

McKINLEYVILLE COMMUNITY SERVICES DISTRICT

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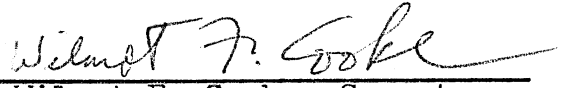
McKINLEYVILLE, CALIFORNIA 95521

707-839-3251

September 23, 1977

Ordinance Numbers 16 and 17 which were passed by the Board of Directors on September 22, 1977, were posted in the following public places:

1. Notice put on door of office building at 1656 Sutter Road.
2. Glen & Etta's Laundromat, 1549 City Center Road, McKinleyville.
3. Cask and Flash Liquors, McKinleyville Shopping Center,
1523 City Center Road, McKinleyville, Calif.



Wilmot F. Cooke, Secretary

ORDINANCE NO. 16

McKINLEYVILLE COMMUNITY SERVICES DISTRICT

AN ORDINANCE REGULATING THE USE OF PUBLIC SEWERS AND DRAINS, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, THE INSTALLATION OF SEWER LATERALS AND PUBLIC SEWER MAIN EXTENSIONS, PROVIDING PERMITS AND FIXING FEES FOR THE INSTALLATION AND CONNECTION OF SANITARY SEWERS, ESTABLISHING CHARGES FOR AREAS AND SUBDIVISIONS, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF

BE IT ORDAINED by the Board of Directors of the McKinleyville Community Services District, Humboldt County, California, as follows:

ARTICLE I

DEFINITIONS

For purposes of this Ordinance, the terms used herein are defined as follows:

Sec. 1.01. "Applicant" shall mean the person making application for a permit for wastewater discharge or for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

Sec. 1.02. "Authority" shall mean the Humboldt Bay Wastewater Authority.

Sec. 1.03. "Beneficial Uses" shall mean the uses of waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by Federal or State law.

Sec. 1.04. "Biochemical Oxygen Demand" (denoted BOD) shall mean quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory conditions in five (5) days at 20° C, expressed in milligrams per liter (mg/l).

Sec. 1.05. "Board" shall mean the Board of Directors of McKinleyville Community Services District.

Sec. 1.06. "Building" shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Sec. 1.07. "Building Sewer" shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private wastewater disposal system.

Sec. 1.08. "District" shall mean the McKinleyville Community Services District.

Sec. 1.09. "Combined Sewer" shall mean any sewer receiving both surface runoff and wastewater.

Sec. 1.10. "Community sewer" shall mean a sewer owned and operated by the District and tributary to a treatment facility operated by Authority.

Sec. 1.11. "Compatible Pollutant" shall mean BOD, SS, pH and fecal coliform bacteria, plus additional pollutants identified in the Authority's National Pollutant Discharge Elimination System (NPDES) Permit if the Authority's treatment works were designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree.

Sec. 1.12. "Contamination" shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Sec. 1.13. "Contractor" shall mean any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be responsible to the owner or their agent.

Sec. 1.14. "Domestic Wastewater" shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like.

Sec. 1.15. "Federal Act" shall mean the Federal Water Pollution Control Act, P.L. 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

Sec. 1.16. "Garbage" shall mean the solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Sec. 1.17. "General Manager" shall mean the General Manager of the Humboldt Bay Wastewater Authority or an appointed representative.

Sec. 1.18. "Holding Tank Wastes" shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Sec. 1.19. "Incompatible Pollutant" shall mean any pollutant which is not a "compatible pollutant" as defined in Section 1.11.

Sec. 1.20. "Industrial Wastewater" shall mean the wastewater in which the liquid wastes from industrial and manufacturing processes, laboratory, trade or business predominate as distinct from domestic wastewater (Section 1.14).

Sec. 1.21. "Lateral Sewer" shall mean the portion of a sewer lying within a public street connecting a building sewer to the community sewer.

Sec. 1.22. "Major Contributing Industry" shall mean any wastewater contributor identified by the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed for the period of use); or (2) has a flow or pollutant loading greater than five percent of the design capacity of the elements of the Authority's treatment works which serve the wastewater contributor;

or (3) has in its wastes toxic pollutants in toxic amounts as defined in the standards issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) is found by the General Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

Sec. 1.23. "Manager" shall mean the District Manager or an appointed representative.

