

Chapter 2.16 - CAPITAL FACILITIES CAPACITY CHARGES

2.16.010 Purpose and Scope

The purpose of this Chapter is to impose Capital Facilities Capacity Charges when a property is either newly connected to the District's system or the use of a property previously connected to the system is expanded. Revenues derived under the provisions of this Chapter will be used for the acquisition, construction, and reconstruction of the wastewater collection, conveyance, treatment, and disposal facilities of the District; to repay principal and interest on debt instruments; or to repay federal or state loans for the construction and reconstruction of said sewerage facilities, together with costs of administration and provisions for necessary reserves. (Ord. 127 § 4, 2024)

2.16.020 Definitions

- A. "Capital Facilities Capacity Charge", as used in this Chapter, means a one-time, non-discriminatory charge imposed at the time a structure is connected to the District's system, directly or indirectly, or an existing structure or category of use is expanded or increased. Said charge is to pay for District facilities in existence at the time the charge is imposed, or to pay for new facilities to be constructed in the future, that are of benefit to the property being charged.
- B. "Accessory Dwelling Unit," as used in this Chapter, means an attached or detached residential dwelling unit on a lot with a proposed or existing primary residence, as defined by California Government Code, Title 7, Division 1, Chapter 13 and as adopted by local ordinance for each respective District service zone.
- C. "Connection Fee", as used in this Chapter, means a fee equal to the cost necessary to physically connect a building or structure on a parcel of property to the District's system, including but not limited to, installation of meters, meter boxes, structural sewers, lateral sewers, and appurtenances to make the connection, and which fee does not exceed the actual cost of labor, materials, and overhead for the installation of those facilities.
- D. "Equivalent Residential Unit" (or "ERU"), as used in this Chapter, means the typical average wastewater discharge from a single residential unit measured in flow and appropriate discharge constituents, and as determined by the following formula:

Formula: $ERU_s = Q/Q_d * (W_1 + W_2 * (BOD/BOD_d) + W_3 * (TSS/TSS_d) - W_4 * (TDS/TDS_d))$

Where: W_1 = Weighting Factor for Volume (Flow)

W_2 = Weighting Factor for BOD

W_3 = Weighting Factor for TSS

W_4 = Weighting Factor for TDS

Q = User's Volume (Flow)

Q_d = Volume (Flow) for Equivalent Residential Unit

BOD = User's BOD

BOD_d = BOD for Equivalent Residential Unit

TSS = User's TSS

TSS_d = TSS for Equivalent Residential Unit

TDS = User's TDS

TDS_d = TDS for Equivalent Residential Unit

Note: For Significant Industrial Users (as defined in Chapter 2.28), User's Volume (Q) may be based

on maximum hourly flow discharged multiplied by the hours of operation within a calendar day (12:00 am through 11:59 pm).

The following values shall be used for weighting factors:

W_1	=	0.742
W_2	=	0.148
W_3	=	0.110
W_4	=	0.000

In calculating the Capital Facilities Capacity Charges, the ratios of User volume and strengths to equivalent residential unit volume and strengths shall not be less than 1.

The following values shall be used for residential unit flows and strengths:

Q_d	=	200 gpd
BOD_d	=	220 mg/l
TSS_d	=	220 mg/l
COD	=	400 mg/l
TDS_d	=	800 mg/l
Oil and Grease	=	60 mg/l

- E. “Existing Space”, as used in this Chapter, is space for which a building permit was issued, all conditions of the building permit were satisfied, and the building permit is closed.
- F. “Minimum Capital Facilities Capacity Charge”, as used in this Chapter, means the charge paid by one equivalent residential unit pursuant to the conditions and requirements specified in this Chapter.
- G. “Non-Discriminatory”, as used in this Chapter, means that the Capital Facilities Capacity Charge does not exceed an amount determined on the basis of the same objective criteria and methodology applicable to comparable public or non-public Users, and is not in excess of the proportionate share of the cost of the District’s facilities of benefit to the person or property being charged, based upon the proportionate share of use of those facilities.
- H. “Public Agency”, as used in this Chapter, means the United States or any of its agencies, the state or any of its agencies, The Regents of the University of California, a county, city, district, school district, local or regional public authority, or any other political entity, subdivision, or public corporation of the state.
- I. “Public Sewer”, as used in this Chapter means a collector, interceptor, main or trunk sewer owned and operated by the District, a city or other local sewerage agency which is tributary to the District’s sewerage system.
- J. “System”, as used in this Chapter, means “Sewerage system”, as that term is defined in Section 1.04.010 of this Code, and the existing sewerage treatment systems of the cities of Pittsburg (Zone No. 2) and Antioch (Zone No. 3) benefited by the construction on the District’s sewerage treatment plant and main trunk interceptor conveyance facilities.

