



January 7, 2009

Lixin Fu
Water Discharge to Land Unit
California Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

Re: California Sportfishing Protection Alliance WDR Comments

Dear Ms. Fu:

Please find some information that may assist you in responding to the January 5, 2009 letter from the California Sportfishing Protection Alliance ("CSPA"). It is clear from reading CSPA's letter they did not exercise even the most basic due diligence before leveling their accusations as most of their comments, concerns and demands are irrelevant as they have already been addressed by existing Amador Water Agency regulations, Amador Water Agency design standards and in the submitted Report of Waste Discharge itself. Each specific topic is addressed below.

1. "The proposed WDR fails to prohibit discharge of unpolluted water such as stormwater to the system and should be revised to require the Discharger to conduct a Water Conservation Program in order to extend the life of the system and ensure compliance with the flow limitation as a basic source control measure."
 - a. A Water Conservation Program is inappropriate for inclusion into the WDR.
 - i. The existing Operations and Maintenance manual for the Pine Grove Community Leachfield System, dated October 2004, specifically states, "Tank inspection should also not any apparent infiltration... If infiltration is occurring, it should be investigated and eliminated as soon as possible."
 - ii. The Stormwater Diversion Reports submitted in 2004 identify sources of stormwater at the leachfield and implemented measures to minimize runoff from entering the site.
 - iii. AWA Wastewater Regulations, Rates & Rules, Division XI, Section 11.03 Limitations on Use of Sewer discusses **this topic**.

- iv. AWA has established real flows of +/-175 gpd per connection-year round. This could lead a reasonable observer knowledgeable in wastewater systems to conclude the Pine Grove users have done an admirable job of controlling flows.
 - v. The Pine Grove wastewater collection system is designed as a small diameter tight-line collection system with leachfield disposal. Stormwater is not typically a problem in a tight-line system.
- 2. "The proposed WDR must be revised to require the Discharger to conduct public education and outreach programs in order to comply with Prohibition No. 2..."
 - a. AWA already conducts regular public outreach via quarterly newsletters included with water and wastewater bills. Some of the topics covered by CSPA have already been covered in past newsletters.
 - b. Additionally, separate mailers are periodically sent to all AWA wastewater customers, including those in Pine Grove, covering similar topics as well as AWA's F.O.G (Fats, Oils & Grease) program.
 - c. New wastewater customers, at time of application, are given educational materials regarding limitations on sewer use.
- 3. "The Proposed WDR must be revised to require the Discharger must (sic) develop a sewer ordinance that clearly prohibits the discharge or pollutants that may impact the treatment system."
 - a. "A User may not introduce into a sewer any pollutants(s) which cause Pass Through or Interference."
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.01 Liquid Waste Disposal.
 - b. "Prohibition Against Dilution"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.02 Pretreatment Plans Required.
 - c. "Prohibition Against Bypass"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.02 Pretreatment Plans Required.
 - d. "Specific Prohibitions 1. Flammable or Explosive Substances"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.08 Toxic Substances.

- e. "Specific Prohibitions 2. Corrosives"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.08 Toxic Substances.
- f. "Specific Prohibitions 3. Hazardous Wastes"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.08 Toxic Substances.
- g. "Specific Prohibitions 4. Trucked Pollutants"
 - i. Trucked Pollutants are not permitted by the AWA Wastewater Regulations, Rates& Rules.
- h. "Specific Prohibitions 5. Toxic or Poisonous Substances"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.08 Toxic Substances.
- i. "Specific Prohibitions 6. Substances which may obstruct flow"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.03 Limitations on Use of Sewer.
- j. "Specific Prohibitions 7. Odorous Wastes"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.03 Limitations on Use of Sewer.
- k. "Specific Prohibitions 8. Uncontaminated Water"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.04 Water.
- l. "Specific Prohibitions 9. Pretreatment Sludges"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Sections 11.02 Pretreatment Plans Required, 11.03 Limitations on Use of Sewer and 11.10 Waste Treatment Plants or Facilities Required.
- m. "Specific Prohibitions 10. Heat"
 - i. This already exists in the AWA Wastewater Regulations, Rates& Rules, Division XI, Section 11.06 Temperature of Effluent.

- n. "Specific Prohibitions 11. Radioactive Wastes"
 - i. This already exists in the AWA Wastewater Regulations, Rates & Rules, Division XI, Sections 11.03 Limitations on Use of Sewer and 11.08 Toxic Substances.
 - o. "Specific Prohibitions 12. Grease and Oils"
 - i. This already exists in the AWA Wastewater Regulations, Rates & Rules, Division XI, Sections 11.03 Limitations on Use of Sewer, 11.11 Installation of Interceptors or Waste Treatment Facilities, 11.12 Installation of Sand and Grease Interceptors and 11.13 Waiver of Sand and Grease Interceptor Requirement.
4. "The proposed WDR inappropriately relies on the Tulare Lake Basin Plans..."
- a. AWA requested the TDS limits be raised because current WDRs has effluent TDS at 310-which is too low for effluent, but not for groundwater hence the reason AWA did not request a change to groundwater limits. CSPA appears to not understand or is intentionally clouding the issue between effluent and groundwater. Per page 14 of ROWD, the TDS in down gradient wells has varied from 66 to 152 mg/l, (background averaged 88 mg/l) and averaged 122 mg/l, which is well below the groundwater monitoring limit of 310 mg/l. While there is a minor impact of the system on TDS of groundwater in the immediate vicinity of the field, as described in the Anti Degradation Analysis (page 14 of ROWD), the impact stays well below the WDR requirements and water quality objectives.
 - b. While improvements to onsite treatment are occasionally used, it is predominantly when soil disposal conditions are substandard. In other words, if soils are shallow-treatment effectiveness in soil mantle is reduced, effluent treatment will be less, and additional treatment steps may be warranted. They are not in this case-see Appendix 3 of ROWD. In general, soils were in excess of 8 feet. To my knowledge, no county (or the States AB 885) uses increased levels of treatment with soil conditions such as we have in the Phase 2 disposal area. Furthermore-the quarterly monitoring reports bear out that the system is well sighted and operating generally very well.
5. The proposed WDR authorizes the expansion of the WWTP without first conducting an antidegradation analysis..."
- a. In general, perhaps CSPA is unaware that there is more than four years of monitoring data to justify the efficacy of the existing system, as well as the expansion. Many of CSPA's comments (with respect to how well the system will work) can be responded to simply by reference to quarterly monitoring reports.

- b. Page 1, 3rd paragraph, regarding high coliform in Jackson Creek.
 - i. AWA surface water testing has revealed no effect of the existing leachfield on Jackson Creek, (see page 16 of ROWD). Also, total coliform since 2005 has consistently been <2 MPN/100 ml, (see page 7, paragraph 36d). It is unclear how these results could lead any reasonable person to conclude that this system is having any effect on coliform in Jackson Creek. Perhaps CSPA is unaware of the Jackson WWTP that discharges directly to Jackson Creek well downstream of Pine Grove?
- c. See Antidegradation Analysis on page 13 of ROWD, (section 16). Also, there is an Antidegradation Analysis in the existing WDR's. Again, they refer to lack of "treatment" to reduce TDS, nitrogen and coliform. As noted above, additional treatment measures may be warranted in certain circumstances. The disposal field conditions here do not warrant additional treatment. This is best demonstrated by the fact that our disposal field conditions far exceed the minimum requirements outlined in the proposed AB 885 regulations for conventional onsite systems-or as defined in 885, disposal sites that do not require "supplemental Treatment components", (or components described on page 5 of the CSPA letter). For example: In section 30014 of AB 885, a conventional system is required to have at least 3 feet of usable soil below bottom of disposal trench. Our system has at least 5 feet of separation. Second-groundwater separation; section 30012 requires 10 feet minimum to seasonal high groundwater. This site has documented high groundwater well in excess of the 10 feet, (ROWD documents 22 to 137 feet to groundwater). Third-application rates; Our percolation rates averaged 20 mpi, which per figure 1 of section 30014, would allow an application rate of .68 gpd per sf. We used an application rate of .30 gpd per sf, or less than 50% of the allowable. I'm sure there is more, but the point is that the site conditions for the proposed expansion far exceed the State's own requirements for a "conventional" system, AND, our design is far more conservative than the State's design requirements. What does this mean? It means that the performance of the proposed system should easily exceed normal performance of a conventional system, and should easily meet the performance requirements of the WDR's.

6. "Monitoring Reporting Program must be revised to include field for the observations (sic) receiving water."
 - a. Requirements to observe the receiving water are already included, however CSPA mistakenly believes the stream is the receiving water when in fact it is groundwater.

Please contact me with any questions at (209) 257-5242.