Sec. 1.24. "Mass Emission Rate" shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Sec. 1.25. "Nuisance" shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Sec. 1.26. "Outside Sewer" shall mean any private sewer beyond the limits of the District.

Sec. 1.27. "Permit" shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the Authority or the District for the installation of, connection to, or use of any wastewater works.

Sec. 1.28. "Person" shall mean any individual, firm, company, partnership, association, and private, public and municipal corporation's responsible corporate officer, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Sec. 1.29. "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration in grams per liter of solution.

Sec. 1.30. "Pollution" shall mean alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for the beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

Sec. 1.31. "Premises" shall mean any parcel of real estate or portion thereof including any improvements thereon which is determined by the District to be a single user for purposes of receiving, using and paying for service.

Sec. 1.32. "Sanitary Sewer" shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Sec. 1.33. "Sewer" shall mean any pipe or conduit for carrying wastewater.

Sec. 1.34. "Shall" is mandatory; "May" is permissive.

Sec. 1.35. "Side Sewer" shall mean the sewer line beginning at the foundation wall of any building and terminating at the community sewer and includes the building sewer and lateral sewer together.

Sec. 1.36. "Storm Sewer" or "Storm Drain" shall mean a conduit which carries storm and surface or ground waters and drainage, but excludes domestic and industrial wastewater.

Sec. 1.37. "Street" shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right of way.

Sec. 1.38. "Suspended Solids" (denoted SS) shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering, and are referred to as nonfilterable residue in the laboratory test described in "Standard Methods for the Examination of Water and Wastewater."

Sec. 1.39. "Treatment Works" shall mean any devices and systems used in the storage, treatment, recycling, and reclamation of domestic or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Sec. 1.40. "Unpolluted Water" shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

Sec. 1.41. "User" shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

Sec. 1.42. "User Classification" shall mean the classification of users based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

Sec. 1.43. "Waste" shall include wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.

Sec. 1.44. "Wastewater" shall mean any waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Sec. 1.45. "Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Sec. 1.46. "Wastewater Discharge Permit" shall mean the permit issued by the Authority to control the discharge of industrial wastewater to the treatment works.

Sec. 1.47. "Wastewater Works" shall mean the system of building sewers, lateral sewers, community sewers, and treatment works designed for collection, conveyance, treatment and disposal of wastewater.

Sec. 1.48. "Waters of the State" shall mean any water, surface or underground, including saline waters within the boundaries of the State.

Sec. 1.49. Additional Definitions. For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "Uniform Plumbing Code," copies of which are on file in the District.

ARTICLE II

GENERAL PROVISIONS

Sec. 2.01. Purpose and Policy. This Wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the Authority and District to comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Authority and District systems. This Ordinance provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Sec. 2.02. Short Title. This Ordinance shall be known as the "Sewage Use Ordinance" of the McKinleyville Community Services District.

Sec. 2.03. Posting. Upon adoption this Ordinance shall be posted in three public places within the District, and shall become effective upon the expiration of thirty (30) days from the date of its adoption.

Sec. 2.04. Violation Unlawful. Following the effective date of this Ordinance, it shall be unlawful for any person whose building is required to be connected to a public sewer under this Ordinance to connect to, construct, install or provide, maintain

and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this Ordinance provided.

Sec. 2.05. Relief on Application. When any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to their premises, they may make written application to the Board of Directors, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises.

If such application be approved, the Board may, by resolution, suspend or modify the provision complained of, as applied to such premises, to be effective as of the date of the application and continuing during the period of the special circumstances.

Sec. 2.06. Relief on Own Motion. The Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstance, or any part thereof.

Sec. 2.07. District Inspector. The Manager may personally perform or employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, and facilities in connection therewith in the District, to be known as the District Inspector.

Sec. 2.08. Permits and Fees. No public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this Ordinance, and any other ordinance adopted by the Board of Directors.

ORDINANCE NO. 16

ARTICLE III, Section 3.04 - Revision & Addition - dated 9/13/78

Sec. 3.04 Private Wastewater Disposal Systems. Where a public sewer is not available under the provisions of Section 3.03, or as determined by the Board of Directors, the building sewer shall be connected to a private wastewater disposal system complying with public health Ordinances of the County of Humboldt and applicable regulations of the California Regional Water Quality Control Board, North Coast Region.

