



## **Terms and Performance Guidelines Interruptible Reclaimed Water Service Program October 1, 2017 through September 30, 2018**

### **ELIGIBILITY**

The Interruptible Reclaimed Water Service program may not be offered every year.

Eligibility does not carry over to subsequent fiscal years. Customers must reapply each year, if the program is available.

All Long Beach Water Department (LBWD) regular reclaimed water customers are eligible to apply for the Interruptible Reclaimed Water Service program, unless customers are on non-peak or other special reclaimed water rates.

Criteria used for eligibility are annually subject to change.

### **CUSTOMER AGREES TO:**

- Submit one application for each reclaimed water meter the customer is offering for consideration of the Interruptible Service rate.
- Acknowledge that the completion of the application shall constitute acceptance of the required performance guidelines, terms and conditions to be considered for this service.
- Upon notification, at the sole discretion of the LBWD and subject to inspection and verification, voluntarily cease any and all flows from the meter until notification from LBWD that service can resume at that meter.
- Provide up to three contact email addresses as the sole communication points for the interruption notices. Customer may also provide cell phone numbers for each contact person. Phone numbers must accept text messages. Text messages may be sent by LBWD staff, notifying the customer that an email message has been sent.

Nothing in the provision of Interruptible Reclaimed Water service exempts a meter owner from complying with all other policies, rules, codes and guidelines established by LBWD and City.

### **RELEASE AND WAIVER**

I for myself, successors, heirs, assigns, executors, administrators, spouse and next of kin:

- Acknowledge that I fully understand that my participation in the Interruptible Reclaimed Water Service Program may involve risk of injury, including economic losses;
- Covenant not to sue, or present any claim for personal injury or property damage against the City of Long Beach, its Boards, Commissions, and their officials, employees and agents, for damages attributable to my participation in the Interruptible Reclaimed Water Service Program;

- Except to the extent attributable to the sole negligence or willful misconduct of the City and to the fullest extent permitted by law, release, waive, discharge and relinquish the City of Long Beach, its Boards, Commissions, and their officials, employees and agents, from and against any and all liability, claims, demands, damage, loss, obligations, causes of action, proceedings, awards, fines, judgments, penalties, costs and expenses (including without limitation: attorneys' fees, court costs, expert and witness fees, and other costs and fees of litigation; collectively "Claims" or individually "Claim") of every kind and nature whatsoever arising or alleged to have arisen, in whole or part, out of or in connection with participation in the Interruptible Reclaimed Water Service Program.

#### **LONG BEACH WATER DEPARTMENT AGREES TO:**

- Contact the meter owner and provide no less than 12 hours Notice-to-Interrupt reclaimed water service to the designated meter.
- Limit said interruption of service per meter to no more than:
  - Seven consecutive calendar days, commencing with the date and time the Interruption begins.
  - Two Notices-of-Interruption within a 28 calendar-day period for the designated meter.
  - 10 interruptions during the Program period.
- Determine water meter reads at the time of Interruption and prior to resumption of service to confirm compliance with the Notice-to-Interrupt.

#### **NON-PERFORMANCE**

The customer is considered in non-performance if the meter indicates 1 or more units of reclaimed water consumption between the time of the start of the interruption and the conclusion of interruption or, if upon inspection, during the Interrupted Service the system is found to be in service.

#### **PENALTIES**

Non-performance by the customer for a particular meter is subject to penalty. If LBWD determines that customer did not perform according to the Terms and Performance Guidelines for the interruptible reclaimed water rate, the meter shall immediately be removed from the Interruptible Reclaimed Water Service Program and all reclaimed water consumption, during the program period, at the designated meter will be converted to the standard reclaimed water rate in effect.

Additionally, all reclaimed water consumption at the meter penalized for Non-Performance shall be retroactively charged the difference between the Interruptible Reclaimed Water service rate and the Reclaimed Water Peaking rate, to cover all water consumed and previously billed at the Interruptible rate from the point of the last interruption for which compliance was satisfied or from the beginning of the Program year if no interruption has previously taken place.

The meter for which non-performance was determined will not be eligible for the Program in the following program period.

#### **APPEALS**

Customers notified by the LBWD that they are not in compliance with the Terms and Performance Guidelines of the Program may appeal the LBWD's decision.

Customers requesting to appeal the decision must submit a letter, within 10 business days from the date of notification of non-compliance, and:

- Include the following subject line in the letter – "Request for Appeal, Interruptible Reclaimed Water Service Program, Reclaimed Meter Number \_\_\_\_\_";

- Provide a detailed explanation as to why the customer believes they were compliant with the Program's Terms and Performance Guidelines, and, when feasible, provide supporting documentation;
- Direct communication to:
  - Long Beach Water Department, Attention: General Manager, 1800 E. Wardlow Road, Long Beach, CA 90807

The LBWD's Manager of Administration will, on behalf of the LBWD's General Manager, respond within 10 business days of receipt of the customer's request for an appeal. After LBWD staff has reviewed the request and supporting documentation provided, the customer will receive notification of the General Manager's decision within 30 business days from the date of the customer's request for an appeal. The General Manager's decision will be final.

### **LIMITATIONS**

For each application, the average peak day flow, in gallons, for the meter shall be calculated for the present and previous fiscal years for August. Average peak day flow shall be calculated as the consumption for the month, divided by the number of billing days in that corresponding cycle. In the event an interruption was called during the month of August, the previous month where no interruption took place would be used for that year alone.

If the applications for service exceed the need established by LBWD for an interruption event, a lottery shall be established to allot the need amongst the approved applications received.

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