



## **NOVATO SANITARY DISTRICT**

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### **SANITARY CODE OF NOVATO SANITARY DISTRICT**

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NOVATO SANITARY DISTRICT

Ordinance No. 70 and Amendments

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NOVATO SANITARY DISTRICT

ORDINANCE NO. 70 AND AMENDMENTS

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE 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, REGULATING THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF

The Board of Directors of Novato Sanitary District of Marin County, California, does ordain as follows:

ARTICLE I. DEFINITIONS

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

**[Sec. 101-161 modified and Sec. 166 added by Ordinance 115, 10/10/2011]**

Sec. 101. Applicant shall mean the person making application for a permit and shall be the occupant and/or owner or his/her/their authorized representative of the premises to be served by the sewer for which a permit is requested.

Sec. 102. Biochemical Oxygen Demand (BOD) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty (20) degrees centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).

Sec. 103. Board shall mean the Board of Directors of the District.

Sec. 104. Building shall mean any structure used for human habitation or a place of business, recreation or other purposes.

Sec. 105. Building Sewer shall mean that portion of any sewer beginning at a point two (2) feet outside the foundation line of any building and running to the property line, street right-of-way line or sewer easement right-of-way line or to a private sewage disposal system.

Sec. 106. Categorical Pretreatment Standards shall mean National Categorical Pretreatment Standards or Pretreatment Standard.

Sec. 107. City shall mean the City of Novato.

Sec. 108. Clean Water Act shall mean the Federal Water Pollution Control Act of 1972, also known as the Clean Water Act, and any amendments thereto.

Sec. 109. Combined Sewer shall mean a sewer receiving both surface runoff and sewage.

Sec. 110. Contractor shall mean an 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.

Sec. 111. County shall mean the County of Marin, California.

Sec. 112. District shall mean Novato Sanitary District, Marin County, California.

Sec. 113. District Inspector shall mean a person or persons designated by the Manager-Engineer to perform inspection functions.

Sec. 114. Domestic Wastewater shall mean the liquid and solid waterborne wastes derived from the ordinary living processes of humans. Domestic wastewater shall be of such character as to permit satisfactory disposal, without special treatment, into the public sewer system or by means of a private disposal system. For the purpose of this definition, domestic wastewater shall have a BOD and suspended solids concentration of less than 300 milligrams per liter.

Sec. 115. Environmental Protection Agency or EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Sec. 116. Federal Categorical Pretreatment Standard or Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Clean Water Act which applies to specific categories of users.

Sec. 117. Garbage shall mean solid wastes from the preparation, cooking, and the dispensing of food, and from the handling, storage and sale of produce.

Sec. 118. Grab Sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Sec. 119. Holding Tank Waste shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Sec. 120. Interference shall mean the inhibition or disruption of wastewater treatment plant operations or processes, sludge disposal and/or reuse, wastewater reclamation or marsh processes or operations, which contributes to a violation of any requirement of the District's NPDES Permit or other State and/or Federal requirements.

Sec. 121. Lateral Sewer shall mean the portion of a sewer lying within a street or sewer right-of-way connecting a building sewer to the main sewer.

Sec. 122. Main Sewer shall mean a public sewer designed to accommodate more than one lateral sewer.

Sec. 123. Manager-Engineer shall mean the person or persons appointed by the Board to administer and enforce the rules and regulations of the District and shall be a Registered Civil Engineer.

Sec. 124. Multiple-Family Dwelling shall mean any structure under one ownership constructed for occupancy of more than one family, each separate living quarters to be referred to as a unit.

Sec. 125. National Pollution Discharge Elimination System or NPDES Permit shall mean a permit issued pursuant to Section 402 of the Clean Water Act.

Sec. 126. New Source shall mean any building, structure, facility or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed Federal pretreatment standards which will be applicable if such standards are thereafter promulgated, provided that: (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site (In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source would be considered).

Sec. 127. Non-Domestic Sewer User shall mean any contributor of non-domestic wastewater to the District system.

Sec. 128. Non-Domestic Wastewater shall mean all water-carried wastes, excluding domestic wastewater, and shall include wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of non-human origin. All wastes hauled by truck, or other means, shall be considered as non-domestic wastewater regardless of the original source of the wastes.

Sec. 129. Outside Sewer shall mean a sanitary sewer which extends beyond the boundaries of the Sanitary District.

Sec. 130. Pass Through shall mean a discharge from wastewater treatment facilities in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, contributes to a violation of any requirement of the District's NPDES Permit or other State and/or Federal requirements.

Sec. 131. Permit shall mean any written authorization required pursuant to this or any other regulation of District for the installation of any sewage works or for the use of public sewers.

Sec. 132. Permittee shall mean a person to whom the District has issued a permit for sewer construction or use.

Sec. 133. Person shall mean any human being, individual, firm, company, partnership, association and private or public or municipal corporations, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Sec. 134. pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

Sec. 135. Plumbing Fixture Units shall mean fixture unit load values for drainage piping and shall be computed from Tables 1 and 2 of Chapter 4 of the Uniform Plumbing Code adopted herein.

Sec. 136. Plumbing System shall mean all plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a building and extending to the building sewer connection two (2) feet outside the building wall.

Sec. 137. Pollutant shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

Sec. 138. Pretreatment or Treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into District facilities. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by Federal regulations.

Sec. 139. Pretreatment Requirements shall mean any substantive or procedural requirement related to pretreatment.

Sec. 140. Public Sewer shall mean a sewer lying within a street and which is controlled by or under the jurisdiction of the District.

Sec. 141. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

Sec. 142. Sewage or Wastewater shall mean a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sec. 143. Sewage or Wastewater Treatment Plant shall mean any arrangement of devices and structures used for treating wastewater.

Sec. 144. Sewage Works or Sewerage shall mean all facilities for collecting, pumping, treating and disposing of sewage or wastewater.

Sec. 145. Sewer shall mean a pipe or conduit for carrying sewage.

Sec. 146. Side Sewer shall mean the sewer line beginning at a point two (2) feet outside the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

Sec. 147. Significant Non-Domestic Sewer User shall mean any industrial user or non-domestic user of the District's wastewater disposal system who (1) has a discharge flow of 25,000 gallons or more per average work day, or (2) has a dry weather flow or organic capacity greater than five (5) percent of the capacity of the District's wastewater treatment system, or (3) has in his/her wastes toxic pollutants as defined pursuant to Section 307 of the Act of California Statutes and rules or (4) is found by the District, Regional Water Quality Control Board or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

Sec. 148. Single-Family Unit shall mean any structure constructed for occupancy of one single family. This classification includes trailers and mobile home units with connections to the District sewer system.

Sec. 149. Solid Wastes shall mean all non-waterborne wastes, including garbage, recyclable and non-recyclable solid wastes, such as paper, plastics, demolition debris, and all other solid waste products of the community.

Sec. 150. Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, and any amendments thereto.

Sec. 151. Standard Specifications shall mean the set of documents containing design and construction standards for all sewage works in the District, all dated April 1975, together with subsequent amendments.

Sec. 152. State shall mean the State of California.

Sec. 153. Storm Sewer or Storm Drain shall mean a sewer which carries storm and surface or groundwaters and drainage, but excludes sewage and polluted industrial wastes.

Sec. 154. Storm Water shall mean the water running off of or draining from the surface or subsurface of an area during and after a period of rain or irrigation.

Sec. 155. Street shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Sec. 156. Subdivision shall mean improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two (2) or more lots or parcels.

Sec. 157. Suspended Solids shall mean the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

Sec. 158. Uniform Plumbing Code shall mean that certain current issue of the plumbing code, entitled, "Western Plumbing Officials Uniform Plumbing Code," copies of which are on file in the office of the District for use and examination by the public, except such sections therein as are shown to be omitted, amended, or added thereto, in said copies. Wherever the term "Administrative Authority" is used in the Uniform Plumbing Code, it shall be construed to mean the District Manager-Engineer.

Sec. 159. User shall mean any person who contributes, causes or permits the contribution of wastewater into the District's facilities.

Sec. 160. Additional Definitions. For the purpose of this Ordinance, additional terms shall have the meaning indicated in Chapter 1 of the Uniform Plumbing Code as adopted herein.

Sec. 161. Abbreviations

The following abbreviations shall have the designated meanings:

- BOD - Biochemical Oxygen Demand.
- C - Centigrade.
- CFR - Code of Federal Regulations.
- EPA - Environmental Protection Agency.
- F - Fahrenheit.
- gal/day - Gallons per day.
- l - Liter.
- mg - Milligrams.
- mg/l - Milligrams per liter.
- NPDES - National Pollutant Discharge Elimination System.
- SIC - Standard Industrial Classification.
- TDS - Total Dissolved Solids.
- TSS - Total Suspended Solids.
- ug - Micrograms.
- ug/l - Micrograms per liter.
- USC - United States Code.
- PAH - Polyaromatic Hydrocarbons.
- TTO - Total Toxic Organics.

**[Sec. 101-161 modified and Sec. 166 added by Ordinance 115, 10/10/2011]**

## ARTICLE II. GENERAL PROVISIONS

Sec. 201. Authority. This regulation is adopted under authorization of the Sanitary District Act of 1923, Chapter 1, Division 6, comprising Sections 6400 through Section 6830 of the Health and Safety Code of the State of California.

Sec. 202. Rules and Regulations. The following rules and regulations respecting sewer construction and disposal of wastewater and drainage of buildings and connection to and use of the sewage works of the District are hereby adopted, and all work in respect thereto shall be performed as herein required and not otherwise.

The interpretation of technical provisions of the rules and regulations of this Ordinance, review of plans and specifications required thereby, determination of the suitability of alternate materials and types of construction and the development of rules and regulations covering unusual conditions not inconsistent with the requirements of this Ordinance shall be made by the District.

Sec. 203. Purpose. This Ordinance is intended to provide rules and regulations for the construction and use of sanitary sewer facilities within or under the jurisdiction of the District. With respect to installation, alteration, or repair of sewer facilities, this Ordinance shall not, except as otherwise provided herein, apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. This Ordinance shall apply retroactively with respect to sewer use as set forth in Article VIII.

Sec. 204. Short Title. This Ordinance shall be known as the SANITARY CODE OF NOVATO SANITARY DISTRICT.

Sec. 205. Publication. Upon adoption this Ordinance shall be entered in the minutes of the Board and a summary thereof shall be published once in the MARIN INDEPENDENT JOURNAL, a daily newspaper of general circulation published in the District, within one (1) week following its passage and adoption, and shall take effect and be in force and effect immediately upon the expiration of one (1) week of publication of said summary.

