.

(e) Industrial Monitoring Report (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Industrial Monitoring Report"), form WW-015, in effect at the time of rule adoption on July 19, 2001.

(f) Sample Identification (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Sample Indemnification Form"), form WW-016, in effect at the time of rule adoption on July 19, 2001.

(g) Chain Of Custody Record (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Wastewater, Chain of Custody Record"), form WW-017, in effect at the time of rule adoption on July 19, 2001.

(h) Industrial Wastewater Facility Inspection Report (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Industrial Wastewater Facility Inspection Report"), form WW-018, in effect at the time of rule adoption on July 19, 2001.

(i) Notice Of Violation (also referred to in the Authority's Referenced Documents Notebook as "Pretreatment Program Forms – Notice of Violation"), form WW-019, in effect at the time of rule adoption on July 19, 2001.

(j) Enforcement Response Plan in effect at time of rule adoption on July 19, 2001.

(2) A complete list of all documents, forms, and applications referred to in these rules can be found in Section 48-101.003.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-305
ALTERNATIVE WASTEWATER FACILITIES

48-305.001 POLICY AND PURPOSE.
48-305.002 APPLICATION AND SCOPE.
48-305.003 APPROVAL REQUIRED; CONDITIONS FOR APPROVAL.
48-305.004 EXEMPTIONS.
48-305.005 CONTENT OF APPLICATION FOR APPROVAL OF ALTERNATIVE WASTEWATER FACILITIES.
48-305.006 AGREEMENTS FOR USE OF ALTERNATIVE WASTEWATER FACILITIES.

48-305.001 POLICY AND PURPOSE.

(1) The Authority has the primary responsibility for providing Wastewater Service to the unincorporated areas of Monroe County and designated incorporated municipalities, including the authority to regulate all new Wastewater Facilities and expansions to existing Wastewater Facilities within its boundaries.

(2) The rules in this Chapter implement the Authority's jurisdiction over the use of Alternative Wastewater Facilities within its boundaries.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-305.002 APPLICATION AND SCOPE.

These rules shall apply to all Alternative Wastewater Facilities that may hereafter be constructed and operated within the Service Area of the Authority. They are intended to define and promote good utility practices, adequate service to the public, and to establish the rights and responsibilities of the Authority and the rights and obligations of new and existing Alternative Wastewater Service providers to ensure adequate Wastewater Service for the Florida Keys and its citizens.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-305.003 APPROVAL REQUIRED; CONDITIONS FOR APPROVAL.

(1) Unless expressly exempt by law or Authority rule, prior approval for the use, construction, installation, or operation of new or expanded Alternative Wastewater Facilities must be obtained from the Authority. The Authority shall require and enforce the use of its own Wastewater Facilities whenever and wherever they are accessible. For purposes of this rule only, the Authority's facilities are considered accessible in its Service Area except as limited herein.

(2) To obtain approval to construct, install, or operate any new or expanded Alternative Wastewater Facilities, an applicant must demonstrate that Wastewater Service from the Authority is unavailable due to:

(a) Restrictions contained in the Authority's rules;

(b) Restrictions contained within applicable bond covenants or other agreements applicable to the Authority;

(c) Remoteness from existing or proposed Wastewater Facilities, or land use restrictions or health considerations which make it impracticable to require and enforce the use of the Authority's facilities, provided that the applicant shall agree and shall be required to discontinue using its Alternative Wastewater Facilities at any future date that Authority Wastewater Service becomes available to the area;

(d) Unique or unusual physical limitations of the Authority's collection, transmission, treatment, and disposal capacity. The term "Authority's collection, transmission, treatment, and disposal capacity" shall mean the Authority's Wastewater Facilities consisting of gravity collection mains, vacuum collection mains, pumping stations, Force Mains, and treatment plants; physical limitations of the Authority's Wastewater Facilities shall not be a basis for approval of Alternative Wastewater Facilities unless so authorized by the Board; and, any such authorization shall be based on a determination that the applicant's project is located in an area to which the Board has determined not to provide service.

(3) The proposed Alternative Wastewater Facilities must provide adequate and sufficient service to the projected territory or development.

(4) The Authority shall not authorize the use of Alternative Wastewater Facilities if such authorization or use will conflict with or violate the terms of any agreements or bond covenants binding the Authority. Prior to the issuance of any permit, it shall be the responsibility of the Authority to make any such determination based on its determinations and interpretations of the language of applicable agreements or bond covenants binding the Authority.

(5) The Authority shall render an Agency Decision either granting or denying the permit.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-305.004 EXEMPTIONS.

Wastewater Facilities strictly for Domestic Service installed in and used by an individual Owner residing in a single-family dwelling or duplex residence shall be exempted by the Authority from this rule.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-305.005 CONTENT OF APPLICATION FOR APPROVAL OF ALTERNATIVE WASTEWATER FACILITIES.

(1) The Application for Approval for the Construction, Installation and Use of Alternative Wastewater Facilities is hereby incorporated by reference and available at the Authority's main office (see Section 48-101.003). The application shall be in substantially the form specified in subsection (3) below. The application shall be submitted with a minimum of four complete copies.

(2) Each application shall be subscribed and sworn to before a notary public or other officer authorized to administer oaths by the Owner or an authorized representative of the legal entity making application.

(3) Each application shall specify therein, or show by exhibit attached thereto, the following:

(a) Full and accurate name and address of the applicant;

(b) Character of the organization (e.g., corporation, partnership, individual proprietorship, association);

(c) Names and addresses of any officers and directors and names and addresses of any persons owning an interest of five percent (5%) or more in any entity;

(d) Legal description of the territory to be served, using metes and bounds with township, range, and section references, prepared by a licensed land surveyor;

(e) A boundary drawing of the property;

(f) Plat map;

(g) Copies of required development approvals and permits from federal, state, and local regulatory agencies;

(h) The present zoning classification of the property to be served;

(i) The intended land use of the property to be served, including densities, types, etc.;

(j) Statement of the nature of title or interest held by the applicant in the described property;

(k) A description of the proposed development and the estimated date service will commence;

(l) An estimate of average day, maximum day, and peak hour wastewater flows for the proposed project;

(m) Justifications for the use of Alternative Wastewater Facilities rather than the Authority's system;

(n) Proposed annual budget plan for the Alternative Wastewater Facilities showing sources of funding and operating budget, which must provide reasonable assurances that proposed financing and operations will ensure adequate funds to construct, maintain, and operate the Alternative Wastewater Facilities; projected Wastewater Rates to system consumers and operating plans to ensure continuity of service under current and future Owners of the Alternative Wastewater Facilities must be included;

(o) A statement of facts showing that the Alternative Wastewater Facilities are in the public interest, including a summary of the applicant's experience in Wastewater utility management and operation;

(p) Construction plans and engineering specifications for the Alternative Wastewater Facilities, including:

1. Preliminary design plans and technical specifications for the collection, transmission, treatment and disposal systems. The Alternative Wastewater Facilities shall be conform to the Authority's Minimum Design and Construction Standard and Specifications for Wastewater Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards - Wastewater"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-303.007).
2. A detailed description of the physical, chemical and biological Wastewater Treatment processes;
3. A detailed description of the processes for the conditioning, treatment, storage, and handling of residual solids.
4. The expected operating life of the Alternative Wastewater Facilities and its major components;
5. A description of the maintainability and reliability of the facilities, including the level of technical expertise required for operation and maintenance of the facilities;
6. A description of back-up facilities to ensure continuity of operation during system failures;
7. A detailed summary of how the effluent discharge from the Alternative Wastewater Facilities will conform with the requirements of the Florida Department of Environmental Protection
8. A detailed description of how the applicant will comply with all of the conditions set forth in Chapter 62, F.A.C.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-305.006 AGREEMENTS FOR USE OF ALTERNATIVE WASTEWATER FACILITIES.

(1) Upon approval by the Authority of the preliminary plans and specifications for the proposed Alternative Wastewater Facilities, the Board shall authorize the Authority to enter into an agreement or contract with the applicant regarding the construction and use of the Alternative Wastewater Facilities.

(2) The agreement shall at a minimum provide for:

(a) Approval by the Authority of the final construction plans and specifications for the proposed Alternative Wastewater Facilities.

(b) The right, but not the duty, of the Authority to conduct periodic inspections during construction of the Alternative Wastewater Facilities to ensure conformance with the approved plans and specifications.

(c) The right, but not the duty of the Authority to inspect and verify that the Alternative Wastewater Facilities meet the approved design parameters.

(d) Submission of a complete set of "as-built" drawings for the Alternative Wastewater Facilities to the Authority.
(e) Execution of a covenant, binding all subsequent Owners or Users of such Alternative Wastewater Facilities, requiring utilization of and conversion to use the Authority's Wastewater Facilities if and when the Authority's Service becomes available, and compliance with applicable rules and regulations of the Authority.
(f) The right to conduct periodic monitoring by the Authority of the quality of maintenance and operation being provided to the Alternative Wastewater Facilities.
(g) Execution of a performance bond for a term of ten (10) years in a total amount equal to the total estimated cost for maintenance and operation of the Alternative Wastewater Facilities for such ten (10) year period to ensure compliance with the terms of such agreement.
(h) For new Alternative Wastewater Facilities, requirements that the applicant commence construction no later than one (1) year from the effective date of the agreement and that the Service Area of the proposed system not be expanded without prior written approval from the Authority.
(i) For an expansion of existing Alternative Wastewater Facilities, requirements that the applicant commence construction no later than one (1) year from the effective date of the agreement and that the Service Area of the system not be further expanded without prior written approval from the Authority.
(j) Submission of an annual report to the Authority setting forth such information concerning operation of the facility as the Authority may reasonably require. Such other reasonable conditions as the Board deems necessary to assure that the utilization, construction, installation, operation, or maintenance of Alternative Wastewater Facilities will be consistent with the overall objectives of the Authority, and will not be harmful to the water resources and environment of the Florida Keys.
(k) The payment of reasonable fees to cover the Authority's cost of processing, consummating, and initially administering the agreement; such cost shall not be estimated to be less than $2,500.

(3) Notwithstanding any of the requirements of this Section, the Alternative Wastewater Facilities shall be designed, constructed, operated, maintained and monitored in full compliance with Chapters 62-550 and 62-555, F.A.C.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 8, 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-307
WASTEWATER FEES AND CHARGES

48-307.001 GENERAL.
48-307.002 PLAN REVIEW FEE.
48-307.003 CONSTRUCTION INSPECTION FEE.
48-307.004 SYSTEM DEVELOPMENT CHARGE.
48-307.005 TAPPING FEES.
48-307.006 SERVICE INSTALLATION FEES.
48-307.007 GUARANTEED PAYMENT DEPOSIT.
48-307.008 MONTHLY CUSTOMER FEES.
48-307.009 PRETREATMENT FEES.
48-307.010 MISCELLANEOUS FEES.
48-307.011 WASTEWATER PROJECT PLANNING RECOVERY CHARGE
48-307.012 RESERVED FOR FUTURE RENUMBERING
48-307.013 RESERVED FOR FUTURE RENUMBERING
48-307.014 RESERVED FOR FUTURE RENUMBERING
48-307.015 RESERVED FOR FUTURE RENUMBERING
48-307.016 RESERVED FOR FUTURE RENUMBERING
48-307.017 RESERVED FOR FUTURE RENUMBERING
48-307.018 RESERVED FOR FUTURE RENUMBERING
48-307.019 RESERVED FOR FUTURE RENUMBERING
48-307.020 LITTLE VENICE WASTEWATER NON AD VALOREM ASSESSMENT
48-307.021 MARATHON CENTRAL WASTEWATER NON AD VALOREM ASSESSMENT

48-307.001 GENERAL.