Sincerely,



Erik Christeson, P.E.
Supervising Engineer

cc (w/o attachments):

Gene Mancebo, Manager of Engineering & Planning
Chris McKeage, Operations Manager
Dave Loftis, Wastewater Supervisor
Jesse Shaw, Toma & Associates
Del Rapini
File

Wastewater Regulations

AMADOR WATER AGENCY

WASTEWATER REGULATIONS, RATES & RULES

Adopted August 8, 1991
Ordinance No. 91-01
Revised April 11, 2002
Ordinance No. 2002-02

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AMADOR WATER AGENCY
WASTEWATER REGULATIONS, RATES & RULES

DIVISION I. ADMINISTRATION

Section 1.01. Title

This document shall be known as the "Amador Water Agency Wastewater Rules and Regulations", and may be cited as such. (Adopted by Ordinance No. 91-01)

Section 1.02. Scope

The provisions of these Rules and Regulations shall apply to the discharge or disposal of all wastes including any material which may cause pollution of underground or surface waters in, upon, or affecting the territory of the Amador Water Agency's Wastewater Improvement Districts. These Rules and Regulations apply to the design, construction, alteration, use, and maintenance of public sewers, house laterals, STEP and STEF systems, industrial connections, liquid waste pretreatment plants, sewage pumping plants, and sand and grease interceptors. These Rules and Regulations shall also apply to the issuance of permits and the collection of fees therefor and fees to pay for wastewater systems operation, maintenance and replacement, the cost of checking plans, inspecting construction, and making record plans of the facilities permitted hereunder; and providing remedies for violation of any of the provisions thereof. (Adopted by Ordinance No. 91-01)

DIVISION II. DEFINITIONS

Section 2.01. Scope

The words and phrases appearing in these Rules and Regulations are defined and shall be construed as hereinafter set forth, unless it shall be apparent from the context that they have a different meaning.

(Adopted by Ordinance No. 91-01)

Section 2.02 District

"District" means a region with defined boundaries being serviced and maintained by the Amador Water Agency.

(Adopted by Ordinance No. 91-01)

Section 2.03 Agency Representative

"Agency Representative" shall mean any person designated by the General Manager to perform the services or make the determinations permitted or required under these Rules and Regulations as required to carry out the intentions of these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 2.04 Person

"Person" shall mean any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city, county, district, the State of California, or the United States of America, or any department or agency thereof.

(Adopted by Ordinance No. 91-01)

Section 2.05 Owner

~~.....~~ "Owner" shall mean any person who by lease, contract of sale, deed with security as trust deed, mortgage, or other evidence of indebtedness, estate, or other color of right, or color of title, has fee title or demonstrates, or ostensibly demonstrates the authority to grant, or accept the incidents of ownership to any lot, premises, or parcel of land.

(Adopted by Ordinance No. 91-01)

Section 2.06 Agency

"Agency" shall mean the Amador Water Agency.

(Adopted by Ordinance No. 91-01)

Section 2.07 Premises

"Premises" shall mean any lot, or any piece or parcel of land comprising one or more lots of record in one ownership, or any building or other structure or any part of any building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.

(Adopted by Ordinance No. 91-01)

Section 2.08 County Health Officer

"County Health Officer" means the County Health Officer of the County of Amador or his authorized deputy, agent, representative, or inspector.

(Adopted by Ordinance No. 91-01)

Section 2.09 Ordinance

"Ordinance" means an Ordinance of the Amador Water Agency.

(Adopted by Ordinance No. 91-01)

Section 2.10 Section

"Section" means a section of these Rules and Regulations unless some other document, ordinance, or statute is mentioned.

(Adopted by Ordinance No. 91-01)

Section 2.11 Inspector

"Inspector" means the authorized inspector, deputy, agent or representative of the Amador Water Agency.

(Adopted by Ordinance No. 91-01)

Section 2.12 Licensed Contractor

"Licensed Contractor" means a contractor having a valid license issued pursuant to Chapter 9, Division 3, of the Business and Professions Code, State of California, which license includes the activities listed on the permit applied for.

(Adopted by Ordinance No. 91-01)

Section 2.13 Permittee

"Permittee" means the person to whom a permit has been issued pursuant to the provisions of these Rules and Regulations.
(Adopted by Ordinance No. 91-01)

Section 2.14 Pollution of Underground or Surface Waters

"Pollution of Underground or Surface Waters" means affecting such waters in a manner which, if allowed to continue, would render them unfit for human or animal use, or toxic to vegetation to an extent adversely affecting plant growth.
(Adopted by Ordinance No. 91-01)

Section 2.15 Lot

"Lot" means any piece or parcel of land bounded, defined, or shown upon a map or deed recorded or filed in the office of the County Recorder of Amador County, provided, however, that in the event any building or structure covers more area than a lot as defined above, the term "lot" shall include all such pieces or parcels of land upon which said building or structure is wholly or partly located, together with the yards, courts and other unoccupied spaces legally required for the building or structure.
(Adopted by Ordinance No. 91-01)

Section 2.16 Sewage or Sanitary Waste

"Sewage or Sanitary Water" means any water borne or liquid wastes including domestic sewage and industrial waste, but does not include or mean storm water, ground water, or roof or yard drainage.
(Adopted by Ordinance No. 91-01)

Section 2.17 Domestic Sewage

"Domestic Sewage" means the water borne wastes derived from the ordinary living processes and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.
(Adopted by Ordinance No. 91-01)

Section 2.18 Effluent

"Effluent" means the liquid flowing out of any treatment plant or facility constructed and operated for the partial or complete treatment of sewage or industrial waste.
(Adopted by Ordinance No. 91-01)

Section 2.19 Industrial Waste

"Industrial Waste" means any and all waste substances, liquid or solid, except domestic sewage, and includes among other things radio-active wastes, explosives, and noxious or toxic gas when present in the sewerage system.

(Adopted by Ordinance No. 91-01)

Section 2.20 Public Sewer System or Public Sewer

"Public Sewer" means a main line sewer, sewage treatment and/or disposal system, dedicated to public use.

(Adopted by Ordinance No. 91-01)

Section 2.21 Main Line Sewer

"Main Line Sewer" or "Force Main Sewer" means any public sewer in a dedicated easement or right of way designed and constructed to collect and convey sewage to a treatment and/or disposal area.

(Adopted by Ordinance No. 91-01)

Section 2.22 Sewer Lateral

"Sewer Lateral" means that part of the public sewer piping within the easement, street or right of way which extends from the sewer connection valve or cleanout to a connection with the main line sewer.

(Adopted by Ordinance No. 91-01)

Section 2.23 Septic Tank

"Septic Tank" means a water-tight receptacle which receives sewage, designed and constructed so as to retain solids, digest organic matter through a period of detention and allow the liquids to discharge into a main line sewer.

(Adopted by Ordinance No. 91-01)

Section 2.24 Interceptor or Grease Trap

An "Interceptor" is a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from wastes.

(Adopted by Ordinance No. 91-01)

Section 2.25 Sewage Pumping Plant

"Sewage Pumping Plant" means any works or device used to raise sewage from a lower to higher level or to overcome friction in a pipe line.

(Adopted by Ordinance No. 91-01)

Section 2.26 Customer

"Customer" shall mean any person described herein who receives sewage service from or discharges sewage to the public sewer.

(Adopted by Ordinance No. 91-01)

Section 2.27 Private Sewer System

That portion of the sewer collection system which is located on the private owner's side or customer's side of the cleanout or sewer connection valve, including the building sewer, grease trap, STEP or STEF system and service line, connecting to the sewer lateral.

(Adopted by Ordinance No. 91-01)

Section 2.28 Service Line

That portion of the sewer collection system which is located on the private owner's or customer's side of the cleanout or sewer connection valve, connecting the septic tank to the sewer lateral.

(Adopted by Ordinance No. 91-01)

Section 2.29 Building Sewer

That portion of the sewer collection system which is located on the private owner's side or customer's side of the cleanout or sewer connection valve, connecting the premises to the septic tank and/or sewer lateral.

(Adopted by Ordinance No. 91-01)

Section 2.30 Collection System

The system by which sewage is collected throughout the service area within the District, including, but not limited to, private sewer lines, sewer laterals, STEP or STEF systems, mainline sewers, pumping plants and all other appurtenances.

(Adopted by Ordinance No. 91-01)

Section 2.31 Authorized Personnel

"Authorized Personnel" shall mean persons employed by the Agency having specific defined duties authorized by the Agency.

(Adopted by Ordinance No. 91-01)

Section 2.32 STEP System

"STEP System" shall mean a septic tank effluent pump system, including, but not limited to, the building sewer, septic tank, vault, screen, pump, alarms and controls, service line, and all other appurtenances.