Sec. 206. Violation Unlawful. Following the effective date of this Ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any sewage works of the District except as provided by this Ordinance.

Sec. 207. 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 his/her premises, he/she may make written application to the Board, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his/her premises.

If such application be approved, the Board may, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities, 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. 208. 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, but only to the extent compatible with State and Federal laws, rules and regulations pertaining to wastewater facilities, and may, by resolution, order such suspension or modification for such premises during the period of such special circumstances, or any part thereof.

Sec. 209. Manager-Engineer. The Board shall employ a person or persons to perform the duties of Manager-Engineer, which will include, but not be limited to, supervision of inspection, installation, connection, maintenance and use of all side sewers, public sewers, private sewers and sewage works of the District. The Manager-Engineer may delegate certain of his/her duties to other qualified officers or employees of the District.

Sec. 210. Permits and Fees. No public sewer, lateral 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 from the District and all fees paid in accordance with the requirements of this Ordinance and the rules and regulations of the District.

In addition, no discharge of non-domestic wastewater shall be made to the District until a determination has been made whether or not a Non-Domestic Sewer Use Permit is required, and, if such a permit is required, no discharge shall be made until the appropriate permit has been obtained and all fees have been paid in accordance with the requirements of this Ordinance.

Sec. 211. Building Plumbing and Sewers on Private Property. Except as otherwise specifically provided herein, the installation, use, maintenance, repair, and inspection of all building plumbing and sewers inside private property shall be subject to and governed by the appropriate ordinances of the City or the County.

#### ARTICLE III. USE OF PUBLIC SEWERS REQUIRED

Sec. 301. Disposal of Wastes. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.

Sec. 302. Discharge of Wastes Prohibited. It shall be unlawful to discharge to the ground, surface or underground or to any stream or watercourse any sewage, industrial wastes, hazardous wastes, or other polluted or contaminated wastes, except after suitable treatment and upon issuance of

appropriate permits to do so by County Health Department and/or the Regional Water Quality Control Board.

Sec. 303. Unlawful Disposal. Except as herein provided, it shall be unlawful to construct or maintain within the District any privy, privy vault, cesspool, seepage pit or other facility intended or used for the disposal of sewage.

Sec. 304. Occupancy Prohibited. No building, industrial facility or other structure connected to the sewer system of the District shall be occupied until the owner of the premises has complied with all rules and regulations of District and/or applicable regulations of the City or County.

Sec. 305. Sewer Required. The owner of any building 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 at his or her expense to connect said building directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the building.

#### ARTICLE IV. PRIVATE SEWAGE DISPOSAL

Sec. 401. Sewer Not Available. Where a public sewer is not available under the provisions of Section 305, the building sewer shall be connected to a private sewage disposal system as approved by the City and/or County in accordance with applicable City or County rules and regulations.

Sec. 402. Permit Required. Before commencement of construction of a private disposal system, the owner shall first obtain a written permit from the Health Department of the City or County and shall comply with design, inspection, installation and other requirements of such permit.

Sec. 403. Abandonment of Facilities. At such time as a property served by a private sewage disposal system is connected to the District's public sewer system in accordance with the ordinances, rules and regulations of District, any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material as determined by the Manager-Engineer and/or the City or County Health Department.

Sec. 404. Cost of Maintenance by Owner. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

Sec. 405. Additional Requirements. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by any law, ordinance, rule or regulation or by the Health Officer of the State or of the City or County or by the State Regional Water Quality Control Board.

ARTICLE V. BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Sec. 501. Permit Required. 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. 502. Construction Requirements. Construction of building sewers and lateral sewers shall be in accordance with the requirements of this Article, the Uniform Plumbing Code and in accordance with the District Standard Specifications.

Sec. 503. Minimum Size and Slope of Side Sewers. Pipe for side sewers shall have an internal diameter equal to or greater than that of the building drain to which it connects, and, in any case, the minimum diameter shall be four (4) inches. Where more than one hundred fifty (150) fixture units are to be connected, the side sewer shall have a six (6) inch minimum diameter. When more than one building sewer is allowed to be connected to a single side sewer, the side sewer from the point of intersection of one or more building sewers to the public sewer shall be not less than six (6) inch diameter.

The minimum slope for four (4) inch diameter side sewers shall be one and one-half feet per hundred feet (1.5 percent) provided, however, that where unusual conditions exist making it impractical to obtain this slope, a four (4) inch diameter side sewer may have a slope of not less than one foot per hundred feet (1.0 percent) when specifically approved by the Manager-Engineer. The minimum slope for side sewers greater than four (4) inches in diameter shall be seven-tenths of a foot per hundred feet (0.7 percent).

Sec. 504. Separate Side Sewers. Each separate building shall be connected to the main sewer with a separate side sewer, except that one or more buildings located on property owned by the same person may be served by the same side sewer if the Manager-Engineer determines that it is unlikely that the ownership of said property can or will be divided in the future. However, if for any reason the ownership of said property is subsequently divided, each building under separate ownership shall be provided with a separate side sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such common side sewer.

Notwithstanding the provisions hereof, single-family residential units with common walls, condominium, stock cooperative, community apartment or other similar improvement which entitles owners of interests therein to occupy independent ownership interests and to make joint use of utility and other services, which may be provided by facilities owned in common, may, upon issuance of a permit authorizing such common use by the Manager-Engineer, be permitted to maintain a common side sewer or sewers.

Sec. 505. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and

testing as required by the Manager-Engineer, to meet all requirements of District.

Sec. 506. Cleanouts. Cleanouts in building sewers shall be provided in accordance with the appropriate section of the Uniform Plumbing Code and the District Standard Specifications. Cleanouts shall be the same diameter as the building sewer. All cleanouts shall be maintained watertight and shall be constructed in accordance with the District Standard Specifications.

Sec. 507. Sewer Too Low. In all buildings in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means approved by the Manager-Engineer and discharged to the public sewer at the expense of the owner.

Sec. 508. Connection to Public Sewer. The connection of the side sewer into the public sewer shall be made in accordance with District Standard Specifications at the permittee's expense. The connection shall be made in the presence of a District Inspector and under his/her supervision and direction. Any damage to the public sewer shall be repaired in conformance with District Standard Specifications at the cost of the permittee.

Sec. 509. Protection of Excavation. All excavations for a side sewer installation shall be adequately guarded with barricades or lights so as to protect the public from hazard. Such safety provisions shall be the sole responsibility of the permittee and shall not be construed to be the responsibility of the District. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District and the City, County or any other person having jurisdiction thereover.

Sec. 510. Maintenance of Side Sewer. Side sewers shall be maintained by the owner of the property served thereby. Where a side sewer provides service to more than one single-family residential unit in a development with common walls, condominium, stock cooperative, community apartment or other similar improvements, the obligation to maintain the side sewer shall be in the homeowners' association or other entity responsible for the maintenance of the property and facilities owned in common.

Sec. 511. Backwater Prevention Devices - Maintenance. Where a side sewer serves plumbing fixtures that are located less than one (1) foot above the rim elevation of the upstream manhole or rod hole in the reach of main sewer into which the side sewer connects, it shall be protected from backflow of sewage by installing a backwater prevention device in accordance with the District Standard Specifications. Such backflow device shall be located on private property and shall be installed by the permittee at his/her sole cost and expense. The maintenance of the backflow device shall be the sole obligation of the permittee or his/her successor in interest. The District shall be under no obligation to ascertain that the backflow device continues in operating condition.

Sec. 512. Abandonment of Sewer. Where a side sewer is to be abandoned because of City, County, or District regulations, or because of building demolition or destruction, a permit shall be obtained from the District and the lateral shall be capped or plugged in accordance with District requirements.

#### ARTICLE VI. PUBLIC SEWER CONSTRUCTION

Sec. 601. Permit Required. No person shall construct, extend or connect to any public 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. 602. Plans, Profiles and Specifications Required. The application for a permit for public 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-Engineer, who shall within twenty (20) days approve them as filed or require them to be modified as he/she deems necessary for proper installation. After examination on behalf of the District, the application, plans, profiles and specifications shall be submitted to the Board at its next regular meeting for its consideration. When the Board is satisfied that the proposed work is proper and the plans, profiles and specifications are sufficient and correct, it shall order the issuance of a permit predicated upon payment of all connection charges, fees and furnishing bonds and deposits as required by the District. The permit shall prescribe such terms and conditions as the Manager-Engineer and the Board find necessary in the public interest.

Sec. 603. Subdivisions. For purposes of this Ordinance, a subdivision shall be defined as improved or unimproved land or lands divided for the purpose of sale or lease, whether immediate or future, into two (2) or more lots or parcels.

The requirements of Sections 601, 602 and 611 of this Ordinance shall be fully complied with and all fees and connection charges required under Article VII hereof, excepting connection permit and inspection fees required under Section 709(a) through (d), shall be paid before any final subdivision map shall be approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which public sewers are to be constructed.

In the case of larger subdivisions which at full development will require major expansion of District facilities, the District Board of Directors may, in its discretion, require that a special service agreement be entered into between the District and the developer, providing for payment of increased connection charges, or increased prepayment of otherwise applicable connection charges, at

the time the subdivision final map is approved, and before any permit is issued to connect the subdivision to District sewerage facilities. [ORD 75, 6/14/93]

Sec. 604. Easements or Rights-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the Manager-Engineer a proper easement or grant of right-of-way sufficient in law to allow the laying and maintenance of such extension or connection. Unless specifically approved by the Manager-Engineer, such easements or rights-of-way shall have a minimum width of ten (10) feet.

Sec. 605. Persons Authorized to Perform Work. Only properly licensed contractors shall be authorized to perform the work of public sewer construction within the District. All terms and conditions of the permit issued by the District to the applicant shall be binding on the contractor. The requirements of this section shall apply to side sewers installed concurrently with public sewer construction.

Sec. 606. Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protection of 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. Any person requesting a permit shall also comply with all applicable guidelines, including the Local Guidelines of the District, adopted pursuant to the Environmental Quality Act of 1970, and shall make all deposits required and pay all fees which may be established by the District to process applications to comply with said Act.

Sec. 607. Protection of Excavation. The applicant shall maintain such barriers, lights, signs, and such other safety facilities as are required by State, City, and local requirements 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. He/she shall also likewise 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 a manner satisfactory to the District and the County or any other person having jurisdiction thereover. Compliance with such safety provisions shall be the sole responsibility of the permittee and shall not be construed to be the responsibility of the District.