Rates, fees and charges for Wastewater Services provided by the Authority shall be established by rule. Rates, fees and charges delineated in these rules may be modified from time to time by subsequent rule.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.002 PLAN REVIEW FEE.

(1) The Authority shall charge a Plan Review Fee for recovery of direct and allocated costs incurred by the Authority in connection with the review of plans and specifications to verify compliance with the minimum design standards for Wastewater Facilities proposed to be installed by the Owner/Developer.

(2) The Plan Review Fee will vary with the size and type of project, is payable at the time of plan submission for Wastewater projects, and is as follows:

(a) Residential: $25.00 per Dwelling Unit with a $250.00 minimum.

(b) Non-residential: $25.00 per EDU with a $250.00 minimum.

Adopted: 12/19/02; Effective: 01/01/03

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.003 CONSTRUCTION INSPECTION FEE.

(1) The Authority shall charge a Construction Inspection Fee for recovery of direct and allocated costs incurred by the Authority in connection with inspection of the Wastewater Facilities construction performed by the Owner's/Developer's contractor to confirm compliance with the minimum construction standards.

(2) The Construction Inspection Fee will vary based on the total estimated construction cost of the Wastewater Facilities as provided by the Owner/Developer and approved by the Authority.

(3) The Construction Inspection Fee is two percent (2%) of the total estimated Wastewater Facilities construction cost as provided by the Owner/Developer and approved by the Authority, with a $100.00 minimum for residential and non-residential projects. This fee is due prior to the pre-construction conference.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.004 SYSTEM DEVELOPMENT CHARGE.

(1) The System Development Charge (SDC) is charged to new Customers and existing Customers who modify, add or construct facilities that impose a potential increase in Wastewater flow to the system. This fee is charged to equitably offset the direct and indirect costs of capital improvements made necessary by actual and expected utilization of the capacity of the Wastewater Facilities.

(2) In adopting this rule the Authority has ascertained, determined and declared that:
(a) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities such as Water and Sewer Systems.
(b) The Authority has the authority to plan for and provide Water and Sewer Systems within the Florida Keys.
(c) Future demand represented by Sewer System Impact Development should contribute its fair share to the cost of improvements and additions to the Authority's Wastewater Facilities which are required to accommodate the use of the Authority's Wastewater Facilities by such demand.
(d) Implementation of a System Development Charge to require Sewer System Impact Development to contribute its fair share of the cost of improvements and additions to the Authority's Wastewater Facilities is an integral and vital element of the regulatory plan of growth management incorporated into the comprehensive plan of the underlying local governments.

(e) Capital planning is an evolving process and the level of service identified in each applicable comprehensive plan for the Authority's Wastewater Facilities constitutes a projection of anticipated need for Wastewater Treatment and Transmission Facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, and the dynamic nature of population growth, it is the intent of the Authority that the level of service for the Authority's Wastewater Facilities and System Development Charge imposed be reviewed and adjusted periodically, to insure that the System Development Charges are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition. The terms "growth," "growth necessitated improvements," "future growth" and the like shall refer, and be construed as referring to Sewer System Impact Development either occurring or connecting, either directly or indirectly, to the Authority's Wastewater Facilities.

(f) The imposition of a System Development Charge is to provide a source of revenue to fund the construction and improvement of the Authority's Wastewater Facilities either necessitated by the growth or as delineated in the capital improvement element of the applicable comprehensive plan.

(g) The presence of the Authority's Wastewater Facilities enhances and benefits the health, safety and general welfare of all properties within the Authority's Service Area. The Authority specifically finds that the development of Authority Wastewater Facilities enhances and benefits the health, safety and general welfare of the residents and landowners within the Florida Keys.

(3) All Sewer System Impact Development occurring within the Florida Keys and required to connect to the Authority's Wastewater Facilities shall pay a SDC. The SDC shall be based on the total number of EDU's to be served at a property.

(4) The SDC is in addition to any amounts expended by the Customer for the installation of Wastewater Facilities improvements and for other fees or charges required by the Authority.

(5) Prior to the issuance of a Building Permit, all Customers or Owners, as the case may be, shall pay the applicable SDC.

(6) The Authority will enter into agreements to extend payment of System Development Charges over a period not to exceed twenty (20) years with Owners of existing buildings, structures or applicable improvements which are required to connect to the Authority's Wastewater Facilities provided that funds are available to the Authority for the construction of the improvements to be funded from the System Development Charges without the necessity of borrowing and without impairing or delaying other Authority projects. Prior to the Authority entering into any agreements to extend payment and from time to time thereafter the Board shall identify a specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses or costs incidental to obtaining or providing same and, the interest rate that the Authority would forego or otherwise be subject to.

(a) The amount of payment, including any title verification expenses, recording fees, and reasonable estimation of the cost and expense associated with providing an extended

payment alternative, shall be paid in equal monthly payments with an annual interest rate two percent (2%) above the Authority's Cost of Funds. The interest rate charged is representative of the Authority's Cost of Funds, adjusted to defray overhead, administration costs and estimated expenses or costs incidental to obtaining or providing financing.

(b) For an agreement, or an aggregation of related agreements, to extend payment of System Development Charges with a face amount in excess of $15,000 the Authority may require the procedure and documentation for extending payments to substantially and reasonably conform to generally accepted and reasonably applicable commercial lending practices, including but not limited to the requirement for acceptable personal guarantees from one or all of the Owners or individuals owning a beneficial interest in an entity Owner. At its sole option the Authority may contract with an outside counsel or a servicing agent to prepare such documentation and to advise the Authority relative to conformance with generally accepted commercial lending practices and the cost of same shall be borne by the Owner.

(7) In recognition that the payment of the System Development Charge for existing mobile home parks or rental housing will in some manner be passed through to the occupants by the Owner, and in recognition that if such pro-rata SDC pass-through is collected as one single payment by the Owner that such a pass-through may cause financial hardship on these occupants, the Board may require the Owner to covenant and agree, for the benefit of all affected occupants, to pass through entirely and on the same terms all the benefits of any extended payment of the SDC to the affected occupants.

(8) The obligation for payment of the System Development Charge and the benefits derived therefrom shall run with the land.

(9) The SDC is not refundable except:

(a) In the event that a valid Building Permit for which a System Development Charge has been paid, expires prior to the initiation of the construction for which it was issued, the applicant may within ninety (90) days of the expiration of the Building Permit apply for a refund of the System Development Charge.

(b) The application for a refund of the System Development Charge shall be filed with the Authority and contain the following:

1. A sworn statement representing that the information contained on the application for refund is true and correct.
2. The name and address of the applicant.
3. The location of the property which was the subject of the Building Permit.
4. The date the System Development Charge was paid.
5. A copy of the receipt of payment for the System Development Charge or such other record as would indicate payment of such fee.
6. The date the Building Permit was issued and the date of expiration.

(c) After verifying that the Building Permit has expired and that the construction has not commenced under the subject Building Permit, the Authority shall cause a refund of the System Development Charge.

(11) The Authority reserves the right through an Agency Decision to refuse to establish service or to discontinue service to a property for non-payment of applicable SDC.

(12) The right to Wastewater Service, as applicable to the SDC, is assigned to the property served and is not transferable except as provided herein:

(a) Where the premises served have been demolished, the Owner shall be entitled to transfer the SDC credits to new premises that replace the demolished Premises on the same property or on a contiguous property under the same ownership.

(b) Federal, state and local governmental entities exempt by statute from System Development Charges shall be exempt from the SDC that would be applicable but for such exemption. However, if such Premises shall be occupied by any person, organization or entity other than the one to which the exemption applies, or if the Premises shall be used for purposes unrelated to the principal uses and purposes of the exempt entity, such person, organization, or entity shall be required to pay any applicable SDC. If such occupant other than the Owner or entity does not pay said fees then the Owner to whom the exemption was granted may be required to pay the fees.

(13) An EDU data determination worksheet approved by the Director shall be available for calculation of the SDC applicable to a property.

(14) In the event an applicant or Owner believes that the impact to the Authority's Wastewater Facilities necessitated by their Sewer System Impact Development is less than the System Development Charge established for and applicable to their property, such applicant or Owner may submit a calculation of an alternative system development charge to the Director pursuant to the following provisions:

(a) In the case of new construction, any right to submit an alternative system development charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if not properly and timely made prior to the issuance of a Building Permit.

(b) In the case of existing buildings, structures or applicable improvements which are required to connect to the Authority's Wastewater Facilities, any right to submit an alternative system development charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if within thirty (30) calendar days from the effective date of service of a written notice that System Development Charges are due and payable, the Owner does not notify the Director in writing of his intention to submit an alternative system development charge calculation. Any Owner who, under such circumstances, properly notifies the Director of his intention to submit an alternative system development charge calculation shall submit the alternative system development charge calculation and alternative system development charge within one hundred and twenty (120) days of service of the foregoing written notice that system development charges are due and payable, or any right to submit an alternative system development charge shall be deemed to have been waived, expired and such calculation shall not be considered by the Authority.

(c) Upon timely submission of an alternative system development charge calculation, the basis therefore and receipt of the alternative system development charge, the Director

shall schedule a hearing before the Board at a regularly scheduled meeting or a special meeting called for the purpose of reviewing the alternative system development charge and shall provide the petitioner written notice of Agency Decision. Such hearing shall be held within thirty (30) days of the date the alternative system development charge was submitted. The Board shall render an Agency Decision based upon the hearing.

(d) The alternative system development charge calculation shall be based on data, information or assumptions contained in current studies and the master plans adopted by the Authority, as amended from time to time, or an alternative system development charge study based upon an independent source, provided that the independent source is a local study supported by a data base adequate for the conclusions contained in such study, performed according to a generally accepted methodology and based upon generally accepted standard sources of information relating to facilities planning, cost analysis and demographics. The independent source must provide competent substantial evidence that the alternative system development charge represents an equitable pro rata share of the cost of capital improvements and additions to the Authority's Wastewater Facilities necessitated by the subject Sewer System Impact Development.

(e) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the alternative system development charge complies with the requirements provided herein and that the alternative system development charge was calculated by the use of a generally accepted methodology, then the Alternative System Development Charge shall be paid in lieu of the System Development Charge otherwise required by this rule.

(f) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge does not comply with the requirements provided herein or is otherwise not equitable or that the Alternative System Development Charge was not calculated by the use of a generally accepted methodology, then the Director shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the Alternative System Development Charge and the reason therefore.