2.16.030 Permit, Plan Checking, and Inspection Fees

- A. Permit, plan checking, and inspection fees, as established by this Code, shall be paid upon application for sewerage service.

- B. If the applicant applies for a rebate within fifteen (15) days of the inspection for which a house lateral inspection fee was paid, the District shall pay a rebate of Five Dollars (\$5.00) for each house lateral inspection performed, provided that the applicant demonstrates to the District's satisfaction, that more than four (4) inspections were performed by District personnel during the same site visit. The amount of rebate shall be increased to Ten Dollars (\$10.00) per inspection if ten (10) or more inspections are made during the same site visit.
- C. For the purpose of calculating the inspection fee for sewer facilities other than house laterals, main laterals, and gravity sewer mains, the applicant shall submit to the District a copy of the contractor's bid to perform the work. (Ord. 75 § 4, 2002)

2.16.040 Permit, Plan Checking, and Inspection Fees Designated

A.	<u>Plan Check Fee</u>	
	1. Initial Review	\$250.00
	2. Subsequent Plan Check Fees (Per Check)	\$50.00
B.	<u>Inspection Fees</u>	
	1. Permit Fee	\$50.00
	2. Sanitary Sewer	
	a. Lateral or Side sewer	\$100.00
	b. Trunk and Main Sewer	
	i. Installation	
	a) Minimum (fee for up to 300 feet)	\$50.00
	b) Per foot (for each foot over 300 feet)	\$0.20
	ii. TV Inspection	
	a) Minimum (fee for up to 300 feet)	\$500.00
	b) Per foot (for each foot over 300 feet)	\$0.80
	c. Mobile Home in Park	\$25.00
	d. Facilities not included above	7.5% of Construction Costs (Ord. 75 § 4, 2002)

2.16.050 Capital Facilities Capacity Charge

- A. Capital Facilities Capacity Charge Required. For each connection proposed to be made for buildings or structures on lands lying within the District (including, but not limited to residential, commercial, industrial, or institutional sewer connections) to the system, there shall be paid that amount, as determined by multiplying the Capital Facilities Capacity Charge by the ERU(s) of the connection (residential, commercial, industrial, or institutional). For each connection, the Capital Facilities Capacity Charge shall be at least the minimum amount as designated in Section 2.16.060 below, except that the Capital Facilities Capacity Charge for multiple dwelling structures, lodging facilities, commercial and industrial sewerage service, commercial trailer parks, and accessory dwelling units shall be as follows:
 - 1. Multiple Dwelling Structures. For multiple dwelling structures, each separate dwelling shall be considered to be an ERU. All fees and charges shall be determined by using the

number of dwelling units regardless of buildings and services furnished for the sole use of the multiple dwelling population. Buildings constructed for purposes other than dwelling shall be considered identifiable commercial activities, and the fees and charges shall be determined accordingly. All sewers within the property lines of the multiple dwelling structure shall be constructed in accordance with District specifications and subject to District inspection, but shall remain as private sewers, subject to private maintenance to the point of connection with the system.