The following shall be added to Article III, Section 3.04, Ordinance No. 16;

Section 3.04.01 Determination. Where in the opinion of the Board, public sewer service is not available in accordance with this Ordinance, due to the lack of treatment facilities capacity available to the District, approval may be given for the interim use of private Wastewater disposal systems.

Section 3.04.02 Application. When regular application is made for sewer service, and it is determined that treatment capacity is not available to provide service to the property, the owner must enter into an agreement with the District to provide for the following:

1. Apply for and secure a private wastewater disposal permit from the Humboldt-Del Norte Health Dept. and/or California Regional Water Quality Control Board.
2. Pay all applicable costs for the installation of a sanitary sewer connection.
3. Construct the building sewer within three (3) feet of the final connection point of the building.
4. Agree to abandon the private wastewater disposal system and make a final connection to the sanitary sewer within ninety (90) days of notice from the District that public sewer is available.

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

Sec. 3.01. Treatment of Wastewaters Required. It shall be unlawful to discharge to any stream or watercourse any domestic or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Sec. 3.02. Unlawful Disposal. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of wastewater.

Sec. 3.03. Sewer Required. The owner of any proposed building to be situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required to connect, at their expense, said building directly with the proper public sewer in accordance with the provisions of this Ordinance provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

The owner of any existing building, provided with a lateral connection resulting from the Special Assessment proceedings or otherwise, shall connect to the public sewer within ninety (90) days after date of official notice to do so.

Sec. 3.04. Private Wastewater Disposal Systems. Where a public sewer is not available under the provisions of Section 303, the building sewer shall be connected to a private wastewater disposal system complying with public health regulations of the County and applicable regulations of the California Regional Water Quality Control Board, North Coast Region.

Sec. 3.05. Occupancy Prohibited. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District.

Sec. 3.06. Abandoned Sewage Disposal Systems. Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

ARTICLE IV

PERMITS AND FEES

Sec. 4.02. Application for Permit. There shall be five (5) classes of permits:

- (a) Single Family Residence.
- (b) *~~XXXXXX~~ ~~XXXX~~ ~~AND~~ Multiple Dwellings.
- (c) Commercial, Industrial, School, Public and other User Permit.
- (d) Public Sewer Construction Permit
- (e) Sewer Alteration Permit,* and Trailer Court.

* Revisions per Ordinance No. 20 dated 12/6/79.

ARTICLE IV

PERMITS AND FEES

Sec. 4.01. Permit Required. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any community sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the District and paying to the District the applicable permit fee.

Sec. 4.02. Application for Permit. There shall be five (5) classes of permits:

- (a) Single Family Residence.
- (b) Trailer Court and Multiple Dwellings.
- (c) Commercial, Industrial, School, Public and Other User Permit.
- (d) Public Sewer Construction Permit.
- (e) Sewer Alteration Permit.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

If the Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees as hereinafter fixed. The issuance of wastewater discharge permits to establishments producing industrial wastes shall be governed by the provisions of Article IX of this Ordinance.

Sec. 4.03. Compliance with Permit. After approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials,

or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the Manager or other authorized representatives.

Sec. 4.04. Agreement. The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications filed with their application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Sec. 4.05. All Work To Be Inspected. All sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's community sewer until the work covered by the permit has been completed, inspected and approved by the Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Sec. 4.06. Notification. It shall be the duty of the person doing the work authorized by permit to notify the Manager of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Sec. 4.07. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, the owner of the premises, or the agent of such

owner, shall repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Sec. 4.08. All Costs Paid by Owner. All costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. Such costs shall include the costs expended by the District for the installation of lateral sewers. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 4.09. Street Excavation Permit. A separate permit must be secured from the State, County or any other person having jurisdiction thereover by owners or contractors intending to excavate a public street for the purpose of installing sewers or making sewer connections.

Sec. 4.10. Liability. The District and its officer, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Section 4.11. Time Limit in Permits. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a

period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

ARTICLE V

BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Sec. 5.01. Permit Required. In accordance with Article IV of this Ordinance, no person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

Sec. 5.02. Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the rules, regulations and ordinances of the District.