(Adopted by Ordinance No. 91-01)

Section 2.33 STEF System

"STEF System" shall mean a septic tank effluent filter system, including, but not limited to, the building sewer, septic tank, vault, screen, service line, and all other appurtenances.

(Adopted by Ordinance No. 91-01)

DIVISION III. GENERAL PROVISIONS AND REGULATIONS

Section 3.01 Amendments

Whenever a power is granted within any portion of these Rules and Regulations, such reference applies to all amendments and additions thereto.

(Adopted by Ordinance No. 91-01)

Section 3.02 Delegation of Powers

Whenever a power is granted to or a duty imposed upon the Agency by the provisions of these Rules and Regulations, the power may be exercised or the duty performed by an authorized person or agent of the Agency.

(Adopted by Ordinance No. 91-01)

Section 3.03 Validity

If any provision of these Rules and Regulations or the application thereof to any person or circumstance, is held invalid, the remainder of the document, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

(Adopted by Ordinance No. 91-01)

Section 3.04 Enforcement

The Agency and authorized personnel shall enforce the provisions of this document and for such purpose shall have the power to disconnect water and/or sewer service.

(Adopted by Ordinance No. 91-01)

Section 3.05 Minimum Standards

Facilities shall be designed and constructed to Amador Water Agency, Amador County and State minimum standards, as applicable, so as to produce an effect which will not pollute underground or surface waters, create a nuisance, or menace the public peace, health, or safety. Authorized personnel shall consult with the Health Officers and county officials, and from time to time, promulgate standards which may vary according to location, topography, physical conditions, and other pertinent factors.

(Adopted by Ordinance No. 91-01)

Section 3.06 Continued Violation

Each day during which any violation described in these Rules and Regulations willfully continues shall constitute a separate offense enforceable as provided by these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 3.07 Notice

Unless otherwise provided herein, any notice required to be given by authorized personnel pursuant to these Rules and Regulations, shall be in writing and served in the manner provided in the Code of Civil Procedure for the service of process, or by mail, postage prepaid. If served by mail, the notice shall be sent to the last address known to the Agency. Where the address is unknown, notice may be made as above provided upon the owner of record of the property. (Adopted by Ordinance No. 91-01)

Section 3.08 Time Limits

Any time limit provided for in these Rules and Regulations may be extended by mutual written consent of both the Agency and the permittee or applicant, or other person affected thereby.

(Adopted by Ordinance No. 91-01)

Section 3.09 Identification

Authorized personnel shall identify themselves upon request to any contractor or property owner for any inspection of work required by these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 3.10 Maintenance Inspections

Authorized personnel may inspect, as often as they deem necessary, every private sewer system, STEP or STEF system, or other similar appurtenances to ascertain whether such facilities are constructed, maintained and operated in accordance with the provisions of these Rules and Regulations. All persons shall permit and provide authorized personnel with access to all such facilities at all reasonable times for such inspections, repairs and maintenance if necessary to comply with these Rules and Regulations, or to protect the public health, safety and welfare. If authorized personnel perform repair and maintenance on the private sewer system, including the STEP and STEF systems, or other devices on the property of the owner and/or customer, the owner and/or customer shall be responsible for the Agency's actual costs thereof. The Agency shall bill the owner and/or the customer for such costs, which bill shall be paid within 15 days of its date. If the bill becomes delinquent, then it shall be subject to the provisions of Section 6.07.

(Adopted by Ordinance No. 91-01)

Section 3.11 Access Requirements

No object, whether a permanent structure, or a temporary structure, or any object which is difficult to remove, shall be located on a sewer easement or placed in such a position as to interfere with the ready and easy access for inspection, repair or maintenance to any facility described in Section 3.10. Any such obstruction, upon request of the Agency, shall be immediately removed by the violator at no expense to the Agency, and shall not be replaced. (Adopted by Ordinance No. 91-01)

Section 3.12 Interference with Inspectors

No person shall, during reasonable hours, refuse, resist, or attempt to resist the entrance of authorized personnel into any premise, lot, building, plant, yard, field, or other place or portions thereof in the performance of their duties within the power conferred upon them by law or by these Rules and Regulations. (Adopted by Ordinance No. 91-01)

Section 3.13 Maintenance of Facilities

Maintenance of private sewer systems, STEP or STEF systems, and all other appurtenances, shall apply to all such facilities now existing or hereafter constructed. All such facilities shall be maintained per manufacturer or design specifications by owners thereof in a safe and sanitary condition, and all devices or safeguards which are required for the operation of such facilities shall be maintained in good working order. Private sewer systems shall be maintained as necessary to flow freely, and be free of structural damage or loss of integrity to prevent exfiltration of sewage or infiltration of water into the private or public sewer, and shall have periodic maintenance performed as required. Failure of the owner or permittee to maintain the private sewer system shall constitute a violation of these Rules and Regulations, and shall be corrected to the satisfaction of the Agency as provided by these Rules and Regulations.

This section shall be construed as permitting the removal or nonmaintenance of any devices or safeguards on existing facilities unless authorized in writing by authorized personnel. (Adopted by Ordinance No. 91-01)

Section 3.14 Operation and Maintenance of Building Sewers and Private Sewer Systems

(a) The Agency shall be responsible for the operation and maintenance of that portion of the collection system which is in the Agency's easement or right-of-way, which has been dedicated to the Agency or which is not located upon the property of the person served by the Agency's collection system.

(b) The property owner or customer served by the Agency's collection system shall be

responsible and liable for all costs involved in the repair of all damage caused by the property owner, customer, or agents thereof, to the collection system, including, but not limited to, sewer obstructions, wherever located.

(Adopted by Ordinance No. 91-01)

Section 3.15 Rain and Surface Water Drainage

No pool, receptacle, area, or roof which receives or disposes of rain water or surface water shall be connected to any private or public sewage collection or disposal system.

(Adopted by Ordinance No. 91-01)

Section 3.16 Notice to Stop Work

Whenever any construction is being done contrary to the provisions of any law, specification, standard, resolution, or ordinance, authorized personnel shall issue a written notice to the responsible party to stop work on that portion of the project on which the violation has occurred. No work shall be done on that portion until corrective measures have been taken and approved by authorized personnel.

(Adopted by Ordinance No. 91-01)

Section 3.17 Mandatory Sewer Connections

All premises within an Agency Wastewater Improvement District requiring sanitation facilities as defined in the Uniform Building Code, unless otherwise allowed for, shall be connected to the public sewer.

No person shall cause or permit the disposal of sewage or other liquid waste into any drainage system which is not connected to the public sewer when such connection is required by this Section.

(Adopted by Ordinance No. 91-01)

Section 3.18 Location of Lateral Inconsistent With Agency As-Built

Whenever a sewer lateral is not located as shown on Agency as-built maps, Agency personnel shall assist to the extent possible to determine the location of the sewer lateral by use of surface and underground line detectors. However, the Agency shall bear no expense for equipment, excavation and/or labor expenses incurred by any person in determining the location of facilities deemed as part of the private sewer system.

(Adopted by Ordinance No. 91-01)

DIVISION IV. GENERAL POWERS AND DUTIES

Section 4.01 Record of Fees

Authorized personnel shall keep in proper books a permanent and accurate account of all fees received under these Rules and Regulations, giving the names and addresses of the persons on whose accounts the same were paid, the date and amount thereof, and the number of permits granted, if any, which books shall be open to public inspection.

(Adopted by Ordinance No. 91-01)

Section 4.02 Estimated Valuations

Whenever the fees required by these Rules and Regulations are based on valuations, authorized personnel shall determine the estimated valuation in all cases, and for such purposes shall be guided by approved estimating practices.

(Adopted by Ordinance No. 91-01)

Section 4.03 Joint Action With Other Public Agencies

Authorized personnel may contact, confer, and negotiate with officials of any public agency and may recommend to the Board a contract by which the Agency and one or more public agencies may jointly exercise any powers pertinent to the enforcement of this document and any similar statute, ordinance, rule or regulation of such public agencies, common to all.

(Adopted by Ordinance No. 91-01)

Section 4.04 Issuance of Permits

If it appears from the application for any permit required by these Rules and Regulations that the work to be performed thereunder is to be done according to the provisions of these Rules and Regulations, authorized personnel, upon receipt of the fees hereinafter required, shall issue such permit.

(Adopted by Ordinance No. 91-01)

Section 4.05 Certificate of Final Inspection

When it appears to the satisfaction of authorized personnel that all work done under the permit has been constructed according to, and meets the requirements of all applicable provisions of these Rules and Regulations, and that all fees have been paid, authorized personnel, if requested, shall cause to be issued to the permittee constructing such work a certificate of final inspection. The said certificate shall recite that such work is in an approved condition.