(g) At the sole discretion of the Board, the Alternative System Development Charge review hearing may be adjourned or continued for up to thirty (30) days to cause further study or scrutiny of any proposed alternative system development charge or Alternative System Development Charge study by either Authority staff or outside consultants. The final decision of the Board shall be in writing and issued within twenty (20) calendar days of the review hearing.

(h) Any applicant or Owner who has submitted a proposed Alternative System Development Charge in conformance with this rule and desires the immediate issuance of a Building Permit shall pay prior to or at the time the proposed Alternative System Development Charge is submitted the applicable System Development Charge otherwise required by this rule. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any right of review. Any difference between the amount paid and the amount due, as determined by the Board in an Agency Decision shall be refunded to the applicant or Owner.

(15) The following shall be exempted from payment of System Development Charges:

(a) Alterations or expansion of an existing building, structure or improvement where no additional demand on either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities are or will be created.
(b) The construction of accessory buildings, structures or improvements which will not create an additional demand or either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities.
(c) The replacement of an existing building, structure or improvement which has previously been subjected to a System Development Charge payable to the Authority where no additional demand is or will be created on either the Authority's Wastewater Facilities or any interim treatment system.
(d) Buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by a utility service provider other than the Authority, provided that at the time the Authority formally resolves to acquire the utility, the Board, in good faith, expressly declares its intention to operate said utility as a component of the Authority's Wastewater Facilities and not immediately dismantle and disconnect from the acquired utility's treatment facilities.
(e) Absent an express written agreement or site specific land development regulation to the contrary, buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by another local governmental Wastewater Provider where the Authority or other governmental provider has reconfigured Service and/or Service Areas.

(16) System Development Charges shall be imposed and calculated for the alteration, expansion or replacement of Sewer System Impact Development which will result in a land use determined to create an additional demand on either the Authority's Wastewater Facilities or any interim or Alternative Wastewater Facilities.

(17) Whenever any person applies for a Building Permit to alter, expand or replace a building, structure or applicable improvement of Sewer System Impact Development land, even though the subject lands may receive interim service from a source other than the Authority, the System Development Charge imposed shall be calculated on the entirety of the lands subject to the Building Permit. Where the alteration, expansion or replacement occurs on lands for which a System Development Charge has already been paid, the System Development Charge imposed shall be only upon the additional demand created by the alteration, expansion or replacement.

(18) No refund or credit shall be afforded an Owner or applicant in the event of a diminution of use occurs after the System Development Charge already paid has been expended or encumbered. For the purposes of this provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the first charge out.

(19) System Development Charges are to be determined for each Wastewater district service area. In calculating or determining the number of EDUs attributable to a parcel, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of

property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. A minimum of one (1) EDU shall be assigned each water meter serving a parcel, whether or not there is more than one water meter serving the parcel. For residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(20) **Little Venice Wastewater System Development Charges.**

(a) The Little Venice Wastewater District Service Area is described as bounded by US Highway 1 on the northwest and by the Atlantic Ocean on the southeast from Vaca Cut to 95th Street along the western side of the Marathon Airport and is further defined to include a geographical area herein described as beginning at the point of intersection of the north right-of-way line of U.S. Highway #1 with the southeast corner of the Marathon Airport, then commencing northerly along the easterly border of the Marathon Airport to the intersection of the South right-of-way line of 6th Avenue (Airport Boulevard), then commencing northerly to the intersection of the north right-of-way line of 6th Avenue (Airport Boulevard) and the southwest corner of the plat of Stirrup Key Bight (as recorded P.B. 3, pg. 168 of the public records of Monroe County, Florida), then continuing northerly along the west line of the plat of Stirrup Key Bight to the shoreline of Florida Bay, then easterly following the shoreline of Florida Bay to the intersection of the east right-of-way line of 113th (Margaret Avenue) and Florida Bay, then southerly along the east right-of-way line of 113th (Margaret Avenue) to the intersection of 1st (Chester Street), then westerly along 1st Street (Chester Street) to the intersection of Key Colony Drive, then southerly along Key Colony Drive to the intersection of the north right-of-way line of U.S. Highway #1, then westerly along the north right-of-way line of U.S. Highway #1 to the intersection of the west right-of-way line of 107th (Industrial Avenue), then continuing westerly along the north right-of-way line of U.S. Highway #1 a distance of approximately 60 feet to the point of being herein described.

(b) The System Development Charge for the Little Venice Wastewater District Service Area shall be determined per EDU; and shall be $4,700.00 per calculated EDU. Provided, however, each User or Customer shall also be responsible for any additional capital costs in excess of $4,700.00 per EDU necessary to provide Wastewater Facilities within the Little Venice wastewater district service area. In calculating or determining the number of EDUs attributable to a parcel, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of property to which the Property Appraiser has

assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. A minimum of one (1) EDU shall be assigned each water meter serving a parcel, whether or not there is more than one water meter serving the parcel. For residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(c) The initial collection of System Development Charges for the Little Venice Wastewater District Service Area are expected to occur through the imposition of a non ad-valorem assessment. The amount of the actual costs of providing Wastewater capital improvements exceeding $4,700.00 per EDU within the Little Venice Wastewater District Service Area, will be imposed as an additional charge by the Authority to recover such additional capital costs on each User's or Customers monthly service bill; said charge shall be in addition to the foregoing non ad-valorem assessment.

(d) Upon completion of the Wastewater System Facilities serving the Little Venice Wastewater District Service Area, the System Development Charge shall include an amount equivalent to the non ad-valorem assessment and the additional costs of providing Wastewater capital improvements which exceed $4,700.00 per EDU. Any additional capital costs in excess of $4,700.00 per EDU necessary to provide Wastewater Facilities in the Little Venice Wastewater District Service Area shall be determined by subsequent rule and will be collected on each User's or Customer's monthly service bill.

(21) Marathon Central Wastewater System Development Charges.

(a) The Marathon Central Wastewater District Service Area is described as the geographic boundaries of the City of Marathon.

(b) The System Development Charges for the Marathon Central Wastewater District Service Area shall be determined per EDU; and per calculated EDU shall be (i) $5,000.00 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants necessary to provide Wastewater Facilities within the Marathon Central wastewater district service area. In calculating or determining the number of EDUs attributable to a parcel, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. A minimum of one (1) EDU shall be assigned each water meter serving a parcel, whether or not there is more than one water meter serving the parcel. For

residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(c) The initial collection of System Development Charges for the Marathon Central Wastewater District Service Area are expected to occur through the imposition of a non ad-valorem assessment. The amount of the actual costs of providing Wastewater capital improvements exceeding (i) $5,000 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants within the Marathon Central Wastewater District Service Area, will be imposed as an additional charge by the Authority to recover such additional capital costs on each User's or Customers monthly service bill; said charge shall be in addition to the foregoing non ad-valorem assessment.

(d) Upon completion of the Wastewater System Facilities serving the Marathon Central Wastewater District Service Area, the System Development Charge shall include an amount equivalent to the non ad-valorem assessment and the additional costs of providing Wastewater capital improvements which exceed (i) $5,000 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants. Any additional capital costs in excess of (i) $5,000 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants necessary to provide Wastewater facilities in the Marathon Central Wastewater District Service Area shall be determined by subsequent rule and will be collected on each User's or Customer's monthly service bill.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 163.01, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 163.01, FS. History – New.

48-307.005 TAPPING FEES.

(1) The Authority shall charge a Tapping Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Wastewater Facilities.

(2) The Tapping Fee will vary with the size and type of connection performed (i.e., Force Main connection or vacuum main connection).

(3) The Tapping Fee shall be charged for each size and type of connection on an "At Cost" basis. The Tapping Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.006 SERVICE INSTALLATION FEES.

(1) The Authority shall charge a Service Installation Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Wastewater Facilities.

(2) The Service Installation Fee will vary with the size and type of connection performed (i.e., gravity main, vacuum main, or Building Service Lateral).

(3) The Service Installation Fee shall be charged for each size and type of gravity connection on an "At Cost" basis. The Service Installation Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.007 GUARANTEED PAYMENT DEPOSIT. [RESERVED]

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.008 MONTHLY CUSTOMER FEES. [RESERVED]
(To be determined for each Wastewater district service area.)

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.009 PRETREATMENT FEES.

(1) **Annual Industrial Wastewater Discharge Permit (IWDP) Fee:**
(a) The IWDP Fee is an annual permitting fee to be assessed against Industrial Users of the Wastewater System.

(b) Such permit fee is for the recovery of estimated direct and allocated costs incurred by the Authority in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.

(c) The amounts of the IWDP Fees are as follows:

1. Significant Industrial Users (SIU's) will be billed $210.00 on an annual basis for an Industrial Wastewater Discharge Permit Fee.
2. Other Industrial Users (IU's) requiring an Industrial Wastewater Discharge Fee will be billed $210.00 on an annual basis.

(2) **Oil/Grease Interceptor (OGI) Fee:**

(a) The OGI Fee is an additional service charge to be assessed against Customers whose premises use an oil/water separator or an Oil/Grease Interceptor (i.e., grease trap).

(b) The surcharge is for the recovery of estimated, direct and allocated costs incurred by the Authority in connection with its Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.

(c) All properties having an OGI will be billed $210.00 per OGI on an annual basis.

(3) **Monthly Industrial Waste Surcharge (IWS):**

(a) The IWS is an additional Service Charge assessed against Industrial Users of the Wastewater System whose Wastewater characteristics exceed established discharge Limits.

(b) The Surcharge is for the recovery of estimated, direct and allocated costs incurred by the Authority in connection with its Wastewater Pretreatment Program, including but not limited to administration, inspection, compliance sampling, laboratory testing, and regulatory monitoring activities.

(c) The IWS shall be assessed monthly and based on the formula below which takes into consideration the extent to which the discharge concentration of specific Conventional Pollutants exceeds established Pretreatment Discharge Standards.

(d) The IWS shall be billed and paid for IU's exceeding Discharge Standards for Conventional Pollutants as calculated below, subject to a minimum variance from established Pretreatment Discharge Standards of twenty percent (20%).

The formula for calculating the IWS in dollars per month is:

$$IWS = 8.34 * V * [\$0.45 * (BOD - 400) + \$0.18 * Y * (SS - 400) + \$1.46 * Z * (OG - 150)]$$

8.34 = Conversion factor of 1 milligram per liter (mg/l) = 8.345 lbs/million gallons

V = Volume in million gallons per month based on metered water

BOD = Biochemical Oxygen Demand of industrial waste (5 days @ 20° Celsius, in mg/l)

SS = Suspended Solids of industrial waste in mg/l

OG = Oil and Grease in mg/l

X = Capital and operating costs per mg/l per million gallons for BOD greater than 400 mg/l

Y = Capital and operating costs per mg/l per million gallons of Suspended Solids greater than 400 mg/l

Z = Capital and operating costs per mg/l per million gallons of oil or grease greater than 150 mg/l

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History – New.

48-307.010 MISCELLANEOUS FEES.

(1) Relocation of Vacuum Valve Chamber or Accessories. Relocation or change in elevation of the Vacuum Valve Chamber or accessories when requested by the Customer or when required by the actions of the Customer shall be "At Cost."

(2) **Returned Check/Bank Draft Charge.**

Returned Check/Bank Draft charges will be assessed in accordance with Chapter 832, Florida Statutes.