2. Commercial Sewerage Service. A commercial service is defined as service to a location which sells goods and/or services on a retail or wholesale basis. Commercial services do not typically manufacture commodities. For commercial sewerage service where a sewer will serve one or more identifiable commercial activities, the number of ERU(s) shall be computed separately for each identifiable commercial activity, but in no case shall each fee so computed be less than the minimum Capital Facilities Capacity Charge.
3. Commercial Trailer (Mobile Home) Parks. For the purposes of this Chapter, each trailer space in a commercial trailer park shall be considered to be an ERU. All fees and charges shall be determined by using the number of trailer spaces regardless of buildings and services furnished for the sole use of the resident trailer population. Buildings constructed for other purposes shall be considered as identifiable commercial activities, and the fees and charges shall be determined accordingly. All sewers within the property lines of the trailer park shall be constructed in accordance with District specifications and subject to District inspection, but shall remain as private sewers subject to private maintenance to the point of connection with the system.
4. Industrial Sewerage Service. An industrial service is defined as service to a facility that produces raw materials and/or manufactures commodities or finished goods to be sold by commercial enterprises. For industrial sewerage service, the number of ERU(s) shall be computed for each identifiable commercial activity, but in no case shall each fee so computed be less than the minimum Capital Facilities Capacity Charge, as established by this Code.
5. Lodging Facilities. For lodging facilities, each separate lodging unit shall be considered to be 0.65 of an ERU. All fees and charges shall be determined by using the number of lodging units regardless of buildings and services furnished for the sole use of the lodging facility population. Buildings or other commercial areas of a lodging facility constructed for purposes other than lodging shall be considered identifiable commercial activities, and the fees and charges shall be determined accordingly. All sewers within the property lines of the lodging facility shall be constructed in accordance with District specifications and subject to District inspection, but shall remain as private sewers, subject to private maintenance to the point of connection with the system.
6. Accessory Dwelling Units. Each Accessory Dwelling Unit shall be considered to be 0.54 of an ERU for every 1,000 square feet of living space.
 - a. Exemption: Accessory Dwelling Units located within the Existing Space of a single-family dwelling or accessory structure that includes an expansion of not more than 150 square feet are exempt from Capital Facilities Capacity Charges. This exemption does not apply to Accessory Dwelling Units constructed with a new single-family dwelling.

- B. The Capital Facilities Capacity Charge for classifications of Users other than the basic residential unit shall be based upon the ratios of the pertinent constituents and flows multiplied by the basic charge for a residential unit but shall never be less than that basic charge. One or more constituents may be taken into consideration depending upon the impact it may have on the plant process, solids handling and final effluent quality. These constituents may include but are not limited to BOD, suspended solids, total dissolved solids, COD, and oil and grease. When available, calculations will be based upon information provided by the applicant. In other cases, the Engineer shall establish the basis for determining the flow and constituent quantities for each User classification.
- C. In calculating Capital Facilities Capacity Charges, the ERU formula shall be used. Values for flow and constituent strength quantities may be determined by the Engineer for various User classifications using surveys, special studies, predetermined values in the state revenue guidelines, or other data as deemed appropriate.
- D. The Engineer may allow for a flow reduction due to landscaping irrigation, evaporation, and process water usage. At the discretion of the Engineer, a Capital Facility Capacity Charge that is greater than the Minimum Capital Facilities Capacity Charge may be reviewed and adjusted based on the first year's actual water usage. At the Engineer's discretion, there may be subsequent adjustments based on changes in water usage. (Ord. 127 § 4, 2024))
- E. Credits and Exemptions.
 - 1. The Capital Facilities Capacity Charges shall not be applicable to connections to the system proposed to be made for lands used, or to be used, as schools by public school Districts.
 - 2. Except for a ADU is added to a parcel, when a parcel that has been connected to the sewer system undergoes additional development or redevelopment, and a connection permit is applied for, the following rules shall apply.
 - a. No Capital Facilities Capacity Charge shall be payable if the new structure contains less or the same number of ERUs as contained in the old structure.
 - b. If a Capital Facilities Capacity Charge previously had been paid to the District, and the new structure contains fewer units than the old structure, no refund shall be payable by the District.
 - c. If the new structure contains more units than the old structure, a Capital Facilities Capacity Charge shall be paid only for the additional ERUs constructed, in the amount in effect at the time of payment.
 - d. When a structure is remodeled, prior to issuance of a new permit, Capital Facilities Capacity Charges shall be due and payable for all new additional ERUs in the structure.

2.16.060 Capital Facilities Capacity Charge Designated

Every person or entity connecting to the District's sewerage system as authorized by Title 2, shall pay the Capital Facilities Capacity Charge based on the location of the property within the following zones:

Zone 1	Bay Point	\$5,471/ERU
Zone 2	Pittsburg	\$4,886/ERU
Zone 3	Antioch	\$4,886/ERU

The minimum charge in any zone will be an amount equal to one ERU, unless indicated otherwise.