Sec. 608. Design and Construction Standards. Minimum standards for the design and construction of sewers within the District shall be in accordance with the "Specifications for Sewer Construction" heretofore or hereafter adopted by the District, copies of which are on file in the District office. The District may permit modifications or may require higher standards where unusual conditions are encountered.

Sec. 609. As-Built Drawings. "As-built" drawings showing the actual location of all mains, structures, wyes, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Sec. 610. Completion of Sewer Facilities Required. Before any acceptance of any sewer facilities by the District and prior to the admission of any sewage into the system, the sewer facilities shall be tested and shall be complete and in full compliance with all requirements of the District Standard Specifications, any approved special specifications or conditions applicable to the work, and to the satisfaction of the Manager-Engineer. If the work of constructing public sewerage facilities is not completed within the time limit specified in the permit, the District Board may extend said time limit or may complete the work and take appropriate steps to enforce the provisions of the improvement security furnished by the permittee pursuant to Section 611 of this Ordinance.

Sec. 611. Improvement Security. Prior to issuance of a permit for public sewer construction, the applicant shall furnish to the District a faithful performance bond, cash, or other improvement security acceptable to the District Board, in the amount of the total estimated cost of the work as determined by the Manager-Engineer. Such faithful performance bond, cash deposit, or other improvement security shall be conditioned upon the performance of the terms and conditions of the permit and, unless more stringent requirements are otherwise specified by the District Board, shall guarantee the correction of faulty workmanship and replacement of defective materials for a period of one (1) year from and after the date of acceptance of the work by the District Board. The applicant shall also furnish to the District a labor and material bond, or other security acceptable to the District Board, in the amount of the total estimated cost of the work.

Sec. 612. Financing - General. Except as hereinafter provided in Sections 613 through 617, the extension of the public sewerage facilities to serve any parcel or tract of land shall be done by and at the expense of the owner, although the District reserves the right to perform the work and bill the owner for the cost thereof to perform the work itself, or to perform the work pursuant to special assessment proceedings. The size of all sewer mains and other sewerage facilities shall be as required by the District.

Sec. 613. Partial Reimbursement for Off-Site Sewers. Whenever a public sewer is required to be extended more than two hundred (200) feet from the existing public sewerage facilities of the District to the nearest corner or point on the property line of the installer, and the District finds that said sewer will potentially serve property other than that of the installer, the installer shall be entitled to an off-site sewer reimbursement credit in an amount determined by the District Board based upon the estimated number of side sewer connections which may, in the future, be made by other property owners to the sewer paid for by the installer beyond the limits of his/her property.

Any person proposing to construct an off-site sewer, as herein defined, shall submit a written request for a reimbursement agreement to the Manager-Engineer not less than two (2) weeks prior to the date of the Board meeting at

which Board action is desired. If the Manager-Engineer finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he/she shall cause a reimbursement agreement to be prepared and submitted to the Board for approval, which agreement shall provide for partial reimbursement for off-site sewer construction through payment to the installer of an amount equal to eighty-five (85) percent of the Collector Sewer Charges paid to the District pursuant to Section 710(a) of this Ordinance by others making side sewer connections to the off-site sewer beyond the limits of the installer's property within ten (10) years from the date of acceptance of said sewer by the District. The total amount of said partial reimbursement shall not exceed the installer's entitlement to off-site sewer reimbursement credit as determined above. Payments by the District to the installer will be made in July of each year. Said agreement shall be made and entered into prior to the issuance of a permit for the work by the District.

Sec. 614. Partial Reimbursement for Oversize Sewers. Whenever a public sewer larger than eight (8) inches in diameter is required to be installed, and the District finds that said sewer will potentially serve property other than that of the installer, the installer shall be entitled to an oversize sewer reimbursement credit determined by the District equal to the difference between the estimated cost of installing the size of line required to serve the installer's needs (eight (8) inch minimum) and the estimated cost of installing the larger size line. In the event that all or part of the oversize sewer to be constructed is an off-site sewer, the installer's credit for oversize sewer reimbursement shall be in addition to any off-site sewer reimbursement credit for which he/she is eligible under Section 613 of this Ordinance.

Any person proposing to construct an oversize sewer, as herein defined, shall submit a written request for a reimbursement agreement to the Manager-Engineer not less than two (2) weeks prior to the date of the Board meeting at which Board action is desired. If the Manager-Engineer finds that the sewer to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he/she shall cause a reimbursement agreement to be prepared and submitted to the Board for approval, which agreement shall provide for partial reimbursement for oversize sewer construction through annual payments to the installer from the Oversize Sewer Reimbursement Fund of the District. Payments by the District to the installer will be made in July of each year, following the first full year after acceptance of said oversize sewer by the District. The amount of each of said payments shall be equal to that portion of the total Trunk Sewer Charges deposited in the Oversize Sewer Reimbursement Fund of the District pursuant to Section 710(b) of this Ordinance during the previous twelve (12) month period as the installer's oversize sewer reimbursement credit bears to the total of all unexpired oversize sewer reimbursement entitlements. Said agreement shall be entered into prior to the issuance of a permit for the work by the District and shall terminate upon payment by the District of the full amount of the installer's oversize sewer reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of said oversize sewer by the District.

Sec. 615. Partial Reimbursement for Pumping Stations or Treatment Facilities. Whenever sewage pumping facilities or sewage treatment facilities

are required to be constructed by a developer, and the District finds that said facilities will potentially serve property other than that of the installer, the installer shall be entitled to a facilities reimbursement credit determined by the District equal to the difference between the estimated cost of the size of facilities required to serve the installer's needs and the estimated cost of installing the larger facilities.

Any person proposing to construct sewage pumping or treatment facilities shall submit a written request for a reimbursement agreement to the Manager-Engineer not less than two (2) weeks prior to the date of the Board meeting at which Board action is desired. If the Manager finds that the sewerage facilities to be constructed may reasonably be expected to benefit properties owned by persons other than the installer, he/she shall conduct a special study of the proposed project and the service area involved and shall cause a reimbursement agreement to be prepared and submitted to the Board for approval, together with recommendations concerning the establishment of an appropriate Special Benefit Zone and Special Equalization Charge pursuant to Section 707 of this Ordinance. Said reimbursement agreement shall provide for partial reimbursement through payment to the installer of all or part of such Special Equalization Charges as may be collected from other properties connecting directly or indirectly to the sewage pumping or treatment facilities to be constructed. Payments by the District to the installer will be made in July of each year. Said agreement shall be entered into prior to the issuance of a permit for the work by the District and shall terminate upon payment by the District of the full amount of the installer's facilities reimbursement credit, or after the expiration of ten (10) years from the date of acceptance of the facilities by the District.

Sec. 616. Special Reimbursement Agreements. Where special conditions exist in the opinion of the District relating to any reimbursement agreement pursuant to the provisions of this Article, the Board may, either in addition to or in lieu of any of the provisions of this Article, authorize a special reimbursement contract between the District and the person or persons constructing public sewerage facilities. Said Special Reimbursement Agreement shall be made and entered into prior to the issuance of a permit for the work by the District.

Sec. 617. District Participation. The District may, in its discretion, pay that portion of the costs of extending its trunk sewer system or constructing sewage pumping or treatment facilities equal to the difference in cost between the size of facility required by installer's development and the size of facility that the District requires under its long-range sewer master plan when all of the following conditions are present:

(a) The facility to be constructed replaces a presently inadequate facility;

(b) The facility to be constructed is one of those described in the current sewer master plan adopted by the District Board and is part of a currently planned capital improvement program of the District; and

(c) The District Board has determined that it is within the District's financial ability to finance its share of the improvement.

#### ARTICLE VII. PERMITS AND FEES FOR SEWER CONNECTION

Sec. 701. Permit Required. No unauthorized person shall construct, uncover, make any connections with or opening into, use, alter, or disturb any public sewer, side sewer or appurtenance without first obtaining a written permit from the District and paying the fees and charges as set forth hereinbelow. Permit requirements and fees for discharge of non-domestic wastes and tank truck wastes to the District facilities are set forth in Article VIII.

Sec. 702. Application for Permit and Payment of Charges. Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. He/she 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-Engineer may require plans, specifications or drawings and such other information as he/she may deem necessary.

In the event the applicant for a permit is required to provide plans, specifications or drawings and information as a condition to the issuance of the permit, the applicant shall pay all engineering, legal, administrative and other expenses and charges prior to the issuance of the permit.

If the Manager-Engineer determines that the plans, specifications, drawings and other information furnished by the applicant are satisfactory and are in compliance with the ordinances, rules and regulations of the District, he/she shall issue the permit applied for upon payment of the charges herein referred to and of the fees as hereinafter fixed.

Sec. 703. 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 Manager-Engineer or his/her authorized representative.

Sec. 704. Agreement. The applicant's signature on an application for any permit as set forth in Section 705 hereof 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 he/she has filed with his 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. 705. Classes of Permits. There shall be four (4) classes of sewer connection permits, as follows:

- (a) Single-family residential sewer permit;
- (b) Trailer court and multiple-dwelling sewer permit;
- (c) Commercial, industrial, church, school, public and other user sewer permit;
- (d) Public sewer construction permit;

Sec. 706. Fees - Annexation Charges. The owner or owners of lands within areas proposed to be annexed to the District shall deposit with the District a sum to be fixed by the Manager-Engineer, prior to the commencement of proceedings by the District Board on the proposed annexation. The amount to be fixed by the Manager-Engineer shall be in a sum estimated to equal the engineering, legal and publication costs, environmental review fees, filing fees of the Marin County Local Agency Formation Commission, recording fees, and State Board of Equalization filing fees, and all other fees and charges which may be incurred by the District in preparing and examining maps, legal descriptions, and other documents in relation thereto, and other expenses regularly incurred in connection therewith. Should the amount of the deposit exceed the costs incurred by the District, the excess shall be refunded to the owner or owners following the conclusion of the annexation process. Should the amount of the deposit be insufficient to pay such costs incurred by the District, the owner or owners shall advance such additional sums as shall be necessary to pay said costs prior to final District action on the proposed annexation.

Sec. 707. Special Equalization Charges and Benefit Zones. In addition to any other fees and charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to the issuance of a permit for connection to the sanitary sewerage system of the District, such Special Equalization Charges as may be specified by the District Board in order to establish conditions of equality between the installers of downstream sewerage facilities and those benefiting from but not participating in the cost of these facilities.