(a) The Authority shall impose a Returned Check/Bank Draft Charge for each dishonored check that is returned by the bank. Only cash, cashier's check, or money order will be accepted as payment for checks which have been dishonored. The Customer's account will be annotated upon receipt of a dishonored check or bank draft. Issuance of two (2) dishonored checks within an eighteen (18) month period will preclude the acceptance of another check for a period of 12 months from date of settlement of the first dishonored check or bank draft. During this time only cash, cashiers checks or money orders will be accepted for payment. The Authority shall charge an additional Guaranteed Payment Deposit equal to three (3) times the average monthly billing or $200.00 whichever is greater upon receipt of the second dishonored check or bank draft within an eighteen (18) month period. (b) Returned Check/Bank Draft charges will be assessed as follows:

$25.00 if the face value of the returned check/bank draft does not exceed $50.00,
$30.00 if the face value exceeds $50.00 but does not exceed $300.00,
$40.00 if the face value exceeds $300.00, or
5% of the face value of the returned check/bank draft, whichever is greater.

(3) **Past Due Notice.**

Issuance of a past due notice for a Delinquent Account shall result in:

(a) Interest due on the unpaid balance shall accrue at a rate of one and a half percent (1.5%) per month, or eighteen percent (18%) per annum.

(b) An administrative and general fee of $2.00.

(4) **Replacement of Building Service Lateral Air Intake or Accessories.**

Emergency replacement of a Building Service Lateral air intake pipe or accessories when requested by the Customer shall be "At Cost."

(5) **Unauthorized Connection or Use.**
For unauthorized connection or use, including but not limited to cutting or removing an Authority installed lock, Tampering with pumps or other pump station equipment, Tampering with vacuum valves or vacuum valve chamber appurtenances, connection to a gravity main, manhole, Service Lateral, vacuum valve chamber collection sump, or Force Main, the Authority will charge an amount equal to the rates and fees paid by the paying Customer in the normal course of service and the costs associated with remedying the damaged property.
(a) In the case of unauthorized Industrial Waste Discharge, an Industrial Waste Surcharge shall also apply.
(b) Any further legal action deemed appropriate will also be pursued, and all costs associated therewith shall be assessable to and charged to the Customer, including attorney fees.

(6) **Damages to Authority Property.**
No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the Authority's Wastewater Facilities. The cost to repair any damage to the Authority's facilities by any such acts and costs associated with additional treatment or alternative disposal requirements resulting from said action, shall be assessed to the Person(s) responsible. Damages shall be subject to an "At Cost" fee.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 832.07, FS. Law Implemented Sections 9, 14, 15, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 832.07, FS. History – New.

48-307.011 WASTEWATER PROJECT PLANNING RECOVERY CHARGE.

(1) The Authority shall impose charges for the recovery of all costs and expenditures, including but not limited to, planning, feasibility studies, construction and engineering document preparation, project development costs and easement and land acquisition, or other costs associated with the planning and development of any Wastewater or Reclaimed Water project in the event construction of any such project is not initiated within ninety (90) days after the Authority determines not to proceed with the proposed project.

(2) In the event the Authority determines not to proceed with the construction and implementation of any wastewater or reclaimed water project and reimbursement of all costs and expenditures is not made to the Authority pursuant to the interlocal agreement, grant or otherwise, the Authority shall identify all unrecovered costs and expenditures associated with the planning and development of such project and impose a charge on a potential user basis, per parcel basis or any other basis which reasonably shares and recovers all such un-recovered planning and development costs among the parcel owners or potential users for which the projects were planned or developed.

(3) Charges for planning and development costs shall be imposed by rule and may be collected by any lawful means. Provided, however, the Authority shall whenever

practicable seek to include such charges on any affected water user's monthly bill and collect such amount in not more than sixty (60) consecutive monthly payments with interest at a rate 2% above the Authority's cost of funds.

48-307.012 (Reserved for future numbering)
48-307.013 (Reserved for future numbering)
48-307.014 (Reserved for future numbering)
48-307.015 (Reserved for future numbering)
48-307.016 (Reserved for future numbering)
48-307.017 (Reserved for future numbering)
48-307.018 (Reserved for future numbering)
48-307.019 (Reserved for future numbering)

48-307.020 LITTLE VENICE WASTEWATER NON-AD VALOREM ASSESSMENT

(1) Pursuant to Chapter 48-103, the Authority shall initiate and impose an Assessment within the Little Venice wastewater district service area in an amount of $4,700.00 per calculated EDU.

(2) Any additional capital costs in excess of $4,700.00 per EDU necessary to provide Wastewater facilities within the Little Venice wastewater district service area shall be determined by subsequent rule.

(3) Upon payment of the Assessment and any additional capital costs in excess of $4,700.00 per EDU necessary to provide Wastewater facilities within the Little Venice wastewater district service area, the System Development Charge per EDU shall be deemed paid in full.

48-307.021 MARATHON CENTRAL WASTEWATER NON AD VALOREM ASSESSMENT

(1) Pursuant to Chapter 48-103, the Authority shall initiate and impose an Assessment within the Marathon Central wastewater district service area in an amount of (i) $5,000.00 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants engineered to be connected to the wastewater force main and not connected to the vacuum collection system.

(2) Any additional capital costs in excess of (i) $5,000.00 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants necessary to provide Wastewater Facilities within the Marathon Central wastewater district service area shall be determined by subsequent rule.

(3) Upon payment of the Assessment and any additional capital costs in excess of (i) $5,000.00 per EDU for on-site sewage disposal systems or (ii) $4,500.00 per EDU for DEP permitted package plants. necessary to provide Wastewater Facilities within the

Marathon Central wastewater district service area, the System Development Charge per EDU shall be deemed paid in full.

[The remainder of this page intentionally left blank.]

CHAPTER 48-401
PROVISION OF RECLAIMED WATER SERVICE

48-401.001 CLASSES OF RECLAIMED WATER SERVICE.
48-401.002 RESIDENTIAL RECLAIMED WATER SERVICE.
48-401.003 NON-RESIDENTIAL RECLAIMED WATER SERVICE.
48-401.004 DEVELOPER'S PRE-PAYMENT AGREEMENT; ADVANCE GUARANTEE OF RECLAIMED WATER SERVICE.

48-401.001 CLASSES OF RECLAIMED WATER SERVICE.

The Authority renders Reclaimed Water Service to the following general classes of Customer:

(1) Residential Service is defined as service intended strictly for irrigation of residential lawns and landscaped areas.

(2) Non-Residential Service is defined as service intended for irrigation of non-residential lawns, golf courses, cemeteries, parks, landscaped areas, crops, highway medians, dust control on construction sites, mixing of concrete, and other permitted uses as set forth in Chapter 62-610, F.A.C.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-401.002 RESIDENTIAL RECLAIMED WATER SERVICE.

(1) To obtain residential Reclaimed Water Service from an existing Reclaimed Water distribution main an application shall be made at the Authority's offices. The applicant must complete and sign an Agreement for Service, hereby incorporated by reference and available in the Authority's main office (see Section 101.003). The applicant must also provide proof of ownership of the property, together with suitable identification (preferably a Social Security Card and valid Driver's License or picture I.D.). The Customer shall insure that its name, the street address and an accurate legal description of the property and its use, and other required information, are correctly entered upon the Agreement for Service. Upon payment of all required fees and charges, the Authority shall issue an Agreement for Service to be executed by the parties. The Agreement for Service shall constitute the contract that establishes the relationship between the Customer and the Authority under which the Customer is rendered Reclaimed Water Service and payment to the Authority for said service is made.

(2) If the property to be served is one where no Reclaimed Water Service is currently available, provide a signed and sealed boundary survey and a legal description of the property to be served and pay all applicable fees and charges, and insure the availability of an adequately sized Reclaimed Water distribution main in accordance with subsection (3) below.

(3) Prior to entering into an Agreement for Service, the applicant shall determine by inquiry to the Authority's Environmental Services Department whether the property to be served is adjacent to an adequately sized Reclaimed Water main of the Authority's Reclaimed Water Distribution System. In the event that it is not, the applicant shall cause to be constructed an adequately sized Reclaimed Water main extension at the applicant's expense from the nearest existing adequately sized Reclaimed Water distribution main, as determined by the Authority, in accordance with the Authority's Reclaimed Water facilities and Extensions requirements and the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-403.007).

(4) The Owner/Developer will be required to present plans and specifications for review by the Authority's Environmental Services Department prior to the acceptance of any fees or deposits, or the execution of an Agreement for Service. Said plans and specifications shall be in conformity with the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-401.003 NON-RESIDENTIAL RECLAIMED WATER SERVICE.

To obtain non-residential Reclaimed Water Service, application shall be made in the same manner as for residential Reclaimed Water Service, with the following additional requirements:

(1) Evidence that the premises to be served are or will be employed for a non-residential purpose. Documentation of such use by presentation by the applicant of such documents as occupational licenses or business licenses may be required.

(2) An Agreement for Service for an entity shall be executed by an authorized director or officer of the entity. Confirmation of authorized officer status is required and may be provided in the form of articles of incorporation, minutes, by-laws, partnership agreements or the like. If such person's representative capacity is not indicated on the Agreement for Service, such person shall be personally responsible for the account.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-401.004 DEVELOPER'S PRE-PAYMENT AGREEMENT; ADVANCE GUARANTEE OF RECLAIMED WATER SERVICE.

(1) The Authority may enter into a Developer's Pre-Payment Agreement with an Owner/ Developer for the purpose of guaranteeing the availability of Reclaimed Water

Service to the property. Such guarantee is conditioned upon fulfillment by the Owner/Developer of the requirements of the Agreement for Service, hereby incorporated by reference and available in the Authority's main office (see Section 48-101.003).

(2) To obtain such a guarantee the Owner/Developer must pay in advance all System Development Charges, Tapping Fees, Guaranteed Payment Deposits, and other fees and charges required under the Developer's Pre-Payment Agreement and the Agreement for Service.

(3) Failure to comply with the terms of the Developer's Pre-Payment Agreement may result in the Authority through an Agency Decision declining to provide Reclaimed Water Service until the terms of the Agreement for Service and the Developer's Pre-Payment Agreement are fully satisfied, including payments of applicable assessments and Delinquent Account penalties.

(4) The execution of a Developer's Pre-Payment Agreement does not exempt the Owner/Developer from ultimate compliance with the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference. Reclaimed Water Service will not be provided until full compliance with said Standards has been achieved.

(5) The Developer's Pre-Payment Agreement shall not constitute an Agreement for Service.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 19, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

[Remainder of page intentionally left blank.]

CHAPTER 48-403
RECLAIMED WATER FACILITIES AND EXTENSIONS

48-403.001 GENERAL.
48-403.002 RECLAIMED WATER FACILITIES; BY THE AUTHORITY.
48-403.003 RECLAIMED WATER FACILITIES; WHEN REQUIRED.
48-403.004 RECLAIMED WATER FACILITIES; PERMIT APPLICATION PROCEDURE.
48-403.005 RECLAIMED WATER FACILITIES; PROVISION FOR RECLAIMED WATER SERVICE.
48-403.006 ACCEPTANCE OF RECLAIMED WATER FACILITIES AND SERVICE INITIATION.
48-403.007 RECLAIMED WATER SYSTEM DESIGN AND CONSTRUCTION CRITERIA.
48-403.008 RECLAIMED WATER MAIN EXTENSION REIMBURSEMENTS.
48-403.009 SPECIAL ASSESSMENTS; RECLAIMED WATER.