(Ord. 127 § 4, 2024))

2.16.072 Temporary Connections

- A. A temporary connection is defined as a connection to the District’s sewerage system for less than one (1) year. Such connections add wear and tear to the system and will be assessed a temporary connection charge for the period of connection to the system based on the peak volume of flows and the zone where the temporary connection is served. Such temporary connections may be less than the minimum charge of one ERU. The basis of computation of the temporary connection charge for capacity rental shall be based on that connection’s share of interest on debt service used for system expansion as determined by the Manager. (Ord. 94 § 2, 2010)
- B. Should a connection originally determined to be temporary remain connected to the system for more than one (1) year, that connection will be deemed a permanent connection subject to the Capital Facilities Capacity Charge for the zone in which the connection is served. Prior connection charge payments for temporary service will be credited as payment toward the permanent connections Capital Facilities Capacity Charge. (Ord. 94 § 2, 2010)

2.16.080 Charges Payment Schedule

Except where otherwise specifically required, or where the Board has approved an alternative schedule for payment of charges in accordance with Government Code section 66007, the charges herein provided for shall be paid on the date of the final inspection, the date the certificate of occupancy is issued, or the date when the building plumbing is connected to the side sewer, whichever occurs first. (Ord. 127 § 4, 2024))

2.16.082 Requirements for Alternative Payment Schedule

- A. Pursuant to California Health and Safety Code Section 5474, the District may permit an owner of property to pay Capital Facilities Capacity Charges in installments for up to a three (3) year period when all of the following conditions are met:
1. The capital facilities capacity will be used on the owner’s property;
 2. The amount of the Capital Facilities Capacity Charge exceeds fifty-thousand dollars (\$50,000) per parcel;
 3. The owner has signed the District’s Alternative Payment Schedule Agreement; and
 4. The owner has agreed not to file any legal action challenging the amount of the Capital Facilities Capacity Charge or any administrative fee imposed in the Alternative Payment Schedule Agreement.
- B. Payment Schedule. The owner shall pay twenty-five percent (25%) of the total Capital Facilities Capacity Charge and all administrative fees on the date of the final inspection, the date the certificate of occupancy is issued, or the date when the building plumbing is connected to the side sewer, whichever occurs first. During the three years succeeding this date, the owner shall pay the remaining seventy-five percent (75%) of the total Capital Facilities Capacity Charge plus interest in thirty-six (36) equal monthly installments billed by the District. If the owner desires to pay the Capital Facilities Capacity Charge in fewer than three years from the issuance of the sewer permit, the payment schedule shall be adjusted accordingly

- C. Interest. Interest shall be charged on the unpaid balance at a rate that is equal to the prime rate at the time the Alternative Payment Schedule Agreement is approved plus one percent, but not to exceed twelve percent (12%) per annum.
- D. Late Payments. The owner's failure to pay any monthly installment when due shall subject the owner to a penalty of ten percent (10%) of the installment payment.
- E. Lien. In addition to other legal remedies the District may have to recover any monies owing under the Alternative Payment Schedule Agreement, as authorized under California Health and Safety Code Section 5474, the District may make the outstanding balance of the Capital Facilities Capacity Charge and the interest thereon a lien against the owner's property to which District's facilities are connected.
- F. Administrative Costs. The owner shall pay an administrative fee to cover the District's costs of administering the Alternative Payment Schedule Agreement in an amount established by the Board of Directors. (Ord. 127 § 4, 2024))

2.16.090 Separate Connection for Each Premise – Exception

There shall be a separate connection to the District's sewerage system for each structure, building, identifiable commercial activity, or separate premises; except that upon written request to, and approval by the Engineer, any two (2) or more separate structures, buildings, or identifiable commercial activities, on the same lot, under a single ownership of record, may be connected to the system by means of a single connection to serve such structures, buildings, identifiable commercial activities, or separate premises; in which case a Capital Facilities Capacity Charge shall be levied, and which charge shall be the total of the applicable fees and charges, as set forth in this Chapter for each structure, building, identifiable commercial activity, or separate premises, and the responsibility for payment of fees and charges for all facilities and services furnished shall be assumed by the owner. Under this option of connection, the connecting sewer shall remain a private sewer unless constructed as a main sewer, and upon District's acceptance, deeded or dedicated to the District. (Ord. 75 § 4, 2002)

2.16.100 Change of Use

Where Capital Facilities Capacity Charges have previously been paid for sewerage service for a structure, building, identifiable commercial activity, or separate premises, and it is proposed to alter the original character or use for the structure, building, identifiable commercial activity, industrial, or institutional activity, or separate premises, the Engineer may establish and collect Capital Facilities Capacity Charges at the current rate in affect at the time of payment for the new proposed use, giving credit for the ERU previously used for the calculation of previous charges paid to the District. (Ord. 75 § 4, 2002)