In the case of subdivisions, any Special Equalization Charges required under this section shall be paid to the District before any final subdivision map is approved in the same manner as partial prepayment of connection charges as provided in Section 708(d) of this Ordinance. [ORD 75, 6/14/93]

When Special Equalization Charges are deemed necessary and appropriate by the District Board, a Special Benefit Zone shall be established which shall define the area of properties that may reasonably be expected to benefit from the construction of specific sewerage facilities which have been or are to be constructed. The boundaries of each Special Benefit Zone and the amount of Special Equalization Charges to be levied therein shall be established by regulation of the District Board. The amount of the Special Equalization Charges to be levied within a given Special Benefit Zone will generally be determined as follows:

- (a) Where the sewerage facilities have been financed through special assessment proceedings or a District-approved cooperative project, the amount of the special Equalization Charges shall be the equivalent of the assessment to

similar properties within the assessment district or cooperative project area which paid for said facilities.

(b) Where the sewerage facilities have been privately financed and the District has entered into a reimbursement agreement with the installer pursuant to Section 615 of this Ordinance, the amount of Special Equalization Charges shall be computed by the District based upon the cost of installation of the facilities, including all expenses incidental thereto, and all engineering, legal, inspection and other charges, and based upon the relative benefit derived by properties within the Special Benefit Zone.

Sec. 708. Connection Charges.

(a) Family Unit Defined. A family unit is defined to mean and refer to a place of residence for a single family. Multiple-family dwellings shall have the number of family units that the facilities thereon provide for single-family residents, including trailer and mobile home parks. Each unit in a hotel or motel containing kitchen facilities shall be considered a single-family residence. The number of family units for commercial, industrial, church, school, public and other non-residential uses shall be determined by dividing the number of plumbing fixture units by twenty (20), with a minimum of one (1) family unit for each building sewer connection. Hotel and motel units and facilities, other than units with kitchen facilities as provided above, shall be considered commercial uses.

(b) Connection Charge. A connection charge of Three Thousand Dollars (\$3,000.00) per family unit shall be paid to the District by each person desiring connection to the public sewer. Payment of said connection charge shall be made prior to the issuance of a connection permit and shall be in addition to all other fees and charges required to be paid under District rules and regulations. [ORD 75, 6/14/93] [ORD 101, 6/14/04] [ORD. 119, 5/9/16]

(c) Annual Increase of Connection Charge. On July 1, 1994, and each July 1st thereafter, the connection charge required under Section 708(b) shall be increased by five percent (5%) rounded upward to the nearest Ten Dollars (\$10.00); provided that the District Board may, at its option, determine by resolution adopted prior thereto that such increase shall not be effective for the next succeeding fiscal year. [ORD 75, 6/14/93] [ORD. 119, 5/9/16]

(d) Partial Prepayment - Subdivisions. A partial prepayment of the connection charges required under this section, amounting to twenty percent (20%) - rounded upward to the nearest Ten Dollars (\$10.00) - of the applicable connection charge per family unit, shall be paid to the District for each family unit before any final subdivision map is approved by the District and before any permit to install sewerage facilities to serve the subdivision is issued. However, the amount of the required partial prepayment of connection charges may be increased in the event that a special service agreement has been required as provided in Section 603 hereof. Subdivisions involving a type of development such that the number of family units to be connected cannot be accurately determined at the time of subdivision, shall make a partial prepayment of connection charges based on one (1) family unit for each subdivision lot.

[ORD 75, 6/14/93]

(e) Alteration of Use. The connection charges herein established are applicable to the use proposed to be made of the building at the time the connection permit is issued. In the event of alteration of the building or of additional use of the sewer facilities for which the connection charge was originally established, additional charges shall be paid for the added family units as herein defined at the connection charge rate in effect at the time such alterations or additions are made.

(f) Credit for Advance Payments. Whenever the connection charges established in Section 708(b) of this Ordinance have been advanced or prepaid, or whenever any area or connection charges have been advanced or prepaid pursuant to regulations of the District which were previously in effect, persons obtaining permits for new connections shall be entitled to a credit against the connection charges provided herein. Such credit shall be applicable in those instances where the payments have been made to the District and where the actual connections to the sewer facilities of the District have not yet been made as of the effective date of this Ordinance. The credit shall be computed on the same basis and rate as that used at the time of collection, but in no case shall the amount of such credit exceed the amount of connection charges required to be paid under Section 708(b) of this Ordinance.

Sec. 709. Sewer Permit and Inspection Fees. Permit and inspection fees are hereby established as follows:

(a) Single-Family Dwellings and Trailer Courts. A fee of Forty Dollars (\$40.00) shall be paid for issuance of a permit and inspection of each single-family dwelling building and/or lateral sewer installation. A fee of Twenty Dollars (\$20.00) shall be paid for issuance of a permit and inspection of building and/or lateral sewers for each space in a trailer court, or for each single-family dwelling unit in developments where more than one (1) building is permitted to be connected to a common side sewer as provided in Section 504 of this Ordinance, with a minimum fee of Sixty Dollars (\$60.00) for each building and/or lateral sewer constructed.

(b) Multiple-Family Dwellings, Commercial, Industrial, Church, School, Public and Other Users. A fee of Sixty Dollars (\$60.00) shall be paid for issuance of a permit and inspection for each building and/or lateral sewer installation serving multiple-family dwellings, commercial, industrial, church, school, public and other users.

(c) Alteration or Repair of Existing Side Sewers. A fee of Forty Dollars (\$40.00) shall be paid for issuance of a permit and inspection of any work adding to or extending an existing side sewer. In the case of connections of other than single or multiple-family dwellings, when modifications are made in existing buildings increasing the number of plumbing fixtures connected, but not involving work on the existing side sewer, a fee shall be paid for the issuance of a permit for these modifications based on the added plumbing fixture units, as follows:

<u>Fixture Units Added</u>	<u>Permit Fee</u>
1 to 20	\$25.00
21 to 40	\$35.00
41 up	\$45.00

A fee of Fifteen Dollars (\$15.00) shall be paid for issuance of a permit and inspection of any repair work done on an existing side sewer.

(d) Saddle or Manhole Connections. In addition to other permit and inspection fees required herein, a fee of Twenty Dollars (\$20.00) shall be paid for the inspection of a saddle, wye or tee connection to an existing main sewer or the connection of a lateral sewer to an existing manhole.

(e) Public Sewers. A fee based on a percentage of the amount estimated by the Manager-Engineer to be the cost of construction of public sewers, laterals, and other public sewerage facilities shall be paid to the District for reviewing plans and specifications, issuing a permit, and inspecting the installation of said facilities, as follows:

<u>Estimated Cost of Sewerage Facilities to be Constructed</u>	<u>Plan Checking and Permit &amp; Inspection Fees</u>
Less than \$75,000	3% of estimated cost.
\$75,000 and up	3% for first \$75,000 of estimated cost, plus 2% of the estimated cost over \$75,000.

The minimum fee for this purpose shall be One Hundred Dollars (\$100.00).

A plan review fee of One Hundred Dollars (\$100.00) shall be paid when plans are presented to the District for review. Said fee shall be credited against the fees hereinabove provided upon issuance of a permit for public sewer construction. In the event that a permit is not issued, the fee shall be retained by the District to reimburse its plan review costs.

(f) Overtime Inspections. Persons requesting inspections of side sewers or public sewers at any time other than the regular working hours of the District shall make such request in writing at least twenty-four (24) hours in advance and shall pay an additional inspection fee equal to the required inspection hours multiplied by the District Inspector's overtime salary rate, plus an overhead and supervision charge calculated at one hundred (100) percent of the Inspector's straight-time salary for the time involved. The minimum fee for this service shall be based on two (2) hours' inspection time.

(g) Renewal or Extension of Permit. Whenever a permit for sewer installation expires, as provided in Section 721 of this Ordinance, an additional fee of Twenty-five Dollars (\$25.00) shall be paid for the issuance of a new permit for said installation. In the event that an extension of time is granted to complete work under a public sewer extension permit, an additional fee of One Hundred Dollars (\$100.00) shall be paid for the renewal or extension of said public sewer permit.

Sec. 710. Collector and Trunk Sewer Charges.

(a) Collector Sewer Charge. In addition to any other fees and charges established by the ordinances, rules and regulations of the District, there shall be collected, prior to connection to the sanitary sewerage system of the District, a Collector Sewer Charge to be paid by persons desiring to connect a side sewer directly to an existing main sewer of the District which was installed without direct or indirect cost to the connecting property with respect to its use as a collector sewer, which charge shall be based upon the required size of connecting side sewer, as follows:

<u>Size of Side Sewer</u>	<u>Amount of Charge</u>
4 inch	\$1,000.00
6 inch	2,000.00
8 inch	3,000.00

Provided, however, that in the event the connecting property is within a Special Benefit Zone in which a Special Equalization Charge for collector sewers has been established by the District Board in accordance with Section 707 of this Ordinance, the Special Equalization Charge for collector sewers so established shall be paid in lieu of the Collector Sewer Charge herein provided.

(b) Trunk Sewer Charge. A portion of the Connection Charge, levied pursuant to Section 708 of this Ordinance, shall be considered a Trunk Sewer Charge. Said Trunk Sewer Charge, amounting to Twenty Dollars (\$20.00) per family unit, shall be paid by all persons connecting to the public sewer system and shall be deposited in the Oversize Reimbursement Fund of the District to partially reimburse installers of oversize sewers in accordance with Section 614 of this Ordinance. Any amounts remaining in said Oversize Sewer Reimbursement Fund after annual reimbursement payments are made shall be transferred to the Capital Improvement Fund of the District.

Sec. 711. Fees and Deposits - Environmental Quality Act. Where the District is the lead agency or a responsible agency for any project under the State and local guidelines adopted pursuant to the Environmental Quality Act of 1970, the person or persons beneficially interested shall deposit with District the estimated cost of District preparation of materials, reports and the making of evaluations of the proposed project as estimated by the Manager-Engineer. Should the amount of deposit be inadequate to meet the District's costs as lead agency or as a responsible agency involved in providing consultation to the lead

agency, as required by law, District shall, prior to completion of the District's evaluation of the proposed project, notify the person or persons beneficially interested of the amount necessary to complete the review of the proposed project which shall be immediately deposited with District. Should there be a surplus remaining in the deposit following completion of the District's evaluation of the project, the surplus shall be returned to the person or persons making such deposit.

Sec. 712. All Work to be Inspected. All sewer construction work shall be inspected by the District Inspector to insure compliance with all requirements of the District. No sewer shall be connected to the District's public sewer system until the work covered by the permit has been completed, inspected and approved by the District Inspector.