48-403.001 GENERAL.

This Chapter provides information regarding the Authority specifications, requirements and procedures for obtaining Reclaimed Water Service to a property. These general requirements shall also be followed by individuals desiring to obtain Reclaimed Water Service for an existing or proposed single-family property. Initial coordination informs the individual as to whether Reclaimed Water Service is available, the amount of fees to be paid, and whether the installation of Reclaimed Water facilities is required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.002 RECLAIMED WATER FACILITIES; BY THE AUTHORITY.

(1) The Board of Directors of the Florida Keys Aqueduct Authority adopted on June 21, 2000, the Monroe County Sanitary Wastewater Master Plan as a comprehensive planning document for the implementation of Wastewater Service in Monroe County. Such wastewater master plan outlines recommendations for the Authority and Monroe County to effectuate the provision of Wastewater Service to unincorporated Monroe County and designated incorporated areas.

(2) As funding is made available by local, state or federal government, or as may be mandated by governmental regulatory agencies, the Authority will construct Reclaimed Water treatment, storage, pumping, transmission and distribution facilities for the purpose of providing Reclaimed Water Service for regulated non-potable uses by existing and potential Water or Wastewater Customers within the Authority Service Area. The Authority shall establish rates, fees and charges to recover the costs of system development, operation and maintenance.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.003 RECLAIMED WATER FACILITIES; WHEN REQUIRED.

(1) An Owner seeking to obtain Reclaimed Water Service from the Authority that may require the installation or extension of Reclaimed Water facilities must identify the estimated daily Reclaimed Water demand based on the anticipated Irrigation and other appropriate Reclaimed Water requirements of the project. The Owner shall complete and provide to the Authority an engineering report with detailed calculations of the projected Reclaimed Water demand on a daily, weekly and monthly basis.

(2) The Authority shall render an Agency Decision and advise the Owner with a "coordination letter" as to whether Reclaimed Water Service is available and whether the installation of Reclaimed Water Facilities is required. The issuance of a Coordination Letter by the Authority shall not constitute an absolute assurance of Reclaimed Water Service. Such service shall be conditioned upon compliance with the rules of the Authority, and the terms and conditions of any contract that may be entered into between the Owner/Developer and the Authority, and the availability of Reclaimed Water service pursuant to the requirements of federal, state, and local agencies.

(3) Reclaimed Water facilities shall be required when there are no existing facilities to a property or when the Authority's Engineering Department determines that existing facilities are not of adequate capacity to provide Reclaimed Water Service for the project. When the Authority's Engineering Department determines that Reclaimed Water facilities are required, the Authority will further stipulate the location, length, type, size and capacity of the facilities to be installed.

(4) The Owner shall provide Reclaimed Water facilities at no cost to the Authority. All Reclaimed Water Facilities shall be designed and constructed in accordance with the minimum standards of the Authority. Reclaimed Water facilities up to the Point of Service shall be conveyed to the Authority by bill of sale, free and clear of all encumbrances, with related cost documentation, perpetual right-of-way and utility easements for appropriate access, and completed as-built drawings for all such facilities prior to acceptance and initiation of service.

(5) To facilitate Reclaimed Water Service to all properties in the Authority's Service Area, Reclaimed Water mains shall be extended along the full length of the road frontage for properties obtaining service. The Authority may require Reclaimed Water main extensions through said property if an adjacent property is to be served in the future.

(6) A Reclaimed Water Main Extension can be exempt when there is no possibility of future development beyond the property requesting service. In those cases where the property is at the end of a line, the Owner/Developer shall extend the Reclaimed Water main at least ten (10) feet beyond the property line.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 34, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.004 RECLAIMED WATER FACILITIES; PERMIT APPLICATION PROCEDURE.

(1) The Application for Permit to Construct Reclaimed Water Facilities, (also referred to in the Authority's Referenced Documents Notebook as "Application for Construction Permit – Reclaimed Water Facilities"), form RW-010, in effect at the time of rule adoption on July 19, 2001, is hereby incorporated by reference and available from the Authority's Engineering Department, Water Division. An Application for Permit to Construct Reclaimed Water Facilities shall be submitted and signed by the Owner or Developer desiring Service. The application shall include the following information:

(a) Name, address and signature of the Owner or Developer.

(b) Adequate legal description of the premises for which Water Service is desired.

(c) For recorded subdivision, a copy of the recorded plat.

(d) For new subdivisions, an approved tentative plat, or if available, a master development plan; a preliminary utility plan indicating the location of the proposed Reclaimed Water facilities within rights-of-way or utility easements, and proof of zoning.

(e) For all projects, except an individual Owner constructing a single family residence, a complete set of drawings, which shall include site plans, building layouts and plumbing plans, and shall indicate all proposed on-site Reclaimed Water facilities and main extensions.

(f) A statement indicating whether the applicant wishes to convey to the Authority the Reclaimed Water facilities within the non-dedicated areas of the development.

(2) The Authority will provide, prepare and transmit the necessary DEP and DOT permit applications to the aforementioned agencies for all Reclaimed Water facility construction, including those facilities to be constructed within dedicated easements. An application shall not be considered as complete until such permits have been received by the Authority.

(3) The submittal of an Application for Permit to Construct Reclaimed Water Facilities by an Owner or Developer shall include a ratification and acceptance by the Owner or Developer of all of the provisions of the Authority's rules as terms and conditions applicable to the provision of Water Service.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.005 RECLAIMED WATER FACILITIES; PROVISION FOR RECLAIMED WATER SERVICE.

(1) After permits have been approved, the Authority may enter into a "Developer's Prepayment Agreement" in accordance with these Rules.

(2) The Authority shall periodically inspect the installation of all Reclaimed Water Facilities during construction in accordance with the terms of the construction permit and shall indicate compliance therewith. Such inspections are intended to assure that the Reclaimed Water Facilities are installed in accordance with the approved design, are

consistent with the criteria and specifications governing the kind and quality of such installations, and constitute the documentation indicating construction and testing in accordance with the minimum standards of the Authority. The Authority will be present at tests of component parts of the Reclaimed Water system for the purpose of determining that the system, as constructed, conforms to the Authority's criteria for pressure testing, line, grade, operation, maintenance, repair and replacement. Testing will be performed by the Owner's contractor but only under the direct observation of the Authority's construction coordinator and the Owner's engineer. No connection to an existing Authority facility shall be made except in the presence of the Authority's construction coordinator.

(3) Reclaimed Water Service shall be initiated upon satisfactory completion of all Engineering Requirements, acceptance of any Reclaimed Water Facilities to be transferred to the Authority for ownership, operation and control, and execution of an Agreement for Service.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.006 ACCEPTANCE OF RECLAIMED WATER FACILITIES AND SERVICE INITIATION.

(1) The Authority may agree to accept Reclaimed Water Facilities for ownership, operation, and maintenance subject to the conditions and standards described in this Section.

(2) Prior to Service Initiation and prior to transferring ownership of Reclaimed Water Facilities to the Authority, the Owner shall obtain and provide to the Authority a "Domestic Reclaimed Water System Certificate of Completion of Construction" from the Florida Department of Environmental Protection.

(3) The Authority will assume operation and maintenance responsibility of said facilities upon signing the applicable certification(s), it being understood that the Owner is still required to meet the Authority's minimum standards and obtain final inspection and final acceptance from the Authority. The Owner must fulfill a variety of prerequisites, depending upon specific project circumstances, prior to securing partial or full clearance from the DEP for Service Initiation.

(4) For projects with only one connection, the Authority will only permit Service Initiation on a one-time, full completion (final acceptance) basis. For projects with more than one connection, the Authority will authorize Service Initiation on a partial basis subject to accomplishment of prerequisites by the Owner. In addition to construction requirements as set forth herein, the Owner shall submit the documents in a form acceptable to the Authority (see Section 48-303.010).

(5) A conditional final inspection or partial acceptance that will allow partial Service Initiation does not constitute an acknowledgment by the Authority that a project is complete, but rather that there remain deficiencies or other uncompleted requisites. The Authority may approve Service Initiation on a project or phase of a project on a conditional basis, dependent upon full satisfaction of all final acceptance requirements. In lieu of such full satisfaction and final acceptance, the Authority may accept a maintenance bond, or a clean irrevocable letter of credit, or a cashier's check, in the amount of one hundred and ten percent (110%) of the construction cost (as estimated by the Owner's engineer and verified by the Authority) to cover all outstanding construction requirements.

(6) Reclaimed Water Facilities will not be accepted for ownership, operation, and maintenance unless the applicant demonstrates that:
(a) The Reclaimed Water Mains are located in a public right-of-way or within a utility easement with a minimum of fifteen (15) feet.
(b) The Reclaimed Water Facilities have not been installed under any building or appurtenance thereto.
(c) There exists clear access to all easement areas, with adequate legal rights to assure that such access shall be maintained.
(d) All necessary easements have been conveyed to the Authority by a separate, legally sufficient instrument that can and will be recorded in the public records of Monroe County, Florida.
(e) All construction has been performed under the observance of the Authority.
(f) The Reclaimed Water Facilities have been constructed and tested in accordance with the Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001, hereby incorporated by reference (see Section 48-403.007), and are free from any and all defects in materials and workmanship.
(g) All materials and labor meet the current specifications of the Authority.
(h) All necessary permits have been received from federal, state, and local regulatory agencies.

(7) Acceptance of Reclaimed Water Facilities located within an easement available to the Authority shall be subject to the exercise of sound engineering judgment taking into consideration the size of the facilities, topography, and maintenance and operating constraints. Generally, right-of-way or easements located along rear or side-lot lines shall be avoided.

(8) Prior to acceptance, the Owner shall provide a written warranty (in a format approved by the Authority) on all Reclaimed Water Facilities, wherein the contractor guarantees correction of any defects in the work for a period of one year from the date of final Florida Department of Environmental Protection certification. Any contractor who fails to correct any such defect(s) may be required to provide the Authority a Maintenance Bond or Irrevocable Letter of Credit, up to the amount of one hundred and

ten percent (110%) of actual construction cost, for any subsequent Reclaimed Water Facilities construction.

(9) All Reclaimed Water Facilities to be accepted for ownership, operation and maintenance by the Authority shall be conveyed by adequate legal instrument. Prior to conveyance, the Developer/Owner shall provide the Authority with:
(a) A breakdown of the actual construction cost of said facilities.
(b) Copies of paid bills and lien waivers, releases or satisfactions, sufficient to indicate that all contractors, subcontractors and material men have been paid in full. In lieu of such bills, waivers, releases, or satisfactions, a payment bond and transfer of liens to security may be substituted as deemed appropriate by the Authority's Legal Counsel.
(c) One set of as-built drawings indicating the specific locations, depths, and other dimensions of all Reclaimed Water Facilities and appurtenances as actually constructed.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.007 RECLAIMED WATER SYSTEM DESIGN AND CONSTRUCTION CRITERIA.