(Adopted by Ordinance No. 91-01)

Section 4.06 Relief on Application

When any person, by reason of special circumstances, is of the opinion that any provision of these Rules and Regulations is unjust or inequitable as applied to his/her use or 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 use or premises.

If such application be approved, the Board may, by appropriate action, suspend or modify the provision complained of, as applied to such use or premises, to be effective as of the date of the application and continuing during the period of special circumstances.
(Adopted by Ordinance No. 91-01)

Section 4.07 Relief on Own Motion

The Board may, on its own motion, find that by reason of special circumstances a provision of these Rules and Regulations is unjust or inequitable as applied to a particular premises or use, and may, by appropriate action, suspend or modify the provision as applied to such premises or use during the period of such special circumstances.
(Adopted by Ordinance No. 91-01)

DIVISION V. PERMITS

No person shall commence, do or cause to be done, construct or cause to be constructed, use or cause to be used, alter or cause to be altered, or connect to any public sewer, mainline sewer, sewer lateral, sewage pumping plant, or other similar appurtenance within Agency Wastewater Improvement Districts without first obtaining a Construction Permit and Sewer Permit from the Agency and paying the appropriate fees as set forth in these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 5.01 When Construction Permit Is Not Required

The provisions of these Rules and Regulations requiring construction permits shall not apply to contractors constructing public sewers and appurtenances under Agency contracts.

(Adopted by Ordinance No. 91-01)

Section 5.02 Construction Permit for Installation of Private Sewer Facilities

Prior to the issuance of a construction permit, the permittee shall submit two (2) sets of plans to the Agency for plan check. The plans shall be checked for compliance with all Agency specifications, rules, and regulations. Prior to the Agency performing the plan check, the applicant shall pay a fee to the Agency as specified in Section 6.01 of these Rules and Regulations. Such a plan check is not an assurance of sewer service nor a sewer permit for the particular project. The submittal of plans and/or documents for plan check shall not constitute nor be considered an application for a sewer permit.

(Adopted by Ordinance No. 91-01)

Section 5.03 Compliance With Construction Permit

After approval of the application, evidenced by the issuance of a construction permit, no change shall be made to the private sewer, the grade, materials, or other details described in the construction permit or as shown on the plans and specifications for which the construction permit was issued except with written permission from authorized personnel.

(Adopted by Ordinance No. 91-01)

Section 5.04 Validity of Construction Permits

Any construction permit shall be valid only for two years.

In order to maintain a construction permit in full force and effect, those portions of the private sewer system which are to be constructed by the permittee shall be installed by the permittee, and inspected and approved by the Agency within two (2) years of the date of the permit's issuance. Permittee shall obtain a Certificate of Occupancy from the County of Amador

within two (2) years of the date of issuance of the construction permit, or if a Certificate of Occupancy is not applicable, shall complete construction of the premises for which the permit is obtained within two (2) years of the date of issuance of the permit. A permit shall become null and void if the permittee fails to comply with the above provisions, except as provided in Section 5.10.

(Adopted by Ordinance No. 91-01)

Section 5.05 Application for a Sewer Permit

Any person requiring a sewer permit shall make application on forms provided by the Agency for that purpose. Applicants shall give a description of the location, ownership, occupancy and use of the premises in connection therewith in conformance with these Rules and Regulations prior to the issuance of the sewer permit. If authorized personnel determine that the construction permit and application is complete, and other information furnished by the applicant is satisfactory and in compliance with these Rules and Regulations of the Agency, a sewer permit shall be issued upon payment of all fees and charges required by these Rules and Regulations. Such permit shall entitle the applicant to sewage service as provided by these Rules and Regulations. A permit for sewer service shall be issued on a first-come first-served basis.

(Adopted by Ordinance No. 91-01)

Section 5.06 Agreement

The applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of these Rules and Regulations, as such may be amended from time to time, and with the plans and specifications which the applicant has filed with the application, if any, together with such corrections or modifications as may be made or permitted by the Agency, if any.

(Adopted by Ordinance No. 91-01)

Section 5.07 Usage of Sewer Permits

- (1) The usage of a permit for a lot or premises other than the lot or premises for which the permit was issued shall be considered an unauthorized usage and is prohibited.
- (2) The usage of a permit for a lot or premises which has more or different construction or an increased number of units or hook-ups than that for which the permit was issued shall be considered an unauthorized usage and is prohibited.
- (3) The usage of a permit for a lot of premises which has more fixture units or facilities than that for which the permit was issued shall be considered an unauthorized usage and is prohibited.

(4) The usage of a permit for any lot or premises which has a different design as to its private sewer system, fixture units, or facilities from that shown on the plans for which the permit was issued shall be an unauthorized usage and is prohibited.

B. The unauthorized usage of a permit in a manner prohibited by Subsection A. above imposes a different or greater demand upon the Agency's sewer systems. Therefore, the owner must:

(1) Apply to the Agency for a new permit prior to the use of a lot or premises for other than that specified in an existing permit, and/or to authorize more construction or an increase in the number of units or hook-ups specified in the existing permit. A person applying for a new permit must comply with all of the Agency's then existing rules and regulations concerning permits, including but not limited to, payment of any applicable fees and charges then in effect. Such compliance shall occur within sixty (60) days of written notice from the Agency of the unauthorized usage. In the event that the owner fails to timely comply, the Agency may revoke the permit and the permittee shall be subject to the provisions of Subsection C. below.

(2) Pay the required plan checking fee at the rates set forth in Section 6.01.

C. When the Agency determines that an unauthorized usage of a permit has occurred, the Agency shall, in addition to all other enforcement devices set forth in these Rules and Regulations, demand that the unauthorized acts cease until such time as appropriate permits have been applied for and obtained, if available, and/or all appropriate fees and charges have been paid.

(Adopted by Ordinance No. 91-01)

Section 5.08 No Refunds

The Agency shall grant no refunds on any monies paid pursuant to Section 6.01.

(Adopted by Ordinance No. 91-01)

Section 5.09 Excessive Discharge of Sewage

Any person proposing to have sewage discharged from any property to a public sewer in quantities or at a rate greater than the capacity for which the public sewer collection, treatment or disposal system was designed, when such additional quantity will immediately overload the public sewer system, shall be denied a permit. However, if such additional discharge will not immediately, but may in the future overload the sewer, a conditional permit to connect to the sewer may be issued after the owner of the property agrees by a covenant satisfactory to the Agency recorded against the land to construct or to share in the cost of construction of additional sewer capacity at such future time as the Agency determines that an overload situation exists or is

imminent. The owner of the property shall supply a faithful performance bond guaranteeing compliance with the terms of the covenant, in a sum which, in the opinion of the Agency, equals the future cost of construction of sewer facilities to carry such additional discharge.

The faithful performance bond shall be kept in full force and effect until such additional discharge is discontinued or until such additional sewer facilities are completed, and this obligation shall pass to succeeding owners of the property.

If any owner fails to supply and keep in effect the required faithful performance bond or fails to comply with the terms of the covenant, the conditional permit allowing such additional discharge may be revoked, and the continuing of such additional discharge thereafter will constitute a violation of these Rules and Regulations.

The provisions of this Section shall also apply to any property previously connected to a public sewer, the discharge from which is later proposed to be increased or is found to have been increased substantially beyond the proportionate share of public sewer capacity allotted to the property as provided by a sewer permit.

(Adopted by Ordinance No. 91-01)

Section 5.10 Renewal of Existing Permit

A permittee who needs an additional period of time in which to complete the project for which a construction permit was issued may apply for a renewal of the existing permit and receive a credit of funds already paid subject to the provisions of this Section. To renew an existing permit, the permittee shall follow all Agency procedures applicable at the time of renewal to a person initially applying for a new permit including, but not limited to, the payment of all fees specified in Section 6.01. To be valid, the request for renewal shall be in writing and delivered to the Agency or postmarked by the United States Postal Service on or before the date of the permit's expiration. A permit shall not be eligible for renewal, and no credit of any funds paid shall be granted if the request for the renewal is not in writing and delivered to the Agency or postmarked by the United States Postal Service on or before the date of the permit's expiration.

A person receiving a renewal of an existing permit shall be entitled to a credit towards the cost of renewing the permit of fifty percent (50%) of the fees actually paid pursuant to Section 6.01. All fees, rates and charges are subject to modification. A permittee applying for renewal is subject to Agency fees, rates and charges existing at the time the renewal request is received by the Agency. A renewed permit shall not be eligible for subsequent renewal pursuant to Section 5.10.