2.16.110 Appeals of Determinations

Any person or owner who has a right to appeal, as provided in any Section of the Code, or who is dissatisfied with any determination made pursuant to this Chapter by the Engineer or any other District officer, may appeal the determination as defined by Section 1.12.010 Appeal Process. (Ord. 94 § 2, 2010)

2.16.120 Capital Facilities Capacity Charges and Inspection Fees– Refunds

The District shall refund a Capital Facilities Capacity Charge or inspection fee paid in accordance

with Sections 2.16.060 and 2.16.040 if all the following conditions are satisfied:

- A. No construction has occurred on the parcel.
- B. A request for refund is made to the District within twelve (12) months after the date the connection/permit receipt was issued.
- C. The original connection/permit receipt and sewer permit, if applicable, is returned to the District.
- D. The District has obtained confirmation from the appropriate jurisdiction (county or city) that any action taken by that jurisdiction based on the connection/permit receipt and sewer permit, if applicable, is being reversed. (Ord. 75 § 4, 2002)

2.16.130 Transfer of Capital Facilities Capacity – Property Subject to Public Project

Where capital facilities capacity has been established for a property through the owner's payment of Capital Facilities Capacity Charges, and the ability to use the capacity for the property has been permanently reduced or eliminated due to a public entity's project on the property, the property owner may request a transfer of the property's capital facilities capacity to a new property, if the owner will use the new property for the same use as the original property. Such a request must be made within twelve (12) months of the time that either a final order of condemnation of the original property is recorded or a deed conveying the property owner's interest in the original property to the condemning agency is recorded. To qualify for a transfer, the property owner shall provide the District a certified copy of either the final order of condemnation of the original property or the recorded deed conveying the property owner's interest in the original property to the condemning agency. The property owner shall also provide documentation from the public entity establishing that the public entity did not compensate the property owner in any way for the loss of capital facilities capacity at the original property. (Ord. 82, § 2, 2004)

2.16.132 Limited Transfer of Capital Facilities Capacity – Private Purposes

- A. Where capital facilities capacity has been established for a property, the capacity reserved for that property is not transferable to another property except as provided in Section 2.16.130 and in this Section.
- B. Where:
 - 1. A property owner has operated an identifiable commercial activity as defined in Section 1.04.010 of the Code on his/her property located in the District; and
 - 2. Capital facilities capacity has been established for that property through either the current or a previous property owner's payment of Capital Facilities Capacity Charges; and
 - 3. The property owner has submitted a written application for transfer of the capacity and made a monetary deposit in the amount estimated by the Manager to pay all expenses for a special study, to be planned and performed by the District or its consultant to determine any impact on District facilities caused by the transfer; and
 - 4. The owner ceases operation of the identifiable commercial activity at that property; and
 - 5. The owner relocates the entire activity to another property within the District and will use the new property for the same use as the original property; the owner may request a

transfer of the capital facilities capacity reserved for the original property to the new property.

- C. The request for a transfer of capacity may be granted if all the following conditions are met.
1. The owner has paid all costs to the District associated with the transfer of capacity, including the cost of the study to determine any impact on District facilities caused by the transfer; the costs of any such impact as determined by the District and based on the study; and any costs to administer the transfer; and
 2. The owner has paid the current Capital Facilities Capacity Charge for any additional capacity required at the new property; and
 3. Should the transfer of capacity be into a District zone with a higher Capital Facilities Capacity Charge than the zone of the original property, the owner has paid the incremental increase between the capacity charges. Should the transfer be to a zone with a lower or equal capacity charge, no additional charges will be paid by the owner, and no refund will be made by the District; and
 4. If the owner retains ownership of the original property, the owner has placed a deed restriction on its title indicating the amount of sewer capacity available for the property and that any additional capacity must be purchased at the rate of the Capital Facilities Capacity Charges in effect at the time of transfer of title for the property to the new owner; and
 5. The owner has agreed not to file any legal action challenging the Capital Facilities Capacity Charge, or any other costs the owner is required to pay to obtain the transfer; and
 6. The owner has signed a contract for the transfer of capacity consistent with the requirements of this Section. (Ord. 84, § 3, 2005)