(1) The Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001, are hereby incorporated by reference and include:
(a) General Criteria
(b) Design Guidelines
(c) Approved Materials and Specifications
(d) Reclaimed Water System Design and Construction
(e) Inspections and Authority of Construction Coordinators
(f) Authority of Non-Resident Construction Coordinators
(g) Record Information

(2) A copy of the Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems is on file in the Authority's Engineering Section, located at the Authority's Main Office, 1100 Kennedy Drive, Key West, Florida, (305) 296-2454.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.008 RECLAIMED WATER MAIN EXTENSION REIMBURSEMENTS.

(1) When an Owner or the Authority extends a Reclaimed Water Main that is immediately available to serve adjacent lots with no existing service, and such lots are not owned by said Owner, an equitable reimbursement shall be collected by the Authority for these lots from the Owner(s) at the time when Reclaimed Water Service is provided.

The Authority shall refund the amount collected in accordance with the Agreement between the Authority and the Owner responsible for the Reclaimed Water Main Extension.

(2) Reimbursements shall be based upon the front footage of the lot(s), or by such other method determined to be most equitable to all impacted properties, and the installed value of the Reclaimed Water Main Extension.

(3) The installed value of a Reclaimed Water Main Extension shall be the actual construction cost, as certified by the contractor, or the cost based on the Authority's Potable Water Main Unit Cost Standard in effect at the time the extension is accepted by the Authority, whichever is the lesser.

(4) The Authority shall collect the reimbursement amounts for the original Customer of the Authority for a period of twenty (20) years from the date Reclaimed Water Service is first provided through the Reclaimed Water Main Extension. The amount of reimbursement collected during the term of the Agreement shall be based on the method of reimbursement specified in the Agreement. This policy shall apply to Reclaimed Water Mains four (4) inches or larger in diameter, accepted for ownership by the Authority.

(5) In no event shall any person entitled or claiming entitlement to a Reclaimed Water Main Extension Rebate offset or be permitted to offset the reimbursement, or any part thereof, against any sum owing by such person to the Authority (such as unpaid Potable Water, Wastewater or Reclaimed Water Service charges and fees).

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-403.009 SPECIAL ASSESSMENTS; RECLAIMED WATER.

(1) If either the Authority or any Property Owner desire to acquire, construct, install or extend any aspect of Authority's Reclaimed Water System to serve any unimproved property or existing development, the Authority may do so in accordance with the rules providing for special assessments (also sometimes referred to as non-ad valorem assessments) adopted by the Authority. The cost of such improvements shall be shared among all benefited Owners.

(2) All such Reclaimed Water System Improvement Projects coordinated through the Authority will be processed from initiation of the project through final completion and recovery of funds expended in accordance with relevant laws, ordinances or resolutions and any amendments thereto. All Reclaimed Water Facilities shall be designed and constructed in accordance with the Authority's Minimum Design and Construction Standards and Specifications for Reclaimed Water Systems (also referred to in the Authority's Referenced Documents Notebook as "Minimum Design and Construction Standards – Reclaimed Water"), in effect at time of rule adoption on July 19, 2001,

hereby incorporated by reference (see Section 48-403.007). All costs relating to the project, including but not limited to legal, surveying, drafting, engineering, construction, inspection fees, and administration and other related project costs shall be included in the project. Administration fees shall be assessed at five percent (5%) of construction costs. Inspection fees shall be assessed at two percent (2%) of construction costs. A construction contingency of ten percent (10%) of the construction costs shall be provided with unused contingencies and construction under-runs to be credited in accordance with an implementing resolution adopted by the Authority.

(3) Unless expressly provided otherwise, Owners are responsible for all improvements on their side of the Point of Service, including all permits and fees.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 197.3631, 197.3632, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida, 120.54, 197.3631, 197.3632, FS. History – New.

[Remainder of page intentionally left blank.]

CHAPTER 48-405
RECLAIMED WATER FEES AND CHARGES

48-405.001 GENERAL.
48-405.002 PLAN REVIEW FEE.
48-405.003 CONSTRUCTION INSPECTION FEE.
48-405.004 SYSTEM DEVELOPMENT CHARGE.
48-405.005 TAPPING FEES.
48-405.006 SERVICE INSTALLATION FEE.
48-405.007 GUARANTEED PAYMENT DEPOSIT.
48-405.008 MONTHLY CUSTOMER FEES.
48-405.009 MISCELLANEOUS FEES.

48-405.001 GENERAL.

Rates, fees and charges for Reclaimed Water Services provided by the Authority shall be established by rule. Rates, fees and charges delineated in these rules may be modified from time to time by subsequent rule.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.002 PLAN REVIEW FEE.

(1) The Authority shall charge a Plan Review Fee for recovery of direct and allocated costs incurred by the Authority in connection with the review of plans and specifications to verify compliance with the minimum design standards for Reclaimed Water Facilities proposed to be installed by the Owner/Developer.

(2) The Plan Review Fee is payable at the time of plan submission for Reclaimed Water projects.

(3) The Plan Review Fee will vary with the size and type of project as follows:
(a) Residential: $25.00 per Dwelling Unit with a $250.00 minimum.
(b) Non-residential: $25.00 per estimated EDIU with a $250.00 minimum.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.003 CONSTRUCTION INSPECTION FEE.

(1) The Authority shall charge a Construction Inspection Fee for recovery of direct and allocated costs incurred by the Authority in connection with inspection of the Reclaimed Water Facilities construction performed by the Owner's/Developer's contractor to confirm compliance with the minimum construction standards.

(2) The Construction Inspection Fee will vary based on the total estimated construction cost of the Reclaimed Water Facilities as provided by the Owner/Developer and approved by the Authority.

(3) The Construction Inspection Fee is two percent (2%) of the total estimated construction costs of the Reclaimed Water Facilities construction cost as provided by the Owner/Developer and approved by the Authority, with a $100.00 minimum for residential and non-residential projects. This fee is due prior to the pre-construction conference.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.004 SYSTEM DEVELOPMENT CHARGE.

(1) The System Development Charge (SDC) is charged to new Customers and existing Customers who modify, add or construct facilities that impose a potential increase in Reclaimed Water Treatment or Distribution Facilities. This fee is charged to equitably offset the direct and indirect costs of capital improvements made necessary by actual and expected utilization of the capacity of the Reclaimed Water Facilities.

(2) In adopting this rule the Authority has ascertained, determined and declared that:
(a) The Florida Legislature has adopted growth management legislation which requires local governments to plan for and provide for capital infrastructure facilities such as Water and Sewer systems.
(b) The Authority has the authority to plan for and provide Water and Sewer systems within the Florida Keys.
(c) Future demand represented by Sewer System Impact Development should contribute its fair share to the cost of improvements and additions to the Authority's Reclaimed Water Facilities which are required to accommodate the use of the Authority's Reclaimed Water Facilities by such demand.
(d) Implementation of a System Development Charge to require Reclaimed Water System Impact Development to contribute its fair share of the cost of improvements and additions to the Authority's Reclaimed Water Facilities is an integral and vital element of the regulatory plan of growth management incorporated into the comprehensive plan of the underlying local governments.
(e) Capital planning is an evolving process and the level of service identified in each applicable comprehensive plan for the Authority's Reclaimed Water Facilities constitutes a projection of anticipated need for Reclaimed Water Treatment and Transmission Facilities, based upon present knowledge and judgment. Therefore, in recognition of changing growth patterns, and the dynamic nature of population growth, it is the intent of the Authority that the level of service for the Authority's Reclaimed Water Facilities and System Development Charge imposed be reviewed and adjusted periodically, to insure that the System Development Charges are imposed equitably and lawfully, based upon actual and anticipated growth at the time of their imposition. The terms "growth," "growth necessitated improvements," "future growth" and the like shall refer, and be

construed as referring to Sewer System Impact Development either occurring or connecting, either directly or indirectly, to the Authority's Reclaimed Water Facilities.

(f) The imposition of a System Development Charge is to provide a source of revenue to fund the construction and improvement of the Authority's Reclaimed Water Facilities either necessitated by the growth or as delineated in the capital improvement element of the applicable Comprehensive Plan.

(g) The presence of the Authority's Reclaimed Water Facilities enhances and benefits the health, safety and general welfare of all properties within the Authority's Service Area. The Authority specifically finds that the development of Authority Reclaimed Water Facilities enhances and benefits the health, safety and general welfare of the residents and landowners within the Florida Keys.

(3) All Sewer System Impact Development occurring within the Florida Keys and required to connect to the Authority's Reclaimed Water Facilities shall pay a SDC. The SDC shall be based on the total number of EDU's to be served at a property.

(4) The SDC is in addition to any amounts expended by the Customer for the installation of Reclaimed Water Facilities improvements and for other fees or charges required by the Authority.

(5) Prior to the issuance of a Building Permit, all Customers or Owners, as the case may be, shall pay the applicable SDC.

(6) The Authority will enter into agreements to extend payment of System Development Charges over a period not to exceed twenty (20) years with Owners of existing buildings, structures or applicable improvements which are required to connect to the Authority's Reclaimed Water Facilities provided that funds are available to the Authority for the construction of the improvements to be funded from the System Development Charges without the necessity of borrowing and without impairing or delaying other Authority projects.. Prior to the Authority entering into any agreements to extend payment and from time to time thereafter the Board shall identify a specific source of funds to be used relative to providing extended payment and the cost of such funds, including all expenses or costs incidental to obtaining or providing same and, the interest rate that the Authority would forego or otherwise be subject to.

(a) The amount of payment, including any title verification expenses, recording fees, and reasonable estimation of the cost and expense associated with providing an extended payment alternative, shall be paid in equal monthly payments with an annual interest rate two percent (2%) above the Authority's Cost of Funds. The interest rate charged is representative of the Authority's Cost of Funds, adjusted to defray overhead, administration costs and estimated expenses or costs incidental to obtaining or providing financing.

(b) For an agreement, or an aggregation of related agreements, to extend payment of System Development Charges with a face amount in excess of $15,000 the Authority shall require the procedure and documentation for extending payments to substantially and reasonably conform to generally accepted and reasonably applicable commercial lending practices, including but not limited to the requirement for acceptable personal

guarantees from one or all of the Owners or individuals owning a beneficial interest in an entity Owner. At its sole option the Authority may contract with an outside counsel or a servicing agent to prepare such documentation and to advise the Authority relative to conformance with generally accepted commercial lending practices and the cost of same shall be borne by the Owner.

(7) In recognition that the payment of the System Development Charge for existing mobile home parks or rental housing will in some manner be passed through to the occupants by the Owner, and in recognition that if such pro-rata SDC pass-through is collected as one single payment by the Owner that such a pass-through may cause financial hardship on these occupants, the Board, shall require the Owner to covenant and agree, for the benefit of all affected occupants, to pass through entirely and on the same terms all the benefits of any extended payment of the SDC to the affected occupants.

(8) The obligation for payment of the System Development Charge and the benefits derived therefrom shall run with the land.