Sec. 5.03. Minimum Size and Slope. The size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the diameter be less than three (3) inches. The slope of such 3-inch pipe shall not be less than one-fourth (1/4) inch per foot, except where the grade may require a slope of 1/8-inch per foot, which may be installed only with District approval.

Sec. 5.04. Building Drain. Whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe fittings, with clean-outs at each 45 degree bend or more, and in general conformance with the "Uniform Plumbing Code."

Sec. 5.05. Separate Sewers. No two adjacent buildings fronting on the same street (or corner) shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a community sewer if such community sewer exists in the street upon which

the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such community sewer shall be separately so connected with a community sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

Sec. 5.06. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Manager, to meet all requirements of the District.

Sec. 5.07. Cleanouts. Cleanouts in building sewers shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be maintained watertight. Cleanouts shall comply with the Uniform Plumbing Code.

Sec. 5.08. Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the community sewer, sanitary wastewater carried by such building sewer shall be lifted by artificial means, approved by the Manager, and discharged to the community sewer at the expense of the owner.

Sec. 5.09. Joints and Connections. All excavations required for the installation of a side sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

Sec. 5.10. Connection to Public Sewer. The connection of the building sewer into the community sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The invert of the building

sewer at the point of connection shall be at a higher elevation than the invert of the community sewer. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community sewer shall be made in accordance with the rules, regulations and ordinances of the District. Any work on community sewers and any work on lateral sewers done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District.

Sec. 5.11. Protection of Excavation. All excavations for side sewer installation shall be adequately guarded by the applicant with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other person having jurisdiction thereover.

Sec. 5.12. Maintenance of Building Sewer. Building sewers shall be maintained by the owner of the property served thereby. In the event of stoppage, the owner shall be responsible for rodding the entire side sewer. The District will perform all other lateral maintenance.

Sec. 5.13. Testing. All building sewers and lateral sewers shall be tested in strict accordance with rules, regulations and ordinances of the District.

ARTICLE VI

COMMUNITY SEWER CONSTRUCTION

Sec. 6.01. Permit Required. In accordance with Article IV of this Ordinance, no person shall construct, extend or connect to any community sewer without first obtaining a written permit from the District and paying all fees and connection charges and furnishing bonds as required therein. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Sec. 6.02. Plans, Profiles and Specifications. The application for a permit for community sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of District prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The Application, together with the plans, profiles and specifications, shall be examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, a permit shall be issued predicated upon the payment of all connection charges, fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Sec. 6.03. Subdivisions. The requirements of Section 6.01 and 6.02 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights of way in which community sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit

allowed in the permit, the Manager may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

Sec. 6.04. Easements or Rights Of Way. In the event that an easement is required for the extension of the community sewer or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Sec. 6.05. Persons Authorized To Perform Work. Only properly licensed contractors shall be authorized to perform the work of community sewer construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to side sewers installed concurrently with community sewer construction.

Sec. 6.06. Grade Stakes. Grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community sewer construction. The contractor shall be responsible for accurately transferring grades to sewer invert.

Sec. 6.07. Compliance With Local Regulations. Any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Sec. 6.08. Protection of Excavation. The applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also protect the public

in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in manner satisfactory to the County and District and any other person having jurisdiction thereover.

Sec. 6.09. Design and Construction Standards. Minimum standards for the design and construction of sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings showing the actual location of all mains, structures, Y's, T's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Sec. 6.10. Main Extension. The District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager.

Normally the main shall be extended the same size as terminated or as a minimum eight (8) inch unless a waiver for short dead-end lines is allowed by the Manager, in which case a six (6) inch will be the minimum size required.

Sec. 6.10.1. Advance Costs and Refunds. When a person applies to connect their property to a main extension previously paid for by another person as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years

of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally.

Sec. 6.10.2. When a person applies for an additional or enlarged lateral to property that fronts on a main extension paid for by another owner subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension originally.

Sec. 6.11. Completion of Sewer Required. Before acceptance of any sewer line by the District and prior to the admission of any wastewater into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager.