To maintain the validity of a renewed permit and keep it in full force and effect, a person holding a renewed permit must complete the work specified in Sections 5.02, 5.03 and 5.04 within three (3) years of the date of the issuance of the original permit and comply with all other requirements of Sections 5.02, 5.03 and 5.04. Failure to so comply renders the renewed permit

null and void. A request for renewal shall be granted if the request is made and all fees required by this Section are paid on or before the date of the permit's expiration.
(Adopted by Ordinance No. 91-01)



DIVISION VI FEES AND RATES

Section 6.01 Application

A. When a person applies for a construction permit, the applicant shall pay to the Agency an application fee of \$175.00 per application for STEP or STEF systems, or \$100.00 otherwise. The Agency shall not accept an application until it receives the application fee.

B. Any person who has paid an application fee pursuant to this Section, and whose application expires or is canceled, withdrawn, voided, terminated, or abandoned, whether voluntarily or involuntarily, shall not be entitled to a refund or credit from the application fee.

C. The application fee is intended to cover the cost of field and structure inspection of the proposed construction, automobile mileage and all administrative costs incurred in processing the application.

(Adopted by Ordinance No. 91-01)

Section 6.02 Connection Charges

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Section 6.03 Deposit

A. Prior to receiving sewer service, an applicant for sewer service may be required to deposit with the Agency a sum equal to two (2) months rate for sewer service when any of the following conditions occurs:

1. Whenever, in the opinion of the Agency, insufficient credit information is provided by the Applicant so that the applicant's credit worthiness cannot be ascertained;
2. Whenever, following a check of applicant's credit history, sufficient history exists that the applicant proves to be a poor credit risk to the Agency.
3. Any Agency customer or property owner whose sewer service is disconnected due to non-payment of Agency charges shall pay a deposit as a prerequisite for resumption of sewer service.

B. An existing customer or property owner within the Agency's Districts who has not incurred any penalties or late charges on any sewer or water account with the Agency during the immediately preceding twelve (12) months, shall not be required to deposit with the Agency an amount as identified in Section 6.03A.

C. The Agency shall not retain as a deposit a sum greater than two (2) months rate for sewer service for any single lot or premises.

D. The Agency may use the deposit to pay any sewer bill, and penalties thereon, which are otherwise unpaid by the customer or property owner. The Agency may also use the deposit for its costs of collecting the unpaid sewer bill and penalties. If at any time the Agency uses part or all of a customer's or property owner's deposit, that customer or property owner shall pay the Agency a sum adequate to maintain a deposit equal to two (2) months of sewer service as a condition of continued service.

E. Any remaining deposit amounts shall be refunded to the customer or property owner when the customer or property owner voluntarily terminates sewer service with the Agency.

F. Any remaining deposit amounts not used by the Agency may be credited to the account of the customer or property owner at such time as the Agency determines a deposit is no longer required, provided the Agency has held the deposit for a minimum of twelve (12) months. (Adopted by Ordinance No. 91-01)

Section 6.04 Standby or Sewer Availability Charge

Standby or sewer availability charges may be imposed on developed or undeveloped land to which sewer service is made available, where used or not. (Adopted by Ordinance No. 91-01)

Section 6.05 Rates and Charges for Sewer Service

A. For the purpose of this Section only, the specified terms shall have the following definitions:

1. "Domestic users" shall mean all residential users, including single family residences, condominium units, apartment units, mobile homes and motel manager's quarters.

2. "Commercial users" shall mean all business or other similar users, including but not limited to the following: RV spaces, commercial units, motels, hotels, bed and breakfasts, laundries, laundromats, service stations, car washes, restaurants, bars, theaters, hospitals, schools, public buildings, unoccupied storage/warehouses, swimming pools (semi-public), and spa/hot tubs (semi-public).

3. "Industrial user" shall mean:
 - a. Any nongovernmental, nonresidential user of a publicly owned treatment works:
 - (i) identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended; and
 - (ii) which discharges more than 2,500 gallons per day (gpd) of sanitary wastes, or which discharges, after exclusion of domestic wastes or discharges from sanitary conveniences, the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 2,500 gpd of sanitary waste; or
 - b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.
4. "Commercial unit" shall mean each office, store, or other separately owned or operated commercial space or structure, including any commercial user which is not otherwise specifically identified.
5. "Mobile home" shall mean a trailer, manufactured home or other similar vehicle which is located more or less permanently on a lot and is used as a residence.
6. "RV space" shall mean any short-term parking and/or service space for transitory trailers, campers or other recreational vehicle.
7. "Laundry" shall mean a commercial laundering facility.
8. "Laundromat" shall mean a self-service laundry utilized by the public.
9. "Public building" shall mean any public service building, including a police station or fire station, school, city or county building or any other publicly owned building not otherwise specifically identified.

B. Each lot or premises which is connected to, and each owner or customer receiving sewer service from, the Agency system shall pay a monthly sewer charge as adopted by resolution of the Board of Directors which may be amended from time to time in accordance with law.

1. In addition to the monthly sewer charge, an industrial user shall pay a monthly waste quality surcharge which shall be computed by the Agency. The quality surcharge will be considered whenever the biochemical oxygen demand exceeds 250 milligrams/liter or the suspended solids exceed 200 milligrams/liter.

2. For each industrial user, the Agency may require the installation, at the expense of the industrial user, of Agency approved recording and sampling devices or sewage meters on the user's premises for use by the Agency. Such devices or meters shall be available for inspection by Agency personnel at any reasonable time. The industrial user shall be responsible for the maintenance, repair and replacement of all sampling or recording devices, sewage meters, and related equipment. The industrial user shall be responsible for any damage or expense involved in the repair or replacement for which the industrial user, its agents, officers or employees is or are responsible.

C. Each common space or area for a condominium, apartment, or similar structure shall constitute one unit for the purposes of determining sewer charges.

D. 1. No sewer service shall be furnished to any premises or persons except through a service connection in compliance with these Rules and Regulations.

2. No sewer service shall be furnished to any premises or persons free of charge.

(Adopted by Ordinance No. 91-01)

Section 6.06 Start of Billing for Sewer Service

The Agency shall begin billing for sewer service when the Agency first determines sewer service is available to the permittee. Sewer service shall be available to a permittee only after the following conditions have been met:

(a) The sewer permit is in good standing and in effect pursuant to these Rules and Regulations;

(b) The installation, inspection, approval and dedication of the public sewer system have been completed;

(c) The permittee has paid all applicable fees and charges required by these Rules and Regulations;

(d) The permittee has complied with all applicable provisions of these Rules and Regulations;

(e) The permittee has requested the initiation of sewer service pursuant to Section 6.07 of this Division; and

(f) A Certificate of Occupancy has been obtained or, in instances where such a certificate is not applicable, construction of the premises for which the permit was obtained has been completed.

(Adopted by Ordinance No. 91-01)

Section 6.07 Initiation of Sewer Service

To initiate sewer service, the permittee shall deliver to the Agency a written request for the initiation of sewer service at least fifteen (15) working days prior to the date sewer service is to be made available.

(Adopted by Ordinance No. 91-01)

Section 6.08 Collection of Sewer Use and Service Charges and Rates and Standby Charges and Assessments

All sewer usage and service charges may be billed on the same bill as and collected together with other rates and charges applicable to other Agency services. If all or any part of such a bill is not paid for any service, the Agency may discontinue any or all of the service for which the bill is rendered.

A. All charges for sewer services and standby charges and assessments shall be billed monthly in arrears. Such bill shall become due and payable upon receipt. (Revised 4/11/02, Ordinance No. 2002-02)

B. If the bill remains unpaid within twenty-five (25) days of the billing date, a one-time basic penalty of ten percent (10%) shall be added to each delinquent charge or assessment for the first month the charge or assessment is delinquent. Thereafter, an additional penalty of one-half percent (1/2%) per month shall be added to the basic penalty and all delinquent charges or assessments. (Revised 4/11/02, Ordinance No. 2002-02)

C. If charges or assessments become delinquent, service may be discontinued pursuant to Division XII hereof. Reinstatement of service will require payment of the overdue bill in full, a service restoration fee and a credit deposit.

D. The Agency shall include a statement on its bill to each customer or property owner, or shall provide such statement to each property owner by any other means, that any charges or assessments remaining delinquent for a period of sixty (60) days shall constitute a lien against the lot or parcel of land against which the charges or assessments were imposed.

E. In the event that any customer or owner fails to make such payment as provided above, the customer, owner, and subject property shall be deemed to be in default. If the Agency is required to bring action to collect any sum in default under Agency rules, the customer or property owner shall pay, as an additional penalty, any and all attorneys' fees and/or court and legal costs incurred by the Agency to bring such action. The Agency shall not be limited to any one remedy in the event of default, but may avail itself of any remedy or legal procedure available to it in such event.