(9) The SDC is not refundable except:

(a) In the event that a valid Building Permit for which a System Development Charge has been paid, expires prior to the initiation of the construction for which it was issued, the applicant may within ninety (90) days of the expiration of the Building Permit apply for a refund of the System Development Charge.

(b) The application for a refund of the System Development Charges shall be filed with the Authority and contain the following:

1. A sworn statement representing that the information contained on the application for refund is true and correct.
2. The name and address of the applicant.
3. The location of the property which was the subject of the Building Permit.
4. The date the System Development Charge was paid.
5. A copy of the receipt of payment for the System Development Charge or such other record as would indicate payment of such fee.
6. The date the Building Permit was issued and the date of expiration.

(c) After verifying that the Building Permit has expired and that the construction has not commenced under the subject Building Permit, the Authority shall cause a refund of the System Development Charge.

(d) The System Development Charges collected shall be returned to then current Owner of the property on behalf of which such fee was paid if such fees have not been expended or encumbered prior to the end of the Fiscal Year immediately following the seventh anniversary of the date upon which such fees were paid and a timely petition for the refund is made. Such refunds shall be made only in accordance with the following procedure:

1. The then current Owner shall petition the Board for the refund prior to the end of the Fiscal Year immediately following the end of the Fiscal Year in which the date of the seventh anniversary of the date of the payment of the System Development Charge occurs.

2. The application for a refund of the System Development Charge shall be submitted to the Authority and shall contain:
    a. A sworn statement that the petitioner is the then current legal Owner of the property on behalf of which the SDC was paid;
    b. A copy of the dated receipt issued for payment of such fee, or such other record as would indicate payment of such fee;
    c. A certified copy of the latest recorded deed or other instruments evidencing title; a representation that the most recent recorded deed or other instruments evidencing title reflect the exact names of all current legal Owners; a representation that the petitioner will notify the Authority of any changes and the status of legal ownership which occurs prior to any refund from the Authority;
    d. A copy of the most recent ad valorem tax bill.
3. Within ninety (90) days from the date of receipt of a petition for refund, the Director will advise the petitioner and the Board of the status of the SDC requested for refund, and if such System Development Charges have not been expended or encumbered within the applicable time period, then it shall be returned to the petitioner. For the purposes of this refund provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the charge out.

(e) The fact that an Owner receives a refund does not excuse the property from later being subjected to payment of System Development Charges upon otherwise being characterized as Sewer System Impact Development.

(f) Any Owner entitled to a refund who fails to timely petition for a refund upon becoming eligible to do so shall be deemed to have waived any claim for a refund, and the Authority shall be entitled to retain and apply the System Development Charges for growth necessitated capital improvements and additions to the Authority's Reclaimed Water Facilities.

(10) At the time of Application for Service and establishment of an Agreement for Service, the number of EDU's to be served at a property shall be determined from an EDU data determination sheet provided by the Owner. This information will be verified from review of approved plans and specifications presented by the applicant to the Authority, or in the case of existing developed property from an on-site inspection by the Authority, and shall be noted on the Agreement for Service.

(11) The Authority reserves the right through an Agency Decision to refuse to establish Service or to Discontinue Service to a property for non-payment of applicable SDC.

(12) The right to Reclaimed Water Service, as applicable to the SDC, is assigned to the property served and is not transferable except as provided herein:

(a) Where the premises served have been demolished, the Owner shall be entitled to transfer the SDC credits to new premises that replace the demolished premises on the same property or on a contiguous property under the same ownership.

(b) Federal, state and local governmental entities exempt by statute from System Development Charges shall be exempt from the SDC that would be applicable but for such exemption. However, if such premises shall be occupied by any person, organization or entity other than the one to which the exemption applies, or if the premises shall be used for purposes unrelated to the principal uses and purposes of the exempt entity, such person, organization, or entity shall be required to pay any applicable SDC. If such occupant other than the Owner or entity does not pay said fees then the Owner to whom the exemption was granted may be required to pay the fees.

(13) An EDU data determination worksheet approved by the Director shall be available for calculation of the SDC applicable to a property.

(14) In the event an applicant or Owner believes that the impact to the Authority's Reclaimed Water Facilities necessitated by their Sewer System Impact Development is less than the System Development Charge established for and applicable to their property, such applicant or Owner may submit a calculation of an alternative system development charge to the Director pursuant to the following provisions:

(a) In the case of new construction, any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if not properly and timely made prior to the issuance of a Building Permit.

(b) In the case of existing buildings, structures or applicable improvements which are required to connect to the Authority's Reclaimed Water Facilities, any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired, and such calculation shall not be considered by the Authority if within thirty (30) calendar days from the effective date of service of a written notice that System Development Charges are due and payable, the Owner does not notify the Director in writing of his intention to submit an Alternative System Development Charge calculation. Any Owner who, under such circumstances, properly notifies the Director of his intention to submit an Alternative System Development Charge calculation shall submit the Alternative System Development Charge calculation and Alternative System Development Charge within one hundred twenty (120) days of service of the foregoing written notice that System Development Charges are due and payable, or any right to submit an Alternative System Development Charge shall be deemed to have been waived, expired and such calculation shall not be considered by the Authority.

(c) Upon timely submission of an Alternative System Development Charge calculation, the basis therefore and receipt of the Alternative System Development Charge, the Director shall schedule a hearing before the Board at a regularly scheduled meeting or a special meeting called for the purpose of reviewing the Alternative System Development Charge and shall provide the petitioner written notice of Agency Decision. Such hearing shall be held within thirty (30) days of the date the Alternative System Development Charge was submitted. The Board shall render an Agency Decision based upon the hearing.

(d) The Alternative System Development Charge calculation shall be based on data, information or assumptions contained in current studies and the master plans adopted by the Authority, as amended from time to time, or an Alternative System Development

Charge study based upon an independent source, provided that the independent source is a local study supported by a data base adequate for the conclusions contained in such study, performed according to a generally accepted methodology and based upon generally accepted standard sources of information relating to facilities planning, cost analysis and demographics. The independent source must provide competent substantial evidence that the Alternative System Development Charge represents an equitable pro rata share of the cost of capital improvements and additions to the Authority's Reclaimed Water Facilities necessitated by the subject Sewer System Impact Development.

(e) If the Board renders an Agency Decision based upon the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge complies with the requirements provided herein and that the Alternative System Development charge was calculated by the use of a generally accepted methodology, then the alternative system development charge shall be paid in lieu of the System Development Charge otherwise required by this rule.

(f) If the Board renders an Agency Decision that the data, information and assumptions utilized by the applicant or Owner to calculate the Alternative System Development Charge does not comply with the requirements provided herein or is otherwise not equitable or that the Alternative System Development Charge was not calculated by the use of a generally accepted methodology, then the Director shall provide to the applicant by certified mail, return receipt requested, written notification of the rejection of the alternative system development charge and the reason therefore.

(g) At the sole discretion of the Board, the Alternative System Development Charge review hearing may be adjourned or continued for up to thirty (30) days to cause further study or scrutiny of any proposed Alternative System Development Charge or Alternative System Development Charge study by either Authority staff or outside consultants. The final decision of the Board shall be in writing and issued within twenty (20) calendar days of the review hearing.

(h) Any applicant or Owner who has submitted a proposed Alternative System Development Charge in conformance with this rule and desires the immediate issuance of a Building Permit shall pay prior to or at the time the proposed Alternative System Development Charge is submitted the applicable System Development Charge otherwise required by this rule. Said payment shall be deemed paid under "Protest" and shall not be construed as a waiver of any right of review. Any difference between the amount paid and the amount due, as determined by the Board in an Agency Decision, shall be refunded to the applicant or Owner.

(15) The following shall be exempted from payment of System Development Charges:

(a) Alterations or expansion of an existing Building, structure or improvement where no additional demand on either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities are or will be created.

(b) The construction of accessory buildings, structures or improvements which will not create an additional demand or either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities.

(c) The replacement of an existing building, structure or improvement which has previously been subjected to a System Development Charge payable to the Authority

where no additional demand is or will be created on either the Authority's Reclaimed Water Facilities or any interim treatment system.

(d) Buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by a utility service provider other than the Authority, provided that at the time the Authority formally resolves to acquire the utility, the Board, in good faith, expressly declares its intention to operate said utility as a component of the Authority's Reclaimed Water Facilities and not immediately dismantle and disconnect from the acquired utility's treatment facilities.

(e) Absent an express written agreement or site specific land development regulation to the contrary, buildings, structures, or improvements, either existing or which have been issued a Building Permit for which construction is proceeding in good faith, previously served by another local governmental Reclaimed Water Provider where the Authority or other governmental provider have reconfigured Service and/or Service Areas.

(16) System Development Charges shall be imposed and calculated for the alteration, expansion or replacement of Sewer System Impact Development which will result in a land use determined to create an additional demand on either the Authority's Reclaimed Water Facilities or any interim or Alternative Reclaimed Water Facilities.

(17) Whenever any person applies for a Building Permit to alter, expand or replace a building, structure or applicable improvement of Sewer System Impact Development land, even though the subject lands may receive Interim Service from a source other than the Authority, the System Development Charge imposed shall be calculated on the entirety of the lands subject to the Building Permit. Where the alteration, expansion or replacement occurs on lands for which a System Development Charge has already been paid, the System Development Charge imposed shall be only upon the additional demand created by the alteration, expansion or replacement.

(18) No refund or credit shall be afforded an Owner or applicant in the event of a diminution of use occurs after the System Development Charge already paid has been expended or encumbered. For the purposes of this provision, System Development Charges collected shall be deemed to be spent or encumbered on the basis of the first charge in shall be the first charge out.

(19) Nothing herein shall preclude the Authority from combining or incorporating Reclaimed Water aspects into any fees or charges for Wastewater Related Service.

(20) **Little Venice Reclaimed Water System Development Charges.**

(a) The Little Venice Wastewater District Service Area is described as bounded by US Highway 1 on the northwest and by the Atlantic Ocean on the southeast from Vaca Cut to 95th Street along the western side of the Marathon Airport and is further defined to include a geographical area herein described as beginning at the point of intersection of the north right-of-way line of U.S. Highway #1 with the southeast corner of the Marathon Airport, then commencing northerly along the easterly border of the Marathon Airport to

the intersection of the South right-of-way line of 6th Avenue (Airport Boulevard), then commencing northerly to the intersection of the north right-of-way line of 6th Avenue (Airport Boulevard) and the southwest corner of the plat of Stirrup Key Bight (as recorded P.B. 3, pg. 168 of the public records of Monroe County, Florida), then continuing northerly along the west line of the plat of Stirrup Key Bight to the shoreline of Florida Bay, then easterly following the shoreline of Florida Bay to the intersection of the east right-of-way line of 113th (Margaret Avenue) and Florida Bay, then southerly along the east right-of-way line of 113th (Margaret Avenue) to the intersection of 1st (Chester Street), then westerly along 1st Street (Chester Street) to the intersection of Key Colony Drive, then southerly along Key Colony Drive to the intersection of the north right-of-way line of U.S. Highway #1, then westerly along the north right-of-way line of U.S. Highway #1 to the intersection of the west right-of-way line of 107th (Industrial Avenue), then continuing westerly along the north right-of-way line of U.S. Highway #1 a distance of approximately 60 feet to the point of being herein described.

