

DEPARTMENT OF PUBLIC WORKS

COMMISSIONER CAPRI W. MADDOX  
REPORT NO. 1  
May 1, 2013

CD: 12

22510 NEEDLES STREET — APPEAL OF BUREAU OF SANITATION'S DETERMINATION OF SEWER SERVICE CHARGE (SSC) RESIDENTIAL ADJUSTMENT REQUEST

RECOMMENDATIONS

1. Grant Ms. Kathryn McCarron's appeal for a residential Sewer Service Charge (SSC) adjustment for the additional period of September 12, 2011 to September 11, 2012.
2. Instruct the Bureau of Sanitation [attn: Lisa Mowery, Manager, Financial Management Division] to process an SSC adjustment based on an average of domestic water consumption data for the additional period recommended above. This average will be derived from one year of sub-meter readings starting from September 11, 2012.

TRANSMITTAL

Communication No. 121455 from Ms. Kathryn McCarron, 22510 Needles Street, Chatsworth CA 91311. Referred by the Board of Public Works on January 14, 2013.

DISCUSSION

Ms. Kathryn McCarron applied for an SSC residential adjustment for the premises at 22510 Needles Street by letter received October 10, 2012. After an investigation conducted by the Bureau of Sanitation, it was discovered that her account had yet to be billed SSC based on her sub-meter readings. Her sub-meter was erroneously labeled by the Department of Water & Power (DWP) as monitoring irrigation, when in fact it monitored her domestic water consumption. This was ultimately corrected, and her SSC was adjusted effective September 11, 2012.

Ms. McCarron filed an appeal on this decision which was dated December 18, 2012.

Ms. McCarron had a phone hearing with me on April 9, 2013.

Ms. McCarron's argument followed by the Bureau of Sanitation's response is:

**Argument:** Ms. McCarron argues that the recent readings of her sub-meter, which track her domestic water consumption, prove that a significant amount of past water use on her premises was not tributary to the city sewer. Therefore, she asks that her past billings of SSC be adjusted to reflect the readings of her sub-meter.

**Response:** The Director of Sanitation's initial determination to deny an adjustment was based on the following:

Most residential customers as of July 1, 1997 are billed SSC under the Winter Water Use (WWU) system. The WWU is an estimate of sewage usage determined by the lowest average daily water consumption during Rainy Season Review Period (RSRP). Residential customers' SSC calculations take effect every year on July 1<sup>st</sup> and stay in effect until June 30<sup>th</sup> of the following year. The WWU is further reduced via the Dry Winter Compensation Factor (DWCF).

If a residential customer determines that the WWU method of calculating the SSC does not accurately reflect the water that is actually discharged from their premises, they may have the option of installing a sub-meter. The sub-meter program (initiated in conjunction with the Winter Water Use method in 1997) is reintroduced each year to the customer via the yearly Bureau of Sanitation SSC informational brochure that explains the benefits of the program.

A residential sub-meter, whether installed on an irrigation or domestic water line, can provide a more accurate measurement of water usage that is discharged to a City Sewer. Pursuant to Los Angeles Municipal Code (LAMC) Section 64.41.03(g) (3) (A) (ii), after installation of a sub-meter, subsequent billings will be calculated based on internal water consumption. Department of Building & Safety records show that a sub-meter was installed at the premises of 22510 Needles Street in August of 2012. The appellant's subsequent billings of SSC were based on the readings of that sub-meter.

The Board has additional authority to grant adjustments for periods up to one year prior to the request pursuant to the City Charter Sec. 350, Claims Against the City. This section specifies that claims against the City must be presented within one year after the occurrence from which damages arose. In addition, the California Government Code Sec. 911.2 requires claims to be presented within one year of the accrual of the cause of action. These authorities allow an additional adjustment to be granted for the period of September 12, 2011 to September 11, 2012.

At the telephone hearing held on April 9, 2013, the appellant presented sound arguments regarding an adjustment of SSCs at her premises. Therefore, it is reasonable to grant her a one year adjustment as recommended herein.

The appellant has been advised of the recommendation contained herein and the date and time this matter will be considered by the Board. The appellant was also advised that the Board meeting is open to the public and the appellant may be present if she wishes. Furthermore, if the appellant disagrees with the decision of the Board, she may file a Notice of Appeal with the Office of the City Clerk within ten (10) days of the date of the mailing of the Board's written determination to have the matter referred to the City Council and will be able to express her concerns to the Council's Energy and Environment Committee.

REPORT NO. 1  
May 1, 2013

Page 3

Prepared by:  
Matthew Vong, FMD  
(213) 485-2437

C:  
Ms. Kathryn McCarron  
22510 Needles Street  
Chatsworth, CA 91311  
[Ref # 121455]

Respectfully submitted,



Capri W. Maddox  
Commissioner  
Board of Public Works