ARTICLE VII

USE OF THE PUBLIC SEWERS

Sec. 7.01. Prohibitions on Discharges. No person shall discharge wastes to a community sewer which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- (a) a fire or explosion;
- (b) obstruction of flow or injury to the treatment works;
- (c) danger to life or safety of personnel;
- (d) a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;
- (e) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- (f) interference with the wastewater treatment process;
- (g) the Authority's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation or treatment process;
- (h) a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the Authority;
- (i) discoloration or any other condition in the quality of the Authority's treatment works effluent such that receiving water quality requirements established by law cannot be met;
- (j) conditions at or near the Authority's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body;
- (k) the District collection system or Authority's treatment works to be overloaded or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities.

Sec. 7.02. Prohibitions on Storm Drainage and Ground Water.

Storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer.

Sec. 7.03. Prohibition on Unpolluted Water. Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer.

Sec. 7.04. Limitations on Radioactive Wastes. No person shall discharge or cause to be discharged, any radioactive waste into a community sewer except:

- (a) when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- (b) when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and
- (c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

Sec. 7.05. Limitations on the Use of Garbage Grinders.

Waste from garbage grinders shall not be discharged into a community sewer except:

- (a) wastes generated in preparation of food normally consumed on the premises, or
- (b) where the user has obtained a permit for that specific use from District and the Authority, and agrees to undertake whatever self-monitoring is required to enable the District and Authority to equitably determine the charges and fees based on the waste constituents and characteristics.

Such grinders must shred (normally 3/8 inches minimum) the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse, that subsequently enters the sewer.

Sec. 7.06. Limitations on Point of Discharge. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he has been issued a permit by the District. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Sec. 7.07. Holding Tank Waste. No person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the District or Authority. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District and Authority. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational vehicles holding tanks provided that such discharges are made into a District approved facility designed to receive such wastes.

Sec. 7.08. Limitations on Wastewater Strength.

Sec. 7.08.1. No person shall discharge wastewater containing in excess of:

0.1 mg/l arsenic
0.2 mg/l cadmium
2.0 mg/l copper

1.0 mg/l cyanide
1.0 mg/l lead
0.01 mg/l mercury
1.0 mg/l nickel
0.2 mg/l silver
0.5 mg/l total chromium
3.0 mg/l zinc

All analyses shall be performed in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, by a State Certified Laboratory.

Sec. 7.08.2. No person shall discharge any wastewater:

- (a) Having a temperature higher than 150° F (65.5° C).
- (b) Containing more than 300 mg/l of oil or grease of animal or vegetable origin.
- (c) Containing more than 100 mg/l of oil or grease of mineral or petroleum origin.
- (d) Having a pH lower than 6.0 or higher than 9.0.
- (e) Containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons which cannot be removed by the Authority's wastewater treatment process.
- (f) Containing in excess of 1.0 mg/l phenolic compounds which cannot be removed by the Authority's wastewater treatment process.

Sec. 7.08.3. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Ordinance. Under Section 307 (b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines issued under Section 304 (b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the Administrator pursuant to Section 304 (b) of the Act. Where the Authority's treatment works was designed to and does achieve substantial removal of

pollutants other than the four pollutants listed in the definition for compatible pollutants in Section 1.11 (BOD, SS, pH, and fecal coliform bacteria), the Authority may, at its discretion, not require the user to achieve best practicable control technology currently available, since this may lead to an uneconomical duplication of treatment facilities. The term "substantial removal" contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered "substantial."

Sec. 7.08.4. Wastewater Strength or Character. The District Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in industrial or wastewater flows and otherwise issue detailed directions for meeting the requirements of this Section.

Limitations on wastewater strength in Sections 7.08.1 and 7.08.2 of this Ordinance may be supplemented with more stringent limitations pursuant to Section 9.02.4.

- (a) If the Authority determines that the limitations in Sections 7.08.1 and 7.08.2 may not be sufficient to protect the operation of the Agency's treatment works, or
- (b) If the Authority determines that the limitations in Sections 7.08.1 and 7.08.2 may not be sufficient to enable the Authority's treatment works to comply with water quality standards or effluent limitations specified in the Authority's National Pollutant Discharge Elimination System (NPDES) permit.

Sec. 7.09. Disposal of Unacceptable Waste. Waste not permitted to be discharged into the community sewer must be transported to a State approved disposal site. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the Authority and District by the discharger.

Sec. 7.10. Interceptors Required. Grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the Manager and shall be so located as to be readily and easily accessible for cleaning and inspection.