Sec. 713. Notification. It shall be the duty of the person doing the work authorized by permit to notify the office 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. 714. Condemned Work. When any work has been inspected and the work condemned and no certification of satisfactory completion given, a written notice to that effect shall be given instructing the owner of the premises, or the agent of such owner, to repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Sec. 715. 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. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Sec. 716. Outside Sewers. Permission shall not be granted to connect any lot or parcel of land outside the District to any public sewer in or under the jurisdiction of the District unless a permit therefor is obtained. The applicant shall first enter into a contract in writing whereby he shall bind himself/herself, his/her heirs, successors and assigns to abide by all ordinances, rules and regulations in regard to the manner in which such sewer shall be used, the manner of connecting therewith, and the plumbing and drainage in connection therewith and also shall agree to pay all fees required for securing the permit and a monthly fee in the amount set by the District for the privilege of using such sewer.

Sec. 717. Permit Optional. The granting of such permission for an outside sewer in any event shall be optional with the Board.

Sec. 718. Special Outside Agreements. Where special conditions exist relating to an outside sewer, they shall be the subject of a special contract between the applicant and the District.

Sec. 719. Street Excavation Permit. A separate permit must be secured from the City and/or County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections.

Sec. 720. Liability. The District and its officers, 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.

Sec. 721. Time Limit on Permits. Unless an extension of time is granted by the District Board, if work under a permit is not commenced and completed within the time specified in the permit, the permit shall become void and no further work shall be done until a new permit shall have been secured.

#### ARTICLE VIII. USE OF PUBLIC SEWERS

Sec. 801. Objective. It is the objective of the District to regulate and control the quantity and quality of the discharges into the public sewer system so that they will not adversely affect the various collection, transmission, treatment, discharge, reuse, discharge requirements or environmental conditions and permit the District to treat wastewater to meet requirements of the Federal Government and the State of California and their designated agencies.

The District's treatment plants and disposal facilities were designed to treat and dispose of domestic wastes, and the District reserves the right to refuse to accept non-domestic wastes which may be harmful to the treatment and disposal system.

The adverse effects can include the introduction of pollutants into the District wastewater system which:

(a) Will interfere with the operation of the system or contaminate the resulting sludges;

(b) Will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

(c) Will interfere with or reduce the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) Will create a hazard to health and safety of personnel employed in the operation and maintenance of the sewage collection, transmission, treatment and disposal facilities.

(e) Will cause damage, deterioration or excessive maintenance costs to sewage collection, pumping, treatment or disposal facilities.

(f) In the opinion of the Manager-Engineer, will utilize an inordinate proportion of the plant capacity.

It is the general intent of the District to provide collection, transmission, treatment and disposal of domestic and non-domestic wastewaters that do not adversely affect the objectives stated hereinbefore and to provide equitable charges for the costs incurred.

In general, this Article provides regulations concerning the use of the District's wastewater collection, treatment and disposal system, and the issuance of permits for non-domestic sewer users and establishment of permit conditions, pretreatment requirements, monitoring reporting requirements and fees, such as for District monitoring and administration. This Article shall apply to users within the District and to persons outside the District who are, by contract or agreement with the District, users of the District sewerage facilities. [ORD. 115, 10/10/2011]

Sec. 802. Non-Domestic Wastewater Discharge. It shall be unlawful to discharge non-domestic wastewater, as defined in Article I, to any District facility or any facility discharging to the District facilities without a sewer use permit issued in accordance with the provisions of this Article. The District reserves the right to refuse to issue a permit for the discharge of non-domestic wastes which may be, or could threaten to be, harmful to the District's wastewater treatment and disposal facilities. [ORD. 115, 10/10/2011]

Sec. 803. Sample Collection, Storage and Analysis. Sample collection, storage and analysis shall be performed in accordance with 40 CFR, Section 136 and such additional requirements as may be established by the Manager-Engineer. Analysis shall be performed by a laboratory approved by the State Department of Health Services. [ORD. 115, 10/10/2011]

Sec. 804. Federal Categorical Pretreatment Standards. Upon the promulgation of Federal Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N, Parts 401-471) for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Article for sources in that subcategory, shall immediately supersede the limitations imposed under this Article. The Manager-Engineer shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12. [ORD. 115, 10/10/2011]

Sec. 805. Modification of Federal Categorical Pretreatment Standards. Where the District's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the District may apply to the Regional Water Quality Control Board for modification of specific limits in the Federal Categorical Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five (95)

percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Clean Water Act. The District may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Regional Water Quality Control Board is obtained. [ORD. 115, 10/10/2011]

Sec. 806. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Article. [ORD. 115, 10/10/2011]

Sec. 807. District's Right of Revision. The District reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the sewer system if deemed necessary to comply with the objectives presented in Section 801 of this Ordinance. The District also reserves the right to establish more stringent requirements to be set forth in the Sewer Use Permit, particularly for significant non-domestic sewer users as defined in Article I. [ORD. 115, 10/10/2011]

Sec. 808. General Discharge Prohibitions. No user shall contribute or cause to be contributed any pollutant or wastewater which will not meet the objectives set forth in Section 801 above. These general prohibitions shall prevail in any case where they are more stringent than applicable Federal or State requirements. [ORD. 115, 10/10/2011]

The following substances shall not be discharged to any of the District's facilities:

(a) Liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the District's facilities or to the operation of the District's facilities. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, organic solvents, fuel oils, or other flammable or explosive solids, liquids, or solvents with a closed-cup flashpoint less than 60°C (140°F).

(b) Mineral oils, greases or products of a petroleum origin, petroleum oils, motor oils, cutting oils, or grease trap wastes either as grease or as emulsified grease.

(c) Solids or viscous substances which may cause obstruction to the flow in a sewer or interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(d) Oxidizing agents, reducing agents, or any substance having corrosive properties capable of causing damage or hazard to structures, equipment, and/or personnel of the District.

(e) Toxic, poisonous, or any other pollutants in sufficient quantity, either singly or by interaction with other pollutants, which will injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the treatment plant, or exceed the limitations set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Clean Water Act. Prohibited materials include organic solvents, pesticides, radiator fluids, organophosphates or similar chemical compounds used as algicides, bactericides, fungicides, herbicides, insecticides, or pesticides. A list of toxic pollutants is on file at the District Office.

(f) Noxious, malodorous, or toxic liquids, gases, fumes, vapors, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent District personnel from safely entering into the sewers for maintenance and repair.

(g) Any substance which may cause the treatment plant's effluent or any other product of the treatment plant, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the District's facilities cause the District to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Clean Water Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(h) Any substances which are not amenable to treatment or which will cause the District to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

(i) Strong oxidizing and reducing agents at concentrations exceeding 5 mg/l, except by special permit (i.e. chlorine, chlorine dioxide, potassium permanganate, ozone and other strong oxidants; sulfite, thiosulfate, nitrite, nitrate and other strong reducing agents).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which the District or a user knows or has reason to know will cause interference to the treatment process. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Radioactive wastes or isotopes, except:

- (1) When the use of radioactive materials is authorized by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and
- (2) When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Atomic Energy Commission regulations and recommendations for safe disposal, and
- (3) When all rules and regulations of all other applicable regulatory agencies have been complied with.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) Rainwater, storm water, groundwater, street drainage, subsurface drainage, water from yard fountains, ponds, lawn sprays, yard drainage, or any other uncontaminated water. Discharge of cooling water, process water or blow-down from cooling towers or evaporative coolers may be discharged only with written approval of the Manager-Engineer. Such approval shall be granted only when no reasonable alternative method of disposal is available, or when such water is determined to constitute a pollutant hazard thereby requiring disposal in the public sewer system.

(n) Chemical toilet wastes, wastes to which chemicals have been added for odor control or preservation, or the contents of grease or sand interceptors.

(o) Holding tank waste, chemical toilet waste or non-domestic wastes hauled by truck which are not specifically permitted by a separate Waste Hauler Permit issued by the District.

(p) Any chemicals, enzymes, hot water, for the purpose of dissolving or emulsifying grease in grease traps.

(q) Wastes from hospitals or medical centers which contain infectious materials, blood, body parts, syringes, bandages, dressings, radioactive isotopes, or formaldehyde.

Sec. 809. Specific Pollutant Limitations. No person shall discharge or cause to be discharged to the sewer system, any of the following:

- (a) Any liquid or vapor having a temperature higher than 60°C (140°F).
- (b) Any wastewater which contains more than 200 mg/l of fat, oil, or grease that is petroleum ether soluble.
- (c) Any wastewater with a pH lower than 5.5 or greater than 8.5.[ORD. 115 Rev. 09/14/2015]
- (d) Any wastewater containing TDS greater than 2,420 mg/l, or chloride greater than 480 mg/l, providing that the total daily discharge does not exceed 5,000 gal/day. In the event the discharge exceeds these concentrations, and/or the maximum daily flow rate, the Manager-Engineer may establish an allocation from the following total allocable mass emission rates: TDS, 3,331 #/day, and chlorides, 469 #/day, with the provisions that individual mass emission rates shall be computed on a daily basis, and no more than 20% of the total allocable mass emissions shall be allocated to any one user. No further individual allocations shall be made when these total rates have been assigned.
- (e) Any wastewater having a BOD or TSS greater than 400 mg/l, unless a special agreement is entered into with the District providing payment for additional processing and plant capacity costs. However, in no event shall any wastewater having a BOD or TSS greater than 1,200 mg/l be discharged to the sewer system. [ORD. 115 Rev. 09/14/2015]
- (f) Any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant	Maximum Concentration (mg/l)
Ammonia	125.0
Arsenic	0.5
Boron	1.0
Cadmium	0.11
Chromium (total)	1.0
Copper	1.5
Lead	0.4
Mercury	0.1
Nickel	1.0
Silver	0.43
Zinc	2.6
Cyanide	1.0
Phenols	5.0
PAH's (polyaromatic hydrocarbons)	1.0
TICH (total identifiable chlorinated hydrocarbons)	0.15
TTO (total toxic organics)	*

\* This limit to be set on a case-by-case basis.

The maximum allowable concentration of other toxic or potentially toxic, materials not listed herein and/or the upward or downward adjustment of the above-noted maximum allowable concentrations may be determined on a case by case basis and will be included in the Non-Domestic Sewer Use Permit to be issued.

(g) Wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, unless such discharge displays less than sixty (60) percent of the light transmissibility of distilled water under the following conditions:

- (1) After filtration through a 0.45 micron membrane filter;
- (2) In the pH range of 5.0 to 9.0;
- (3) A maximum spectrum band width of ten (10) millimicrons;
- (4) Through the wave length range from 400 to 800 millimicrons.