F. All rates, charges, assessments, penalties and interest which remain delinquent as of June 30th of each year may be collected in the same manner as the general taxes for the Agency for the forthcoming fiscal year provided that the Agency shall have given prior notice to the customer/property owner of the lots or parcels affected as follows:

1. On June 30th of each year the Agency staff shall prepare a written report for the Board of Directors containing a description of each parcel or real property receiving a specific service and the amount of delinquent charges, assessments, penalties and interest due against that parcel on June 30th. The report of delinquent sewer charges may be combined with a report for any other delinquent charges.

2. The staff shall publish a notice of the filing of the report and of the time and place of hearing by the Board of Directors on the report. Such publications shall be for not less than once a week for two weeks prior to the date set for the hearing. The same notice shall be mailed to the owner of each parcel listed on the report as that owner appears on the last equalized assessment roll.

3. At the time of the hearing stated in the notice, the Board of Directors shall hear and consider all objections or protests to the delinquency report. Thereafter, the Board may adopt, revise, change, reduce or modify any charge or assessment, overrule any or all objections, and make its determination upon the propriety of each charge and delinquency described in the report. The Board's determination shall be final. Thereafter, the Board may adopt a resolution approving the delinquency report, as modified if appropriate, and request the County Auditor to include the amount of delinquencies on the bills for taxes levied against the

respective lots and parcels. The resolution and report shall be transmitted to the County Auditor not later than August 10th of each year, or as otherwise provided by law or the County Auditor. (Adopted by Ordinance No. 91-01 & 91-02)

Section 6.09 Billing Procedures

A. Except as otherwise specified herein, the Agency shall bill each individual customer or owner receiving sewer service and each lot or premises connected to the Agency's collection system. The bimonthly sewer charge shall be payable by each owner and/or each customer. Each owner shall be liable to the Agency for payment of the bimonthly sewer charge regardless of whether the owner is the customer.

B. Where owners of the premises in a multi-unit structure are billed individually and belong to a homeowners' or similar association, the association shall provide to the Agency current and updated lists of the owners of each premises. The association shall inform the Agency in a timely fashion of any change in ownership in its members.

C. Notwithstanding Section 6.09 A, the Agency may elect to send a composite bill to groups of customers when each of the following conditions are met:

1. The owners to be billed as a group own lots or premises in a multi-unit living structure;
2. The owners have formally organized in writing into a homeowners' or similar association;
3. The homeowners' or similar association, through properly executed covenants, conditions, articles of incorporation or by-laws, has the power to act as the sole agent for the owners concerning sewer charges in a manner which binds individual owners; and
4. The association enters into a written agreement with the Agency which provides, among other matters, that:
 - a. The association shall be responsible for and guarantee payment of all such charges within the time required by the Agency's rules and regulations, regardless of whether any single owner has paid the owner's share of such charges to the association;
 - b. The Agency shall bill to and the association shall pay all delinquent penalty and interest charges on the composite bills;

c. The Agency's bill or other notices to the association shall constitute a bill, or other notice to each individual owner or customer, who shall agree that no other notice or bill to individual owners or customers shall be necessary for, or a prerequisite to, the Agency's exercise of its powers to terminate service, or place liens on each owner's property or exercise other legal remedies necessary to reserve the collection of and collect delinquent bills and charges; and

d. The bill shall consist of the sum of the total bimonthly sewer charges for each owner or customer represented by the association. Service to a common area shall be treated as service to a single unit.

(Adopted by Ordinance No. 91-01)

DIVISION VII DESIGN STANDARDS

Section 7.01 Design Standards

Facilities shall be designed and constructed to Amador Water Agency, Amador County and State minimum standards, as applicable. Private sewer systems, including STEP and STEF systems, shall be constructed in accordance to the latest revision of the Agency's "On-Lot Sewer Facilities, Installation and Material Specifications", incorporated herein by this reference and available at the Agency office. Where no current standards or conflicting standards exist, facilities shall meet the requirements as determined by the Agency.

(Adopted by Ordinance No. 91-01)

DIVISION VIII. CONSTRUCTION OF PUBLIC SEWER SYSTEMS

Section 8.01 Definitions

For the purposes of this Division, the specified terms are defined as follows:

- (a) "Developer" means any person who installs or causes to be installed one or more structures which will become or be connected to the Agency's public sewer system.

(Adopted by Ordinance No. 91-01)

Section 8.02 Financial Responsibility for Construction of Sewer Line

A developer who installs, and/or causes to be installed, any part of the Agency's public sewer system is financially responsible for the installation, and all incidents thereof, of that portion of the public sewer system. The developer shall be required to enter into a Mainline Extension Agreement with the Agency, and shall comply with all of the terms and conditions thereof. (Adopted by Ordinance No. 91-01)

Section 8.03 Size of New Facilities

The Agency may require the developer to install a public sewer system larger than that necessary to adequately service the developer's proposed construction. When the Agency requires the installation of larger facilities, the Agency shall either (a) pay the difference in cost, as determined by the Agency, between the size necessary to serve the developer's construction and the larger facilities, or (b) perform the installation itself subsequent to the receipt from the developer of a sum sufficient to cover the cost of installation, and other necessary expenses, of the facilities required by the developer.

(Adopted by Ordinance No. 91-01)

Section 8.04 Agency's Option to Construct Facilities

Whenever a developer applies for an assurance of sewer service or a sewer permit which involves the expansion or extension of the Agency's public sewer system, the Agency, at its sole option, may install such facilities subsequent to the developer's advancement to the Agency of funds sufficient to cover the costs of construction and other necessary expenses.

Upon completion of construction, the Agency shall refund any funds advanced in excess of the actual cost to be borne by the developer.

(Adopted by Ordinance No. 91-01)

Section 8.05 Dedication Requirements

An offer of dedication of that portion of the public sewer system to be constructed, excluding private sewer lines, shall be included in any agreement concerning construction of the public sewer system.

No portion of the public sewer system shall be accepted by the Agency for dedication unless that portion to be accepted has been constructed in conformity with the requirements of the Agency. When the construction of the public sewer system has been completed and accepted by the Agency, it shall become the property of the Agency.

(Adopted by Ordinance No. 91-01)

DIVISION IX. INSPECTION

Section 9.01 Inspection Required

All work done under the provisions of these Rules and Regulations shall be subject to inspection by and shall meet the approval of the Agency's authorized personnel; provided, however, inspection by the authorized personnel shall not relieve the permittee or any other person from complying with these Rules and Regulations.

After the required fees have been paid and the construction permit issued, authorized personnel shall inspect the construction for compliance with all requirements of these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 9.02 Notification When Ready for Inspection

The permittee shall schedule the inspection with the Agency at least two working days prior to the time any inspection is to be made.

(Adopted by Ordinance No. 91-01)

Section 9.03 Work Shall be Uncovered and Convenient

At the time of the inspection, the permittee shall have all work uncovered and convenient, and shall give the inspector every facility to make a thorough inspection.

(Adopted by Ordinance No. 91-01)

Section 9.04 Correction of Defective Work

If the construction does not conform to the provisions of these Rules and Regulations, the Agency shall notify the permittee to comply in writing. If the permittee fails to comply within ~~thirty (30) days after the written notice~~, sewer service will not be made available to the subject premises and the construction permit shall be subject to suspension or revocation consistent with these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 9.05 Materials and Construction to Meet Standard Specifications

All material used in any work pursuant to these Rules and Regulations shall be new, first-class material and shall conform to approved plans and specifications, and the manner of construction shall meet all the requirements prescribed by these Rules and Regulations and design

standards as set forth by the Agency. All such work shall be approved by the Agency before a certificate of final inspection will be issued.

(Adopted by Ordinance No. 91-01)

Section 9.06 Facilities Not to be Used Prior to Final Inspection

No sewer or other facility constructed under the provisions of these Rules and Regulations shall be placed in use until the work has been approved by the Agency and a certificate of final inspection has been issued.

(Adopted by Ordinance No. 91-01)

DIVISION X. MAINTENANCE .

Section 10.01 Removal of or Injury to Sewer

An unauthorized person shall not remove or cause to be removed, or injure or cause to be injured, any portion of any public sewer, sewage pumping plant, water pollution plant, or any appurtenances thereto.

(Adopted by Ordinance No. 91-01)

Section 10.02 Opening Manhole

An unauthorized person shall not open or enter, or cause to be opened or entered, for any purpose whatsoever, any manhole or sewer appurtenance in any public sewer.

(Adopted by Ordinance No. 91-01)

Section 10.03 Dumping Effluent

The Agency may permit operators of "Cesspool" pump trucks to dispose of septic tank, seepage pit or cesspool effluent which does not contain harmful concentrations of industrial liquid waste, oils, greases, or other deleterious substances into certain designated manholes, upon payment of a fee to be specified by the Agency. No person shall dump such effluent in any manhole other than those designated by the Agency. The Agency may refuse to accept such effluent if it fails to meet the aforementioned requirements, or if existing facilities cannot accommodate the effluent.