All such grease, oil and sand interceptors shall be maintained by the Owner, at their expense, in continuous efficient operation at all times.

Sec. 7.11. Preliminary Treatment of Wastes. The admission into the public sewers of any waters or wastes having (a) a 5-day Biochemical Oxygen Demand greater than 300 milligrams per liter, or (b) containing more than 350 milligrams per liter of suspended solids, or (c) containing any quantity of substance having the characteristics described in Section 7.08, or (d) having an average daily flow greater than two percent of the average daily flow of the District, shall be subject to the review and approval of the Manager. Where necessary in the opinion of the Manager, the owner shall provide, at their expense, such preliminary treatment as may be necessary to (i) reduce the Biochemical Oxygen Demand to 300 milligrams per liter, or (ii) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 7.08, or (iii) control the quantities and rates of discharge of such waters or wastes.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Manager and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 7.12. Maintenance of Pretreatment Facilities. Where required by the District, preliminary treatment facilities for any waters or wastes shall be maintained continuously in satisfactory and effective operation by the owner at their expense and to the satisfaction of District.

Sec. 7.13. Availability of District Facilities. If sewerage capacity is not available, the District may require the discharger to restrict their discharge until sufficient capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where wastewater of their proposed quantity and quality can be received by available sewerage facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of wastewater is unacceptable in the available collection facility.

ARTICLE VIII

WASTEWATER VOLUME DETERMINATION

Sec. 8.01. Metered Water Supply. When charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

Sec. 8.02. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water usage and where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the District, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Manager.

Wastewater meters and vaults shall be approved by the District. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, measurement or waste character and strength.

Sec. 8.03. Estimated Wastewater Volume.

Sec. 8.03.1. Users without source meters. For users where, in the opinion of the District, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the District. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinations of water use necessary to estimate the wastewater volume discharged.

Section 8.03.2 Users with source meters. For users who, in the opinion of the District, divert a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the District provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

ARTICLE IX

DISCHARGE REPORT, WASTEWATER DISCHARGE PERMITS, AND ADMINISTRATION

Sec. 9.01. Discharge Reports. The Authority and District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the Authority and the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports.

Sec. 9.02. Wastewater Discharge Permits.

Sec. 9.02.1. Mandatory Permits. Each "major contributing industry" as defined in Section 1.22 or other users with a discharge equivalent to that of a major contributing industry, if not connected to a community sewer, must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Sec. 9.02.2. Optional Permits. The District may issue a Wastewater Discharge Permit to any user, upon application, in accordance with the terms of this Section in the following categories:

- (a) A user who requests charges and fees to be based on an estimate of wastewater flow, or
- (b) Any user whose wastewater strength is less than the normal range for the user classification to which he is assigned because of pretreatment, process changes or other reasons.

(c) Any industrial user.

Sec. 9.02.3. Permit Application. Applicants for a Wastewater Discharge Permit shall complete an application, in the form prescribed by the Authority, which can be obtained from the District having jurisdiction in the area. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and SIC number of applicant;
- (b) Volume of wastewater to be discharged;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Sections 7.08.1, 7.08.2 and 7.08.3 as determined by a laboratory approved by the Authority.
- (d) Time and duration of discharge;
- (e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation.
- (g) Description of activities, facilities and plant process on the premises including all materials, processes and types of materials which are or could be discharged;
- (h) Each product produced by type, amount, and rate of production;
- (i) Number and type of employees, and hours of work;
- (j) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

Following approval, the District shall forward the application form and appurtenant plans and data to the Authority for review and approval. The Authority may require additional

information on the characteristics of the wastewater discharge beyond that required on the application form.

Upon receipt of all required information, the application shall be processed and, upon approval, copies shall be filed with the Authority and the District and one copy shall be returned to the applicant. When properly signed, the application shall constitute a valid Wastewater Discharge Permit. The application shall be approved if the applicant has complied with all applicable requirements of this Ordinance and furnished to the Authority all requested information and if the Manager and General Manager determine that there is adequate capacity in the District's and Authority's facilities to convey, treat, and dispose of the wastewaters.

Sec. 9.02.4. Permit Conditions.