(h) Any sulfide forming pollutants or wastes which, when discharged to the sewer system, generate sulfide concentrations in excess of 1.0 mg/l. [ORD. 115, 10/10/2011]

Sec. 810. Grease Traps and Oil and Sand Interceptors. Any type of business or establishment where grease or other objectionable materials may be discharged in unusual quantities into a public sewer system shall have a grease trap or oil and sand interceptor of a size and design to be approved by the Manager-Engineer. Grease traps will be required at restaurants and other commercial and/or non-residential commercial food preparation establishments. Oil and sand interceptors will be required at gas stations and auto repair establishments with floor drains located in service areas, auto or vehicle washing facilities, etc. All existing users which fit in these categories shall install such facilities within one hundred eighty (180) days after the effective date of this Ordinance. [ORD. 115, 10/10/2011]

Oil and sand interceptors shall be situated on the user's premises and shall be so located as to be readily and easily accessible for cleaning and inspection. Buildings remodeled for use requiring interceptors shall be subject to these regulations.

Waste discharges from fixtures and equipment in the above-mentioned types of establishments which may contain grease, oil, sand or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through grease traps and oil and sand interceptors where approved by the Manger-Engineer; provided, however, that toilets, urinals, washbasins and other fixtures containing fecal materials shall not flow through the grease trap or interceptor.

Grease traps and oil and sand interceptors shall be maintained by the user in efficient operating condition by periodic removal of the accumulated grease, oil or sand. The use of chemicals to dissolve grease or oil is specifically prohibited. No such accumulated grease, oil or sand shall be introduced into any drainage piping or public or private sewer.

Abandoned oil and sand interceptors shall be emptied and filled as required for abandoned septic tanks (see Section 403).

Sec. 811. Acceptance of Wastewater from Cleanup Projects. Wastewater generated from the cleanup of spills, leaking underground storage tanks, contaminated soil or groundwater, monitoring wells or other similar sources shall not be discharged through direct or indirect connection to the District's sewer system unless a temporary discharge permit is issued by the District. The District will approve the discharge of such wastewater and issue such a permit only when, in its judgment, no reasonable alternative method of disposal is available. [ORD. 115, 10/10/2011]

Whenever the discharge of such wastewater is proposed, the applicant shall submit an analysis of the nature of the proposed discharge and alternative methods of disposal available, together with justification indicating that there is no reasonable alternative to discharge to the sewer system. Such analysis shall deal with environmental and liability factors, as well as financial impacts.

When deemed necessary by the Manager-Engineer, the District may require that a comprehensive study and report on the proposed discharge be prepared by an engineering consultant hired by the District, at the applicant's expense. The study shall include the following:

- (a) An analysis of the nature of the proposed discharge.
- (b) An analysis of the alternative methods of disposal available to the applicant.
- (c) An analysis of the impact of the discharge on the District's collection, treatment and disposal facilities.
- (d) An analysis of the impact of the discharge on the District's ability to continue to meet its NPDES permit conditions.
- (e) Recommendations on appropriate limits for various constituents in the proposed discharge.
- (f) Recommendations on pretreatment requirements, if necessary.
- (g) Recommendations on an appropriate monitoring program.
- (h) Recommendations on appropriate permit fees and charges.

(i) Any other relevant matters considered necessary to be included by the Manager-Engineer.

The applicant's analysis of alternative methods of disposal, the above described comprehensive report (if required), and a report by the Manager-Engineer with recommendations, shall be submitted to the Board of Directors for a decision on whether or not a temporary discharge permit will be issued.

If a temporary discharge permit is granted for the discharge of such wastewater, the user shall pay such fees and charges and meet such special conditions and requirements as determined by the District to specifically apply for that particular discharge. Such temporary discharge permit shall be considered a Class I Non-Domestic Sewer Use Permit.

Sec. 812. Swimming Pools and Spas. It shall be unlawful for any person to discharge the contents of a swimming pool or a spa into a sanitary sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches and shall not be under a head to exceed twenty (20) feet. If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool or spa discharging to a sanitary sewer shall be equipped with an approved separator to capture filtering agents and an approved air gap to preclude any possibility of a backflow of sewage into the swimming pool or spa piping system. [ORD. 115, 10/10/2011]

Sec. 813. Car, Truck or Bus Washes. The Manager-Engineer may require that the applicant for any permit which includes a car, truck or bus wash rack within the facilities to be covered by said permit provide facilities for reclamation and reuse of all or a portion of the water used in the wash process and the submittal of plans and specifications for the installation of such reclamation and reuse facilities acceptable to the Manager-Engineer. [ORD. 115, 10/10/2011]

Sec. 814. Use of Storm Sewers Required. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural drainage outlet. No leaders from roofs and nor surface drains for rainwater shall be connected to any sanitary sewer. No surface or subsurface drainage, rainwater, storm water, seepage, cooling water or unpolluted industrial process waters shall be permitted to enter the sanitary sewer system by any device or method whatsoever. [ORD. 115, 10/10/2011]

Sec. 815. Excessive Discharge. No user shall increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the District or State. [ORD. 115, 10/10/2011]

Sec. 816. Accidental Discharges.

(a) Facilities for Prevention. All sewer users shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Article. Each non-domestic user, who has or will be issued a Non-Domestic Sewer Use Permit shall provide and maintain, at the user's own cost and expense, facilities to prevent accidental discharge of prohibited materials and shall submit to the District detailed plans showing facilities and operating procedures to provide this protection. All such facilities shall be favorably reviewed by the District before construction. All existing non-domestic users shall complete such a plan within one hundred eighty (180) days of the effective date of this Ordinance; no user who proposes to commence contribution to the District's facilities after the effective date of this Ordinance shall discharge into the system until accidental discharge procedures have been favorably approved by the District. Favorable review of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

(b) Immediate Notice of Discharge in Violation. Users shall notify the District by telephone or in person immediately upon discharging, accidentally or otherwise, wastes in violation of this Ordinance to enable counter-measures to be taken by the District to minimize damage to sewer lines, treatment and disposal facilities and processes, and to the receiving waters. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions being taken.

(c) Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Manager-Engineer a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss or damage to the sewer system, treatment and disposal facilities and processes, or for any fines, civil liabilities or penalties imposed by this Ordinance or other applicable law.

(d) Notice to Employees. In order that employees of users be informed of District requirements for use of the sewer system, 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 District from time to time directed toward more effective water pollution control. Any notices or information furnished by the District shall be permanently posted on the user's bulletin board, and employees shall be informed of whom to call in case of an accidental discharge in violation of this Ordinance. [ORD. 115, 10/10/2011]

Sec. 817. Non-Domestic Sewer Use Permit. All non-domestic sewer users proposing to contribute wastes to the District's facilities shall apply for and obtain a Class I or Class II Non-Domestic Sewer Use Permit before connecting to or discharging to the District's facilities. All non-domestic users possessing current permits issued by the District shall apply for and obtain an appropriate Class I or Class II Non-Domestic Sewer Use Permit as required by this Article upon expiration of their existing permit. All other non-domestic sewer users currently connected to the District's facilities shall apply for and obtain a Class I or Class II Non-Domestic Sewer Use Permit as required by this Article within one hundred eighty (180) days after the effective date of this Ordinance.

Unless determined otherwise by the Manager-Engineer, restaurants, mortuaries and markets with garbage grinders, will not be required to obtain a Class I or Class II Non-Domestic Sewer Use Permit.

In order to determine whether or not a particular user requires a Non-Domestic Sewer Use Permit and, if so, to determine the class of permit required, the Manager-Engineer may require any user to fill out a questionnaire sufficient to determine the quantity and character of wastes to be discharged and the types of chemicals used, handled or stored on the site which may be intentionally or accidentally discharged to the sewer system. The District will evaluate the data furnished by the applicant and may require additional information. After evaluation of the data furnished, the Manager-Engineer will determine the class of the user and may require either a Class I, Class II or Class III Non-Domestic Sewer Use Permit. The District shall have the right to verify the information contained in the questionnaire by an inspection of the premises.

(a) Class I Non-Domestic Sewer Use Permit - All Significant Non-Domestic Users must obtain a Class I Non-Domestic Sewer Use Permit. Significant non-domestic users are defined as those users which:

- (1) Are categorical users as defined by the EPA.
- (2) Discharge more than 25,000 gal/day "process water."
- (3) Discharge five (5) percent or more of the average daily hydraulic or organic (BOD, TSS TDS, etc.) capacity of the treatment plant.
- (4) Have a reasonable potential, in the opinion of the Manager-Engineer of adversely affecting the wastewater treatment and disposal facilities (inhibition, pass-through, sludge contamination, or endangerment of District workers).

(b) Class II Non-Domestic Sewer Use Permit - All non-domestic sewer users, other than Class I defined above, and those non-domestic users specifically exempted as provided above, must obtain a Class II Non-Domestic Sewer Use Permit.

(c) Class III Non-Domestic Sewer Use Permit. Commercial, industrial or institutional establishments which, in the opinion of the Manager-Engineer, have a significant potential for intentional or accidental discharge of prohibited materials or other substances which may adversely affect the sewage collection, treatment or disposal facilities of the District shall be issued a Class III Non-Domestic Sewer Use Permit. [ORD. 115, 10/10/2011]

Sec. 818. Waste Hauler Permit. Any waste hauler proposing to discharge waste into the District's facilities shall apply for and obtain a Waste Hauler Permit. Such a permit will only be issued for disposal of raw domestic sewage from a holding tank or septage from septic tanks receiving only domestic wastewater, which wastes must be free of chemicals added for odor control, preservation, or any other purpose. The duration of a permit shall be three (3) years, upon which time the waste hauler shall apply for permit reissuance.

A Waste Hauler Permit will only be issued to a mobile waste hauler that has a valid permit from the Marin County Department of Public Health and has filed a copy of said permit with the District. The waste hauler shall abide by all terms and conditions of the Waste Hauler Permit. Failure to do so will be grounds for revocation of the permit.

Unless otherwise approved by the Manager-Engineer, holding tank wastes or septage will only be accepted from the greater Novato area generally bounded by the Sonoma County line on the north, the Petaluma River on the east, the Novato City limits on the south, and the Petaluma-Pt. Reyes Road on the west.