(b) The Reclaimed Water System Development Charge for the Little Venice Wastewater District Service Area shall be determined per EDU; and shall be $700.00 per calculated EDU. Provided, however, each User or Customer shall also be responsible for any additional capital costs in excess of $700.00 per EDU necessary to provide limited Reclaimed Facilities for the City of Marathon. In calculating or determining the number of EDUs attributable to a parcel, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. A minimum of one (1) EDU shall be assigned each water meter serving a parcel, whether or not there is more than one water meter serving the parcel. For residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(c) The initial collection of Reclaimed Water System Development Charges for the Little Venice property owners are expected to occur through the imposition of a non ad-valorem assessment.

(21) Marathon Central Reclaimed Water System Development Charges.

(a) The Marathon Central Wastewater District Service Area is described as the geographic boundaries of the City of Marathon.

(b) The Reclaimed Water System Development Charges for the Marathon Central Wastewater District Service Area shall be determined per EDU; and per calculated EDU shall be $700.00. . In calculating or determining the number of EDUs attributable to a parcel, the Authority shall allocate a minimum of one (1) EDU to each improved parcel of property to which the Property Appraiser has assigned a distinct ad valorem property tax identification number, or a minimum of one (1) EDU to each Dwelling Unit. A minimum of one (1) EDU shall be assigned each water meter serving a parcel, whether or not there is more than one water meter serving the parcel. For residentially improved parcels of property, a minimum of one (1) EDU shall be allocated to a single-family residential dwelling, a minimum of one (1) EDU shall be allocated to a single condominium, a minimum of one (1) EDU shall be allocated to a mobile home; and the number of EDUs allocable to multi-family structure shall be determined by the total number of Dwelling Units located thereon. For non-residential improved parcels of property the EDU determination above the minimum of one (1) shall be determined by taking the average day water flow of the three (3) highest consecutive months during a consecutive twenty-four (24) month period and calculating the number of EDUs above one (1) to the nearest tenth (i.e. 1.3, 2.4, 6.7, etc. For example: 458 gallons per average day water flow divided by 167 gallons per EDU equals 2.7 EDUs). EDUs for mixed-use improved parcels of property shall be determined and calculated to be a non-residential improved parcel in the absence of separate water meters.

(c) The initial collection of Reclaimed Water System Development Charges for the Marathon Central property owners are expected to occur through the imposition of a non ad-valorem assessment.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.005 TAPPING FEES.

(1) The Authority shall charge a Tapping Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Reclaimed Water Facilities.

(2) The Tapping Fee will vary with the size and type of connection performed.

(3) The Tapping Fee shall be charged for each size and type of connection on an "At Cost" basis. The Tapping Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.006 SERVICE INSTALLATION FEE.

(1) The Authority shall charge a Service Installation Fee for recovery of direct and allocated costs incurred by the Authority in connection with the physical connection of future Customers to the Authority's Reclaimed Water Facilities.

(2) The Service Installation Fee will vary with the size and type of connection performed.

(3) The Service Installation Fee shall be charged for each size and type of gravity connection on an "At Cost" basis. The Service Installation Fee shall include an estimation by the Authority in each case of the costs of labor, materials, use of equipment for installation of the connection, fittings, appurtenances, and replacement of pavement, sidewalk, curbs, gutters, sod, landscaping, and other restoration as required.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, FS. Law Implemented Sections 9, 14, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, FS. History-New.

48-405.007 GUARANTEED PAYMENT DEPOSIT. [RESERVED]

48-405.008 MONTHLY CUSTOMER FEES. [RESERVED – to be determined for each wastewater district service area.]

48-405.009 MISCELLANEOUS FEES.

(1) **Account Reactivation:**

Delinquent Account Reactivation Fee is for the recovery of expenses incurred by the Authority in performing reactivation of a Reclaimed Water Service account that has been turned-off due to non-payment.

(a) Customers requesting reactivation of Reclaimed Water Service following turn-off due to non-payment must pay $25.00 for re-establishment of service performed between 8:00 a.m. – 7:00 p.m., Monday through Friday, excluding holidays.

(b) Customers requesting reactivation of Reclaimed Water Service following turn-off due to non-payment must pay $50.00 for re-establishment of service performed outside said hours.

(2) **Account Deactivation (Turn-off):**

A $50.00 fee will be assessed for Service Deactivation due to non-payment.

(3) **Meter Re-read at Customer's Request:**

(a) If the meter reading is determined to be incorrect, the Customer's account will be adjusted accordingly and there will be no Service Fee.

(b) If the meter reading is determined to be correct, a $30.00 service fee will be assessed.

(4) **Relocation of Reclaimed Water Meter, Meter Box or Accessories.**

Relocation or change in elevation of the meter, meter box or accessories when requested by the Customer or when required by the actions of the Customer shall be "At Cost."

(5) **Returned Check/Bank Draft Charge.**

Returned Check/Bank Draft charges will be assessed in accordance with Chapter 832, Florida Statutes.

(a) The Authority shall impose a Returned Check/Bank Draft Charge for each dishonored check that is returned by the bank. Only cash, cashier's check, or money order will be accepted as payment for checks which have been dishonored. The Customer's account will be annotated upon receipt of a dishonored check or bank draft. Issuance of two (2) dishonored checks within an eighteen (18) month period will preclude the acceptance of another check for a period of 12 months from date of settlement of the first dishonored check or bank draft. During this time only cash, cashiers checks or money orders will be accepted for payment. The Authority shall charge an additional Guaranteed Payment Deposit equal to three (3) times the average monthly billing or $200.00 whichever is greater upon receipt of the second dishonored check or bank draft within an eighteen (18) month period.

(b) Returned Check/Bank Draft charges will be assessed as follows:

$25.00 if the face value of the returned check/bank draft does not exceed $50.00,
$30.00 if the face value exceeds $50.00 but does not exceed $300.00,
$40.00 if the face value exceeds $300.00, or
5% of the face value of the returned check/bank draft, whichever is greater.

(6) Past Due Notice:

(a) Issuance of a past due notice for a Delinquent Account shall result in:

(b) Interest due on the unpaid balance shall accrue at a rate of one and a half percent (1.5%) per month, or eighteen percent (18%) per annum.

(c) An administrative and general fee of $2.00.

(7) **Upsizing of Meter at Customer's Request.**

Customer shall pay current System Development Charges and a Guaranteed Payment Deposit for the upsized meter, less a credit for System Development Charges and the Guaranteed Payment Deposit for the original meter size

(8) Downsizing of Meter at Customer's Request.

Customer must pay "At Cost" for those costs incurred downsizing a Reclaimed Water Meter. The Guaranteed Payment Deposit difference, if any, will be credited to the Customer's account. System Development Charges for the larger meter will not be refunded.

(9) **Reclaimed Water Meter Replacement** at Customer's Request shall be provided "At Cost."

(10) **Unauthorized Connection or Use.**

For unauthorized connection or use, including but not limited to cutting or removing an Authority installed lock, Tampering with pumps or other pump station equipment,

Tampering with meters or other service equipment, connection to a Reclaimed Water Main or Service Line, the Authority will charge an amount equal to the rates and fees paid by the paying Customer in the normal course of service and the costs associated with remedying the damaged property.

(11) **Damages to Authority Property.**
No person shall break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the Authority's Reclaimed Water Facilities. The cost to repair any damage to the Authority's facilities by any such acts and costs associated with additional treatment or alternative disposal requirements resulting from said action, shall be assessed to the person(s) responsible. Damages shall be subject to an "At Cost" fee.

Specific Authority Section 10, Chapter 76-441, Laws of Florida; 120.54, 832.07, FS. Law Implemented Sections 9, 14, 15, 41, Chapter 76-441, as amended by Sections 6, 7, Chapter 80-546, and Sections 2, 6, Chapter 98-519, Laws of Florida; 120.54, 832.07, FS. History – New.

48-405.010 RECLAIMED WATER PROJECT PLANNING AND RECOVERY CHARGES.

(1) The Authority shall impose charges for the recovery of all costs and expenditures, including but not limited to, planning, feasibility studies, construction and engineering document preparation, project development costs and easement and land acquisition, or other costs associated with the planning and development of any Wastewater or Reclaimed Water Project in the event construction of any such project is not initiated within ninety (90) days after the Authority determines not to proceed with the proposed project.

(2) In the event the Authority determines not to proceed with the construction and implementation of any Wastewater or Reclaimed Water Project and reimbursement of all costs and expenditures is not made to the Authority pursuant to the interlocal agreement, grant or otherwise, the Authority shall identify all unrecovered costs and expenditures associated with the planning and development of such project and impose a charge on a potential user basis, per parcel basis or any other basis which reasonably shares and recovers all such un-recovered planning and development costs among the parcel owners or potential users for which the projects were planned or developed.

(3) Charges for planning and development costs shall be imposed by rule and may be collected by any lawful means. Provided, however, the Authority shall whenever practicable seek to include such charges on any affected water user's monthly bill and collect such amount in not more than sixty (60) consecutive monthly payments with interest at a rate 2% above the Authority's cost of funds.

48-405.011 (Reserved for future numbering)
48-405.012 (Reserved for future numbering)
48-405-013 (Reserved for future numbering)
48-405.014 (Reserved for future numbering)
48-405.015 (Reserved for future numbering)

48-405.016 (Reserved for future numbering)
48-405.017 (Reserved for future numbering)
48-405.018 (Reserved for future numbering)
48-405.019 (Reserved for future numbering)

48-405.020 LITTLE VENICE RECLAIMED WATER NON AD VALOREM ASSESSMENT

(1) Pursuant to Chapter 48-103, the Authority shall initiate and impose an Assessment for Reclaimed Water System Development Charges within the Little Venice wastewater district service area in an amount of $700.00 per calculated EDU.

(2) Any additional capital costs in excess of $700.00 per EDU necessary to provide Reclaimed Water Facilities within the Little Venice wastewater district service area shall be determined by subsequent rule.

(3) Upon payment of the Assessment and any additional capital costs in excess of $700.00 per EDU necessary to provide Reclaimed Water Facilities within the Little Venice wastewater district service area, the Reclaimed Water System Development Charge per EDU shall be deemed paid in full.

48-405.021 MARATHON CENTRAL RECLAIMED WATER NON AD VALOREM ASSESSMENT

(1) Pursuant to Chapter 48-103, the Authority shall initiate and impose an Assessment for Reclaimed Water System Development Charges within the Marathon Central wastewater district service area in an amount of $700.00 per calculated EDU.

(2) Any additional capital costs in excess of $700.00 per EDU necessary to provide Reclaimed Water facilities within the Marathon Central wastewater district service area shall be determined by subsequent rule.

(3) Upon payment of the Assessment and any additional capital costs in excess of $700.00 per EDU necessary to provide Wastewater facilities within the Marathon Central wastewater district service area, the System Development Charge per EDU shall be deemed paid in full.

[Remainder of page intentionally left blank.]