- (a) The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer;
- (b) The average and maximum wastewater constituents and characteristics;
- (c) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation of inspection and sampling facilities;
- (e) Pre-treatment requirements;
- (f) Specifications for monitoring programs which may include locations, frequency and method of sampling, metering, number, types and standards for tests and reporting schedule;
- (g) Requirements for submission of technical reports or discharge reports;
- (h) Requirements for maintaining plant records relating to wastewater discharge as specified by the Authority or the District and affording the Authority or the District access thereto;

(i) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by Section 1.19) are proposed or are present in the user's wastewater discharge.

(j) Other conditions as deemed appropriate by the Authority or the District to insure compliance with this Ordinance.

Sec. 9.02.5. Duration of Permits. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the Authority or the District 30 days prior to the expiration of the Permit, the Permit shall be extended one additional year. The terms and conditions of the Permit may be subject to modification and change by the Authority or the District during the life of the Permit as limitations or requirements as identified in Section 7.08 are modified and changed. The user shall be informed of any proposed changes in his Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Authority or the District at least forty-five (45) days prior to the proposed change or connection.

Sec. 9.02.6. Transfer of a Permit. Wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Sec. 9.02.7. Revocation of Permit. Any user who violates the conditions of the Wastewater Discharge Permit, any provisions of this Ordinance, applicable state and Federal regulations, or any of the following, is subject to having his Permit revoked:

- (a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics; or,
- (c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

Sec. 9.03. Monitoring Facilities. Users who propose to discharge, or who in the judgment of the Authority or District could discharge now or in the future, wastewater with constituents and characteristics different from that produced by a domestic premise (see Section 10.04 herein) will be required to install a monitoring facility. When more than one user can discharge into a common building sewer, the Authority or the District may require installation of a separate monitoring facility for each user. Also when, in the judgment of the Authority or District, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the Authority or the District may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the Authority or the District, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The Authority or the District may, however, when such a location would be impractical or cause

undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow safe and immediate access for Authority or the District personnel, such as a gate secured with an Authority or District lock. There shall be ample room in or near such facility to allow accurate sampling and compositing of samples for analysis. The entire facility and the sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition by and at the expense of the user.

Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the Authority's or the District's requirements and all applicable local agency construction standards and specifications.

When, in the judgment of the Authority or the District, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within 90 days following written notification unless a time extension is otherwise granted by the Authority or the District.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Authority or the District and/or other duly authorized employees of the Authority or the District may reasonably require, including installation, use, and maintenance of monitoring equipment and records to the Authority or the District. Such records shall be made available upon request by the Authority or the District and to other Agencies having jurisdiction over discharges to the receiving waters.

Sec. 9.04. Inspection and Sampling. The Authority may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority or the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The Authority or the District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Authority or the District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Sec. 9.05. Pretreatment. Users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Authority or the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority or the District for review, and shall be approved by the Authority or the District before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the Authority or the District.

Sec. 9.06. Protection From Accidental Discharge. Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority or the District for review, and shall be approved by the Authority or the District before construction of the facility.

The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Ordinance.

Sec. 9.07. Confidential Information. All information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restriction unless the user specifically requests and is able to demonstrate, to the satisfaction of the Authority or District, that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the Authority or the District as confidential shall not be transmitted to any governmental agency or to the general

public by the Authority or the District until and unless prior and adequate notification is given to the user.

Sec. 9.08. Special Agreements. Special agreements and arrangements between the Authority or the District and any persons or agencies may be established when, in the opinion of the Authority or the District, unusual or extraordinary circumstances compel special terms and conditions.

ARTICLE X

WASTEWATER CHARGES AND FEES

Sec. 10.01. Schedule of Charges and Fees. A schedule of charges and fees shall be adopted by the District or the Authority which will enable them to comply with the revenue requirements of the State Clean Water Grant Program and operational requirements and charges and fees shall be determined in a manner consistent with regulations of the Grant Program.

Sec. 10.02. Classification of Users. All users are to be classified either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analyzation, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the Authority's and the District's cost.

Sec. 10.03. Types of Charges and Fees. The charges and fees as established in the District's or the Authority's schedules of charges and fees, may include, but not be limited to:

- (a) user classification charges;
- (b) fees for monitoring;
- (c) fees for permit applications;
- (d) appeal fees;
- (e) connection fees or assessments;
- (f) service charges;
- (g) penalties or special cost recovery charges;
- (h) charges and fees based on wastewater constituents flows and characteristics to include industrial cost recovery provisions of the Federal Act;

Sec. 10.4. Basis for Determination of Charges. Charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents

and characteristics of the wastewater discharge of each user or user classification, which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of the characteristics of wastewater from a domestic premise and relative difficulty to transport and treat.