The waste hauler must provide the District with a log of the origin and contents of each load dumped. Discharge of wastes covered by a Waste Hauler Permit shall only be made at the location in the District's wastewater system specified in the permit. The permittee shall pay all permit application and renewal application fees as set forth in this Article, together with all applicable dump fees and sewer service charges in accordance with separate District regulations as established by the District. [ORD. 115, 10/10/2011][ORD. 115 Rev. 09/14/2015]

Sec. 819. Application for Class I or Class II Non-Domestic Sewer Use Permit. Persons applying for a Class I or Class II Non-Domestic Sewer Use Permit shall complete and file with the District an application form, accompanied by the required application fee established by the District. The application may include, but not be limited to, the following information:

- (a) Name, address, and location of the occupant and owner of the property;
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Description of activity, facilities and plant process on the premise, including site plans and schematics, raw materials processes and types of materials which are or could be discharged;
- (d) Total product produced by type;
- (e) Number and type of employees;
- (f) Estimated wastewater flow;
- (g) Constituents and characteristics of the waste discharge;
- (h) Average and peak wastewater discharge flow for each lateral service sewer;
- (i) Locations of lateral service sewers, sampling points and pretreatment facilities;
- (j) Water supply information;

(k) Source, volume, and chemical characteristics of each tank contents;

(l) And any other information the District shall deem necessary to evaluate the permit application.

The District shall maintain the privacy of all business data and trade secrets supplied and identified as confidential matter by the applicant. However, as provided in Section 831, information concerning wastewater constituents and characteristics will not be recognized as confidential.

Applicants shall arrange for a District representative to conduct a walk-through site inspection of the user's facilities prior to finalizing the permit application. [ORD. 115, 10/10/2011]

Sec. 820. Class I and Class II Non-Domestic Sewer Use Permit Conditions. All Class I and Class II Non-Domestic Sewer Use Permits shall be expressly subject to all provisions of this Article and all other applicable regulations established by the District. These permits may contain, but may not necessarily be limited to, the following conditions:

(a) A statement of the fees associated with the permit;

(b) Limits on the average and maximum concentration and/or mass emission of wastewater constituents and characteristics;

(c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(d) Requirements for installation of flow measurement and related facilities;

(e) Requirements for installation and maintenance of inspection and sampling facilities;

(f) Requirements for District access to all metering and monitoring facilities;

(g) Specifications for monitoring programs which may include sampling location, frequency of sampling, number, types and standards for tests and reporting schedule;

(h) Compliance schedules;

(i) Requirements for submission of technical reports and compliance reports, including Baseline Monitoring Reports containing the information listed in 40 CFR 403.12(b)(1)-(7), and compliance schedule progress reports as set forth in 40 CFR 403.12(c);

(j) Requirements for maintaining and retaining, for at least three years, plant records relating to wastewater discharge as specified by the District and affording the District access thereto;

(k) Requirements for advance notification to the District of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents prior to being introduced into the wastewater treatment system;

(l) Requirements for notification of slug or other harmful discharges.

(m) Requirements for facilities to prevent accidental discharge of prohibited materials or other wastes regulated by this Article;

(n) Requirements of establishment and posting of standard chemical handling procedures for employees;

(o) Other conditions as deemed appropriate by the District to ensure compliance with this Ordinance and other rules and regulations of the District.

(p) Written documentation from the user, satisfactory to the District, confirming proper disposal of potentially harmful chemicals. [ORD. 115, 10/10/2011]

Sec. 821. Class III Non-Domestic Sewer Use Permit Conditions. All Class III Non-Domestic Sewer Use Permits shall be expressly subject to all provisions of this Article and all other applicable regulations established by the District. Such permits shall contain requirements for the handling of prohibited materials and/or potentially harmful chemicals which could be discharged, as well as any other provisions deemed appropriate by the District to protect its facilities. The permittee shall be required to prepare a written accidental spill protection plan which may include, but not necessarily be limited to, the following:

(a) A list of type, quality and location of chemicals of concern;

(b) Provisions for appropriate spill containment;

(c) Sealing of floor drains in the vicinity of chemical containers;

(d) Establishment and posting of standard handling procedures for employees;

(d) Provisions for employee training so that undesirable chemicals are not disposed of to the sewer system and that such materials are handled in a manner that will prevent spills.

(e) Written documentation from the user, satisfactory to the District, confirming proper disposal of potentially harmful chemicals. [ORD. 115, 10/10/2011]

Sec. 822. Permit Duration. Non-Domestic Sewer Use Permits shall be issued for a specified time period, not to exceed three (3) years. The user shall apply for permit re-issuance a minimum of ninety (90) days prior to the expiration of the user's existing permit. [ORD. 115, 10/10/2011]

Sec. 823. Permit Modifications. The District may change the conditions of a Non-Domestic Sewer Use Permit or establish new permit conditions at the time the permit is re-issued or during the life of the permit to accommodate changes in conditions of discharge or other District requirements. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Any non-domestic sewer use permittee desiring to make alterations in its sewer use, such as modifying its plant, process, or pretreatment facilities in a manner which would increase or decrease the flow rate or alter the quality of wastewater discharge described in its Non-Domestic Sewer Use Permit, shall first apply for and obtain an amended Non-Domestic Sewer Use Permit prior to the commencement of any construction of new facilities or operation of modified facilities. When extensive modifications are proposed or required, the Manager-Engineer may require application for and issuance of a new Non-Domestic Sewer Use Permit.

As soon as possible after promulgation of a National Categorical Pretreatment Standard, any Non-Domestic Sewer Use Permit subject to such standard shall be revised by the District to include requirements for compliance with such standards within the time frame prescribed by such standard. Users holding existing Non-Domestic Sewer Use Permits shall submit to the Manager-Engineer, within ninety (90) days after the promulgation of an applicable Federal Categorical Pretreatment Standard, information on the nature, concentration, proposed pretreatment and compliance schedule for applicable standards. Where a user subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Non-Domestic Sewer Use Permit, the user shall submit a Non-Domestic Sewer Use Permit application within ninety (90) days after the promulgation of the applicable National Categorical Pretreatment Standard. [ORD. 115, 10/10/2011]

Sec. 824. Permit Transfer. Non-Domestic Sewer Use Permits are issued to a specific user for a specific operation. A Non-Domestic Sewer Use Permit shall not be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the District. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. [ORD. 115, 10/10/2011]

Sec. 825. Permit Fees. It is the purpose of this Article to provide for the recovery of costs from users of the District's wastewater facilities for the implementation of the program established herein. Fees for Non-Domestic Sewer Use Permits or Waste Hauler Permits are defined below and more particularly set forth in Table 1.

(a) Application Fee - The Application Fee is set forth in Table 1 and is intended to cover the District's estimated cost in reviewing the application for a Non-Domestic Sewer Use Permit. The Application Fee shall be paid to the District upon submission of the permit application. Should the permit be denied, the Application Fee will not be refunded.

(b) Renewal Application Fee - The Renewal Application Fee is set forth in Table 1 and is intended to cover the District's estimated cost in reviewing the renewal application for a Non-Domestic Sewer Use Permit. The Renewal Application Fee shall be paid to the District upon submission of the permit application. Should the permit renewal be denied, the Renewal Application Fee will not be refunded.

(c) Permit Issuance Fee - The Permit Issuance Fee is set forth in Table 1 and covers the District's estimated cost for processing each class of permit, including establishing the permit requirements, District compliance reporting to the State and EPA, and minor permit modification during the life of the permit.

The Permit Issuance Fee shall be paid each time the permit is issued and when the permit is re-issued. The Permit Issuance Fee shall be paid to the District prior to issuance or re-issuance.

(d) Permit Monitoring and Inspection Fee - The Permit Monitoring and Inspection Fee will be established by the District for each individual permit and will be based on an estimate of the costs of routine monitoring for compliance and periodic inspection of the permittee's processes during the life of the permit. The Permit Monitoring and Inspection Fee will vary from permit to permit and will depend on the frequency of the monitoring and cost of the necessary laboratory tests to verify compliance with the permit conditions. This fee will be billed directly to the permittee in advance on an annual basis and is payable within fifteen (15) days from the date of invoice.

(e) Non-Compliance Monitoring Fee - The Non-Compliance Monitoring Fee will consist of actual costs incurred by the District associated with any additional inspection, sampling, analysis and reporting, together with direct labor and overhead of District personnel and all direct costs for work performed as a result of a permittee's non-compliance with permit conditions. The Non-Compliance Monitoring Fee will be billed directly to the permittee as costs are incurred and is payable within fifteen (15) days from the date of invoice.

Table 1 Schedule of Sewer Use Fees

Type of Fee	Non-Domestic Sewer Use Permit			Hauler Permit
	Class I	Class II	Class III	
1. Application Fee	\$ 175	\$ 85	None	\$ 85
2. Renewal Application Fee	\$ 175	\$ 85	None	\$ 85
3. Permit Issuance Fee	\$ 1,240	\$ 620	\$ 210	\$ N/A
4. Permit Monitoring and Inspection Fee	Established by the Manager-Engineer when* the permit is issued			
5. Non-Compliance Monitoring Fee	Actual costs incurred by the District associated with monitoring non-compliance with permit conditions			

\*Waste Haulers shall pay a fee for discharge of each tank truck load in accordance with other District rules and regulations.

In addition to the fees listed above associated with Non-Domestic Sewer Use Permits, permittees shall pay all other applicable District fees and charges as provided elsewhere in this Ordinance, and sewer service charges in accordance with separate District regulations. [ORD. 115, 10/10/2011]

Sec. 826. Pretreatment. Users shall provide necessary wastewater treatment as required to comply with this Article and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review and shall be acceptable to the District before construction of the facility. The review 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 acceptable to the District under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the user's initiation of the changes.

The District shall annually publish in a local newspaper a list of the users which were in significant non-compliance of Pretreatment Requirements or Standards during the twelve (12) previous months in accordance with applicable Federal regulations. The notification shall also summarize any enforcement actions taken against these users during the same twelve (12) months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the Regional Water Quality Control Board or EPA upon request.