(Adopted by Ordinance No. 91-01)

Section 10.04 Cleaning Manholes

When septic tank, seepage pit or cesspool effluent is dumped into a specified manhole under permission from the Agency, it shall be discharged through a pipe or hose in a manner such that none of the effluent shall be left adhering to the sides or shelf of the manhole, and if any such effluent is inadvertently allowed to adhere to the sides or shelf of the manhole, the manhole shall be thoroughly cleaned with clear water.

(Adopted by Ordinance No. 91-01)

DIVISION XI. DISCHARGE OF WASTE TO THE PUBLIC SEWER

Section 11.01 Liquid Waste Disposal

Before granting a Sewer Permit to any applicant, the Agency shall determine either that the waste is one which will not damage or destroy the public sewer or cause an unwarranted increase in the cost of maintenance of the public sewer or retard or inhibit the treatment of the sewage or is one that can be made acceptable by pretreatment.

(Adopted by Ordinance No. 91-01)

Section 11.02 Pretreatment Plans Required

In the event pretreatment or special facilities are required to make the waste acceptable as provided under the provisions of these Rules and Regulations, the applicant for a Sewer Permit may be required to furnish plans showing the method of collection and pretreatment proposed to be used, and a sewer permit shall not be issued until said plans or required modification thereof have been checked and approved by the Agency.

(Adopted by Ordinance No. 91-01)

Section 11.03 Limitations on Use of Sewer

A person shall not place, throw, or deposit, or cause or permit to be placed, thrown, or deposited in any private or public sewer system or main line sewer any dead animal, offal, or garbage, fish, fruit, or vegetable waste, or other solid matters, or materials or obstructions of any kind whatever of such nature as shall clog, obstruct or fill such sewer, or which shall interfere with or prevent the effective use or operation thereof. A person shall not cause or permit to be deposited or discharged into any such sewer any water or sewage or liquid waste of any kind containing hazardous, flammable or toxic chemicals, greases, oils, tars, or other matters in solution or suspension, which may clog, obstruct or fill the same, or which may in any way damage, interfere with, inhibit or prevent the effective use thereof, or which may necessitate or require frequent repair, cleaning out or flushing of such private or public sewers to render the same operative, or which may obstruct or cause an unwarranted increase in the cost of treatment of the sewage. Storm runoff water shall not be discharged into a private or public sewer.

(Adopted by Ordinance No. 91-01)

Section 11.04 Water

No uncontaminated water shall be discharged into a public sewer except by written permission from the Agency.

(Adopted by Ordinance No. 91-01)

Section 11.05 Garbage

Garbage resulting from the preparation of food may be discharged into the public sewer if ground to a fineness sufficient to pass through a 3/8-inch screen. Excessive or unnecessarily large quantities of water shall not be used to flush ground garbage into the sewer.

(Adopted by Ordinance No. 91-01)

Section 11.06 Temperature of Effluent

A person shall not discharge into the public sewer effluent to a temperature exceeding one hundred forty (140) degrees Fahrenheit.

(Adopted by Ordinance No. 91-01)

Section 11.07 Control of pH

Before any person shall discharge acids or alkalies into the public sewer, he shall control the pH to the extent the Agency finds adequate.

(Adopted by Ordinance No. 91-01)

Section 11.08 Toxic Substances

All toxic chemical substances shall be disposed of in accordance with all applicable State and local laws, retained or rendered acceptable to the Agency before discharge into the public sewer.

(Adopted by Ordinance No. 91-01)

Section 11.09 Rights of Permittee

Within the time specified in any notice of violation or suspension of service, the permittee shall correct and remedy the conditions so specified to the satisfaction of the Agency, or file with the Board a denial that all of the conditions so specified exist, request a public hearing, and correct the conditions which the permittee admits to exist, or file with the Board a denial that any of the conditions so specified exist and request a public hearing.

(Adopted by Ordinance No. 91-01)

Section 11.10 Waste Treatment Plants or Facilities Required

Except for the mandatory installation required by Section 11.12, waste treatment plants, facilities or interceptors shall be installed whenever the Agency finds that such facilities are required to safeguard the public health, prevent pollution of streams or bodies of surface or underground water, prevent pollution of storage reservoirs, either natural or artificial, prevent damage or increased maintenance costs in the public sewerage systems, prevent damage to public

or private property, prevent a public nuisance, or to comply with applicable regulations of any Federal, State or other public agency.
(Adopted by Ordinance No. 91-01)

Section 11.11 Installation of Interceptors or Waste Treatment Facilities

Interceptors or other waste treatment plants or facilities shall be so installed and constructed that they shall be at all times easily accessible for inspection and maintenance. The Agency may require an inspection manhole on the owner's property for sampling and measurement of flow.

(Adopted by Ordinance No. 91-01)

Section 11.12 Installation of Sand and Grease Interceptors

Each restaurant or other facility as determined by the Agency shall have an installed sand and grease interceptor. The interceptor shall be installed at the expense of the restaurant owner. The interceptor shall be maintained by the said owner, at the owner's expense, in continuous and efficient operation at all times. The interceptor so installed shall meet the minimum requirements of the Uniform Plumbing Code, and be of a type and design approved by the Agency prior to the interceptor's installation. Any other commercial facility used or designed for the preparation, processing and distribution of food products shall comply with this Section when so directed in accordance with Section 11.10 and these Rules and Regulations.

(Adopted by Ordinance No. 91-01)

Section 11.13 Waiver of Sand and Grease Interceptor Requirement

The provisions of Section 11.12 of this document requiring installation of sand and grease interceptors may be waived by the Agency with respect to those restaurants whose owners can demonstrate to the satisfaction of the Agency that wastewater introduced into the Agency's sewage collection system from the restaurant will not cause or contribute to line stoppage or otherwise adversely affect sewage treatment. Any person requesting a waiver pursuant to this Section shall provide the following information in writing on a waiver application provided by the Agency:

1. Types of food prepared and method of preparation.
2. Number of meals served during peak twenty-four (24) hour period.
3. Description of dishwashing facilities and flow capacities.
4. Time that dishwashing facilities are in use during peak twenty-four hour period.

The restaurant owner and/or operator, their successors or assigns shall notify the Agency of any change in the information stated in the application within ten (10) days of any such change. The Agency at any time may revoke any waiver granted upon thirty (30) days written notice to the restaurant owner and/or operator if it finds that wastewater from the restaurant

contributes to or causes line stoppage or otherwise adversely affects sewage collection or treatment. The restaurant owner and/or operator shall comply with the provisions of Section 11.12 of these Rules and Regulations within the thirty (30) day period.
(Adopted by Ordinance No. 91-01)

DIVISION XII ENFORCEMENT

Section 12.01 Authority of Amador Water Agency

A. The charges and rates levied pursuant to these Rules and Regulations shall be collected by the Agency, which shall make and enforce such regulations as may be necessary for safe, economical and efficient management and protection of the Agency's sewage system, sewage treatment, and disposal works.

B. In the event of a violation of any of the laws of the State of California, Amador County, or the rules and regulations of the Agency referring to the discharge of sewage, the Agency shall notify the person or persons causing, allowing, or committing such violation, and upon the failure of such person or persons to cease to prevent further violation within five (5) days after the receipt of such notice, the Agency shall have authority to disconnect the property from the Agency's sewerage and/or water system.

(Adopted by Ordinance No. 91-01)

Section 12.02 Public Nuisance

Continued habitation of any building or continued operation of any industrial facility in violation of the provisions of these Rules and Regulations or any other ordinance, resolution, rule or regulation of the Agency is hereby declared to be a public nuisance. The Agency may cause proceedings to be brought for the abatement of the occupancy of the building or industrial facility during the period of such violation.

(Adopted by Ordinance No. 91-01)

Section 12.03 Public Nuisance, Abatement

During any period of disconnection, habitation of such premises, by human beings shall constitute a public nuisance, whereupon the Agency shall cause proceedings to be brought for the abatement of 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 Agency reasonable attorney's fees and costs of suit arising in said action.

(Adopted by Ordinance No. 91-01)

Section 12.04 Discontinuance of Service

Service may be discontinued for any one of the following reasons:

A. Delinquency in the payment of any bill, except that residential service shall not be discontinued for nonpayment in any of the following situations:

1. During the pendency of any investigation by the Agency of a customer dispute or complaints.
2. When a customer has been granted an extension of the period for payment of a bill.
3. On the certification of a licensed physician or surgeon that to do so will be life threatening to the customer and the customer is financially unable to pay for service within the normal payment period and is willing to enter into an amortization agreement with the Agency and requests permission to amortize, over a period not to exceed twelve (12) months, the unpaid balance of any bill asserted to be beyond the means of the customer to pay within the normal payment period.