ARTICLE XI

ENFORCEMENT

Sec. 11.01. Accidental Discharges.

Sec. 11.01.1. Notification of Discharge. Users shall notify the Authority and the District immediately upon accidentally discharging wastes in violation of this Ordinance to enable countermeasures to be taken by the Authority and the District to minimize damage to the community sewer, treatment facility, treatment processes, the receiving waters, and the public in general.

This notification shall be followed, within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

Sec. 11.01.2. Notices to Employees. In order that employees of users be informed of Authority requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the Authority and the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge or spill in violation of this Ordinance.

Sec. 11.01.3. Preventive Measures. Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

Sec. 11.02. Issuance of Cease and Desist Orders. When the Authority or the District finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of this Ordinance, or the provisions of a Wastewater Discharge Permit, the District may issue an order to cease and desist, and direct that those persons not complying with such prohibitions, limits, requirements, or provisions to:

- (a) Comply forthwith;
- (b) Comply in accordance with a time schedule set forth by the Authority or the District;
- (c) Take appropriate remedial or preventive action in the event of a threatened violation;
- (d) Terminate all wastewater flow.

Sec. 11.03. Submission of Time Schedule. When the Authority or District finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in this Ordinance, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit, the District may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of requirements.

Sec. 11.04. Appeals. Any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the Manager is unsatisfactory to the person requesting reconsideration, they may, within ten (10) days after notification of the District action, file a written appeal to the District's governing body. The written appeal shall be heard by the governing body within thirty (30) days from the date of filing. The District's governing body shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

ARTICLE XII

ABATEMENT

Sec. 12.01. Public Nuisance. Discharges of wastewater in any manner in violation of this Ordinance or of any order issued by the Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

Sec. 12.02. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this Ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the District may petition the Superior Court for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

Sec. 12.03. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's sewer service charge.

Sec. 12.04. Correction of Violations; Collection of Costs; Injunction. In order to enforce the provisions of this Ordinance, the District may correct any violation hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The District may also petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining any person from the continued violation of this Ordinance.

Sec. 12.05. Civil Liabilities and Penalties. Any person who intentionally or negligently violates any provision of this Ordinance, requirements, or conditions set forth in permits duly issued, or who discharges wastewater which causes pollution, or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to liabilities imposed by the District against which the violation occurs. Said civil liability may be in a sum of not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

The District may petition the Municipal or Superior Court to impose, assess and recover such sums. In determining such amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any.

Sec. 12.06. Falsifying of Information. Any person who knowingly makes any false statements, representation, record, report, plan or other document filed with the Authority or the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is hereby declared to be in violation of this Ordinance, and subject to the Civil Liabilities imposed under Section 12.05 of this Ordinance, or subject to prosecution and punishment under Section 12.04 of this Ordinance.

Sec. 12.07. Termination of Service. In order to effect its powers, the District may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation or this Ordinance is found to exist.

Prior to termination of service, however, the District shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the District shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten (10) days subsequent to the giving of notice as herein required.

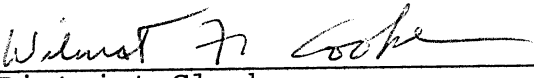
ARTICLE XIII

SEVERABILITY

The Board hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more of the sections, sub-sections, sentences, clauses, or phrases be declared invalid.


President, Board of Directors
McKinleyville Community Services
District

ATTEST:


District Clerk

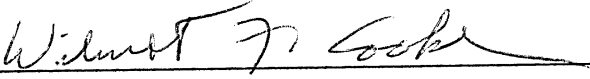
CLERK'S CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of an ordinance passed and adopted at a meeting of the Board of Directors, McKinleyville Community Services District, Humboldt County, California, duly held on the 22nd day of September, 1977 by the following vote:

AYES, and in favor thereof, Board Members, ESTES, FORSON, RAMEY

NOES, Board Members, NONE

ABSENT, Board Members, HOOVEN, STOCKWELL


District Clerk