For purposes of the above publication requirement, significant non-compliance shall mean one or more of the following: (1) chronic violations (exceeding the daily maximum limit or the average limit 66% of the time during a 6-month period) of the same pollutant parameter; (2) Technical Review Criteria (TRC) violations [33% or more of measurements for each pollutant parameter taken during a 6 month period equal or exceed the product of the applicable limit and the TRC value (1.4 times the limit for a conventional pollutants or 1.2 times the limit for a toxic pollutant)]; (3) a violation of pass through or interference; (4) a discharge of imminent endangerment to human health, welfare, or the environment, or which required the District to use its emergency authorities under 40 CFR 403.8(f) (1) (vi) (B); (5) violations of a compliance schedule milestone by 90 days; (6) violations of report submittal deadlines by 30 days; (7) failure to report noncompliance; and (8) any other violation deemed significant by the District. [ORD. 115, 10/10/2011]

Sec. 827. Monitoring Facilities. The District may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the District may, 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 and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operation condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District. [ORD. 115, 10/10/2011]

Sec. 828. Inspection and Sampling. The District may inspect the facilities of any user to ascertain whether the purpose of this Article is being met and all District requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records

copying or in the performance of any of their duties. The District, Regional Water Quality Control Board and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/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 District, Regional Water Quality Control Board and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. [ORD. 115, 10/10/2011]

Sec. 829. Initial Pretreatment Compliance Report. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards or, in the case of a New Source, following commencement of the introduction of wastewater into the District's facilities, any user subject to pretreatment standards and requirements shall submit to the Manager-Engineer a report complying with 40 CFR 403.12(d) of the Federal regulations. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional. All costs associated with the Initial Pretreatment Compliance Report shall be borne by the user. [ORD. 115, 10/10/2011]

Sec. 830. Periodic Compliance Reports. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new user, after commencement of the discharge into the District's facilities, shall submit to the Manager-Engineer semi-annually, unless required more frequently in the pretreatment standard or by the Manager-Engineer, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards, together with a record of all daily flows.

Where mass limitations have been imposed, the compliance report required above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user.

Periodic Compliance Reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Manager-Engineer, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All costs for Periodic Compliance Reports shall be borne by the user.

All reports required by this section shall include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate

the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Further, all reports required by this section shall be signed as follows:

(a) By a responsible corporate officer (ie. president, secretary, treasurer, or principal vice-president in charge of operations), where the user submitting the report is a corporation.

(b) By a general partner or proprietor if the user submitting the report is a partnership or sole proprietorship respectively.

(c) By a duly authorized representative of the individuals designated in (a) and (b) above, if:

(1) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility, such as the position of plant manager or equivalent, or a position having overall responsibility for environmental matters for the company, and

(2) The authorization is made in writing by the individual designated in (a) and (b) above. [ORD. 115, 10/10/2011]

Sec. 831. Confidential Information. 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 other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection, such as trade secrets of the user.

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 upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Programs; 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. [ORD. 115, 10/10/2011]

Sec. 832. Revocation of Permit. The Manager-Engineer may revoke the Non-Domestic Sewer Use Permit of any person who commits any of the following violations or violates any applicable State and Federal regulations.

(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;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring;

(d) Violation of conditions of the permit; or

(e) Failure of a user to notify District immediately of an accidental discharge and/or to take appropriate corrective action to prevent a recurrence. [ORD. 115, 10/10/2011] [ORD. 115 also added Sections 833 thru 836] [ORD. 115 Rev. 09/14/2015]

#### ARTICLE IX. ENFORCEMENT

Sec. 901. Violation. Any person found to be violating any provision of this or any other ordinance, rule or regulation of the District shall be served by the Manager-Engineer or other authorized person with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. Said time limit shall be not less than two (2) nor more than fourteen (14) working days, as said time is determined by the Manager-Engineer. The offender shall, within the period of time stated in such notice, permanently cease all violations. All persons shall be held strictly responsible for their acts and any and all acts of agents or employees done under the provisions of this or any other ordinance, rule or regulation of the District. Upon being notified by the Manager-Engineer of any defect arising in any sewer or of any violation of this Ordinance, the person or persons having charge of said work shall immediately correct the same. [ORD. 115, 10/10/2011]

Sec. 902. Public Nuisance. Continued occupancy of any building or continued operation of any commercial, industrial or institutional facility in violation of the provisions of this or any other ordinance, rule or regulations of the District is hereby declared to be a public nuisance. The District may cause proceedings to be brought for the abatement of the occupancy of the building involved during the period of such violation. [ORD. 115, 10/10/2011]

Sec. 903. Disconnection. 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, as an alternative method of enforcing the provisions of this or any other District ordinance, rule or regulation, disconnect the user from the sewer system of the District.

Prior to disconnection, the Manager-Engineer shall give written notice to the owner and tenant or tenants, if any, of the property involved that disconnection is intended to be made, and the District Board of Directors shall conduct a hearing on the matter. Such notice shall be mailed to the owner at the address shown on the last equalized assessment roll of the County Assessor, or as shown on the records of the Assessor to be used in the preparation of the next assessment roll, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed disconnection, the reasons therefor, and the date the District Board of Directors shall hold a hearing upon such intended disconnection. Such hearing shall not be held less than ten (10) days subsequent to the giving of notice as herein required.

Notwithstanding the above provisions, the Manager-Engineer shall have the authority to suspend service, including immediate disconnection, when such suspension of service and disconnection is necessary to stop an actual or threatened harmful discharge as provided in Section 908 hereof.

In the event disconnection occurs as above provided, the Manager-Engineer shall estimate the cost of disconnection from and reconnection to the sewer system, and the user shall deposit the estimated cost of disconnection and reconnection before such user is reconnected to the system. The Manager-Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. [ORD. 115, 10/10/2011]

Sec. 904. Public Nuisance - Abatement in the Event of Disconnection. During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event, and as a condition of reconnection, there is to be paid to the District reasonable attorneys' fees and costs of suit arising in said action. [ORD. 115, 10/10/2011]

Sec. 905. Misdemeanor. Section 6523 of the Health and Safety Code of the State of California provides that the violation of an ordinance, rule or regulation of a sanitary district by any person is a misdemeanor punishable by fine not to exceed One Thousand Dollars (\$1000), imprisonment not to exceed thirty (30) days, or both. Each and every connection or occupancy or discharge in violation of the ordinances, rules and regulations of the District shall be deemed a separate violation and each and every day or part of a day a violation of the ordinance, rule or regulation continues shall be deemed a separate offense hereunder and shall be punishable as such. [ORD. 115, 10/10/2011]

Sec. 906. Liability for Violation. Any person violating any of the provisions of the ordinances, rules or regulations of the District shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation. [ORD. 115, 10/10/2011]

Sec. 907. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the person

responsible for such discharge shall become liable to the District for any expense, loss or damage to such facilities. [ORD. 115, 10/10/2011]

Sec. 908. Harmful Discharges, Immediate Suspension. The Manager-Engineer may suspend service when in his or her opinion such suspension is necessary in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference with the operation of the District's sewer system or treatment facilities. Any person notified of such a suspension of service shall immediately stop or eliminate the harmful discharge. In the event of a failure of the responsible person to comply voluntarily with the suspension order, the Manager-Engineer shall take such steps as deemed necessary, including immediate disconnection to prevent or minimize damage to or interference with the sewerage system or endangerment to any individuals. The Manager-Engineer may reinstate the service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful discharge and the measures taken to prevent any future occurrence shall be submitted to the District before reinstatement of the service. [ORD. 115, 10/10/2011]

Sec. 909. Legal Action. In the event of violation of any provisions of this Ordinance, Federal or State Pretreatment Requirements, or any order of the District pursuant to this Ordinance, the District Board of Directors may commence an action for appropriate legal and/or equitable relief in the Superior Court of Marin County. [ORD. 115, 10/10/2011]

Sec. 910. Civil Penalties. In addition to other charges provided for in this Ordinance, Section 54740 of the Government Code of the State of California provides that any person who 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 prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, may be assessed civil penalties of not less than One Thousand Dollars (\$1,000) nor more than Twenty-Five Thousand Dollars (\$25,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. The District may petition the superior court to impose, assess, and recover the sums assessed. [ORD 78, 2/28/94][ORD. 115, 10/10/2011]

Sec. 911. Civil Penalties Imposed by District. Section 54740.5 of the Government Code of the State of California provides that the District may issue an administrative complaint to any person who violates pretreatment standards or discharge requirements. The administrative complaint shall be served by personal delivery of certified mail on the person subject to the District's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before the Manager-Engineer, the hearing officer designated by the District Board of Directors. The person may waive the right to a hearing. The decision

of the hearing officer may be appealed to the District Board of Directors within 30 days of notice of the hearing officer's decision.

Section 54740.5 of the Government Code of the State of California provides that the District may assess civil penalties against a person, if, after a hearing, or appeal, if any, it is found that pretreatment reporting or discharge requirements have been violated. Civil penalties may be imposed by the District as follows:

- (a) In an amount which shall not exceed Two Thousand Dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- (b) In an amount which shall not exceed Three Thousand Dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
- (c) In an amount which shall not exceed Five Thousand Dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
- (d) In an amount which does not exceed Ten Dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other order, or prohibition issued, reissued, or adopted by the District.
- (e) The amount of any civil penalties imposed under this section which have remained delinquent shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty.

[ORD 78, 2/28/94] [ORD. 115, 10/10/2011]

Sec. 912. Falsifying Information. Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Non-Domestic Sewer Use Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than One Thousand Dollars (\$1,000) or by imprisonment for not more than thirty (30) days, or by both. [ORD 78, 2/28/94] [ORD. 115, 10/10/2011][ORD. 115 also added Sec. 913]

#### ARTICLE X. MISCELLANEOUS PROVISIONS

Sec. 1001. Protection from Damage. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewage works. Any person violating this provision shall be subject to the penalties provided by law.

Sec. 1002. Powers and Authorities of Inspectors. Officers, inspectors, and duly authorized employees of the District shall each carry an official identification card or other evidence establishing his/her position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all buildings and properties for the purposes of inspection, reinspection, observation, measurement, sampling, testing or otherwise performing such duties as may be necessary in the enforcement of the provisions of the ordinances, rules and regulations of the District.

Sec. 1003. Separability. If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the application of such provision to other persons or circumstances. The Board hereby declares that it would have passed this ordinance or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared to be unconstitutional.

Sec. 1004. Repeal of Inconsistent Ordinances. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Novato Sanitary duly held on the 22nd day of April, 1991, by the following vote:

AYES, and in favor thereof, Members: Medeiros, Quesada, Silveira, York

NOES, Members: None

ABSENT, Members: Knutson

          /s/ Philip J. York           President

ATTEST:

          /s/ C.A. Joseph            
Secretary

**Please see the following Ordinances for Section revisions:**

**Ordinance 75           -       Section 708**  
**Ordinance 78           -       Sections 910, 911**  
**Ordinance 101         -       Section 708**

Ordinance 115 - Sections 101 through 166, Sections 801 through  
835, Sections 901 through 913  
Ordinance 115 (revised) - Section 809(c), Section 809(e), Section  
818(e) added  
Ordinance 119 - Section 708(b) and 708(c)