B. Any violation by the owner and/or customer of any rules and regulations of the Agency governing sewer service.
(Adopted by Ordinance No. 91-01)

Section 12.05 Notice and Hearing Prior to Discontinuance of Residential Service for Nonpayment

A. At least ten (10) days before any proposed discontinuance of residential service for nonpayment of a delinquent account, the Agency shall mail a notice, postage prepaid, to the customer to whom the service is billed of the proposed discontinuance. Such notice shall be given not earlier than nineteen (19) days from the date of mailing the Agency's bill for such service and the ten (10) day notice provided for in the preceding sentence shall not commence until five (5) days after the mailing of the notice. The Agency shall make a reasonable, good faith effort to contact an adult person residing at the premises of the customer by telephone or in person at least twenty-four (24) hours prior to any discontinuance of such service, except that, whenever telephone or personal contact cannot be accomplished, the Agency shall give, by mail, in person, or by posting in a conspicuous location at the premises, a notice of termination of service, at least forty-eight (48) hours prior to termination.

B. Every notice of discontinuance of service required by this Section shall include all of the following information:

1. The name and address of the customer whose account is delinquent.
2. The amount of the delinquency.
3. The date by which payment or arrangements for payment is required in order to avoid discontinuance.

4. The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the Agency's bill for services contains a description of that procedure.
5. The procedure by which the customer may request amortization of the unpaid charges.
6. The procedure for the customer to obtain information on the availability of financial assistance including private, local, state or federal sources, if applicable.
7. The telephone number and name of a representative of the Agency who can provide additional information or institute arrangements for payment.

C. The Agency shall make available to its residential customers who are 65 years of age or older, or who are dependent adults as defined in paragraph (1) of subdivision (b) of Section 15610 of the Welfare and Institutions Code, a third-party notification service, whereby the Agency will attempt to notify a person designated by the customer to receive notification when the customer's account is past due and subject to termination. The notification shall include information on what is required to prevent termination of service. The residential customer shall make a request for third-party notification on a form provided by the Agency, and shall include the written consent of the designated third-party. The third-party notification does not obligate the third-party to pay the overdue charges, nor shall it prevent or delay termination of service. (Adopted by Ordinance No. 91-01)

Section 12.06 Notice and Hearing Prior to a Discontinuance Other Than a Discontinuance of a Residential Service for Nonpayment

At least ten (10) days before discontinuing service, other than the discontinuance of residential service for nonpayment of a delinquent account, which is provided for in Section 12.05, the Agency shall provide the customer with a written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with authorized Agency personnel, who are empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the authorized personnel shall be included in any such notice or proposed discontinuance given to a customer.

(Adopted by Ordinance No. 91-01)

Section 12.07 Discontinuance of Service on Weekends, Holidays or After Hours

No sewer service shall be discontinued to any customer or user because of any delinquency in payment on any Saturday, Sunday, or legal holiday, or at any time during which the business offices of the Agency are not open to the public.

(Adopted by Ordinance No. 91-01)

Section 12.08 Amortization of Delinquent Bill for Residential Service

Every complaint or request for investigation by a residential customer that is made within five (5) days of receiving the disputed bill, and every request by a residential customer that is made within thirteen (13) days of the mailing of the notice required by Section 12.05 for an extension of the payment period of a bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the Agency. The review shall include consideration of whether the customer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months. Any customer whose complaint or request for an investigation has resulted in an adverse determination, may appeal the determination to the General Manager, and then to the Board of Directors, if necessary.

(Adopted by Ordinance No. 91-01)

Section 12.09 Authority to Settle Controversies Relating to Discontinuance and to Permit Amortization of Delinquent Bills

Authorized Agency personnel may investigate complaints and review disputes pertaining to any matters for which service may be discontinued and to rectify errors and settle controversies pertaining to such matters. Authorized Agency personnel may upon a proper showing by a residential customer of the customer's inability to pay a delinquent bill during the normal period, grant permission to amortize the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. At their discretion, authorized Agency personnel may bring such controversies to the General Manager for settlement. The General Manager may refer the matter to the Board for resolution prior to the discontinuance of any such service.

(Adopted by Ordinance No. 91-01)

Section 12.10 Notice Required Prior to Discontinuance of Service for Failure to Comply with Amortization Agreement

If an amortization agreement is authorized, no discontinuance of service shall be effected for any residential customer complying with such agreement, if the customer also keeps the account current as charges accrue in each subsequent billing period. If a residential customer fails to comply with an amortization agreement, the Agency shall not discontinue service without

giving notice to the customer at least forty-eight (48) hours prior to discontinuance of the conditions the customer is required to meet to avoid discontinuance, but the notice does not entitle the customer to further investigation by the Agency.
(Adopted by Ordinance No. 91-01)

Section 12.11 Notice of Discontinuance of Residential Service to
Customers on Master Meters

A. Whenever the Agency furnishes residential service through a master meter or furnishes individually metered service to residential occupants in a multi-unit residential structure, mobilehome park, or permanent residential structures in a labor camp, as defined in Section 17008 of the Health and Safety Code, where the owner, manager or operator is listed by the Agency as the customer of record, the Agency shall make every good faith effort to inform the residential occupants, by means of a written notice posted on the door of each residential unit at least fifteen (15) days prior to termination, when the account is in arrears, that service will be terminated on a date specified in the notice. If it is not reasonable or practicable to post the notice on the door of each residential unit, the Agency shall post two copies of the notice in each accessible common area and at each point of access to the structure or structures. The notice shall further inform the residential occupants that they have the right to become utility customers, to whom the service will then be billed, without being required to pay the amount due on the delinquent account. The notice also shall specify, in plain language, what the residential occupants are required to do in order to prevent the termination or re-establish service; the estimated monthly cost of service; the title, address, and telephone number of a representative of the Agency who can assist the residential occupants in continuing service; and the address and telephone number of a legal services project as defined in Section 6213 of the Business and Professions Code, which has been recommended by the local county bar association. The notice shall be in English and, to the extent practical, any other language that the Agency determines if the primary language spoke by a significant number of the residential occupants.

B. Nothing in this Section shall require the Agency to make service available to residential occupants unless they agree to the Agency's terms and conditions of service and meet the requirements of the Agency's Rules and Regulations. However, if one or more of the residential occupants or the representative of the residential occupants are willing and able to assume responsibility for subsequent charges to the account to the satisfaction of the Agency, or if there is a physical means, legally available to the Agency, of selectively terminating service to those residential occupants who have not met the requirements of the Agency's Rules and Regulations or for whom the representative of the residential occupants is not responsible, the Agency shall make service available to the residential occupants who have met those requirements or on whose behalf those requirements have been met.

C. Whenever the Agency furnishes residential service subject to subdivision A above, the Agency may not terminate that service in any of the following situations:

(1) During the pendency of an investigation by the Agency of a customer dispute or complaint.

(2) When the customer has been granted an extension of the period for payment of a bill.

(3) For an indebtedness owed by the customer to any other public agency or when the obligation represented by the delinquent account or other indebtedness was incurred with any public agency other than the Agency.

(4) When a delinquent account related to another property owned, managed or operated by the customer.

(5) When a public health or building officer certifies that termination would result in a significant threat to the health or safety of the residential occupants or the public.

D. The notice provided for in subdivision A shall also notify the residential customer of the following:

Notwithstanding any other provision of law, and in addition to any other remedy provided by law, if the owner, manager or operator, by any act or omission, directs, permits or fails to prevent a termination of service while any residential unit is occupied, the residential occupant or the representative of the residential occupants may commence an action for the recovery of all of the following:

(1) Reasonable costs and expenses incurred by the residential occupant or the representative of the residential occupants related to restoration of service.

(2) Actual damages related to the termination of service.

(3) Reasonable attorney's fees of the residential occupants, or the representative of the residential occupants, or each of them, incurred in the enforcement of this Section, including, but not limited to, enforcement of a lien.

(Adopted by Ordinance No. 91-01)

Section 12.12 Means of Enforcement Only

The Agency hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its resolutions, ordinances, rules and regulations, and not as a penalty.

(Adopted by Ordinance No. 91-01)

Section 12.13 Lien

Each rate, charge, penalty, or rental levied by or pursuant to these Rules and Regulations on property is hereby made a lien upon said property as hereinabove provided.
(Adopted by Ordinance No. 91-01)

Section 12.14 Cumulative Remedies

All remedies set forth herein for the collection and enforcement of charges, rates and penalties are cumulative and may be pursued alternatively or consecutively.
(Adopted by Ordinance No. 91-01).