

BARRETT WHEELS ASSOCIATES

# **Malaga County Water District**

## **Water, Sewer, & Solid Waster Rate Study Final Report**

**February 2010**



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# Malaga County Water District



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## Introduction

Malaga Water District provides water, wastewater, solid waste, and parks and recreation services to a diverse mix of residential, commercial, and industrial customers. The District encompasses about five square miles and is located in Fresno County, in the heart of the San Joaquin Valley. The District is governed by a board of five directors.

In 2009, the District commissioned Bartle Wells Associates to conduct an independent long-range financing plan and rate review for its water, sewer, and solid waste enterprises. The goals of this study included: 1) Ensuring that rates and charges accurately reflect the District's costs of providing water and sewer services; 2) Ensuring the equitable distribution of costs across the District's customer base; 3) Ensuring that rates and charges comply with federal and state guidelines; and 4) Safeguarding the District's financial health so that the District can continue providing high quality services to all customers. This report summarizes Bartle Wells Associates' findings and recommendations with respect to the District's water, wastewater, and solid waste rates and long-range financing plans.

## Summary

This section provides an overview of key findings and recommendations. In general, the District is in reasonably good financial condition and has relatively low water and wastewater rates. However, a number of changes are recommended. Most importantly, the District needs substantial water and sewer rate increases to ensure these enterprises retain balanced budgets. The report also recommends small adjustments to solid waste rates, as well as increases to water and sewer capacity (connection) fees. A more detailed explanation of key findings and recommendations is provided in the body of this report.

## Water Enterprise

- The District's water enterprise currently serves about 257 residential units, 245 commercial, and 5 industrial water customers. Commercial and industrial accounts generate about 93 percent of water sales revenues.
- On an operating basis, the water system has shown a surplus for the past three fiscal years. However, current rates and fees are inadequate to cover future priority capital needs on a pay-as-you-go basis.



- Recommended adjustments to water charges include:
  - A ten percent rate increase should be implemented on April 1, 2010, with an additional ten percent rate increase to take effect July 1, 2011. Beginning July 1, 2012, annual three percent rate increases may be needed to keep rates from falling behind inflationary cost increases. These future rate increases are only projections and may be lower or higher based on future District revenues and expenses.
  - The residential capacity fee should be raised to \$5,430 per residential unit based on current system value, expansion-related capital project costs, and capacities. The capacity fees for larger metered customers should be proportioned to this charge based on AWWA standards.
  - Fire-line service and capacity fees should be set at 20 percent of the normal water service and capacity fees for each meter size. Buildings in excess of a square footage allowance for each meter size should pay an additional surcharge per 1,000 square feet over the allowance.

### *Wastewater Enterprise*

- The District's sewer enterprise serves about 502 sewer accounts representing about 2,337 equivalent sewer service units. Residential customers account for 8% (eight percent) of these 2,337 service units.
- The District's sewer enterprise has posted overall deficits of \$140,000 and \$60,000 in FYs 2007/08 and 2008/09 respectively due to debt service and capital outlays. BWA projects the sewer enterprise will require significant rate adjustments to meet budgetary requirements going forward.
- Recommended adjustments to sewer charges include:
  - Sewer rates need to be raised in order for current and future revenue requirements to be met. The District will be unable to shoulder the cost of necessary improvements on a pay-as-you-go basis. Should the District choose to issue debt to cover these facilities, detailed cash flow projections indicate a fifteen percent rate increase should be implemented effective April 2010, followed by additional fifteen, ten, and ten percent rate increases at the beginning of FYs 2011/12, 2012/13, 2013/14, and 2014/15, respectively. Foregoing the disposal facilities entirely necessitates fifteen percent rate increases in April 2010 and July 2011. In both cases, these increases would need to be followed in future years by inflationary increases of about three percent annually.
  - Sewer service unit assignments should be reviewed periodically to ensure the assignment accurately reflects wastewater discharge.



- The sewer capacity fee was recalculated based on the cost of buy-in to the current system for an equivalent residential service unit. A capacity fee of \$2,179 per service unit is recommended.

### *Solid Waste Enterprise*

- The District's solid waste enterprise serves about 173 service units. The sole costs are contract payments and dumping fees.
- Annual solid waste rate increases of approximately one percent will be adequate to meet future operating needs.

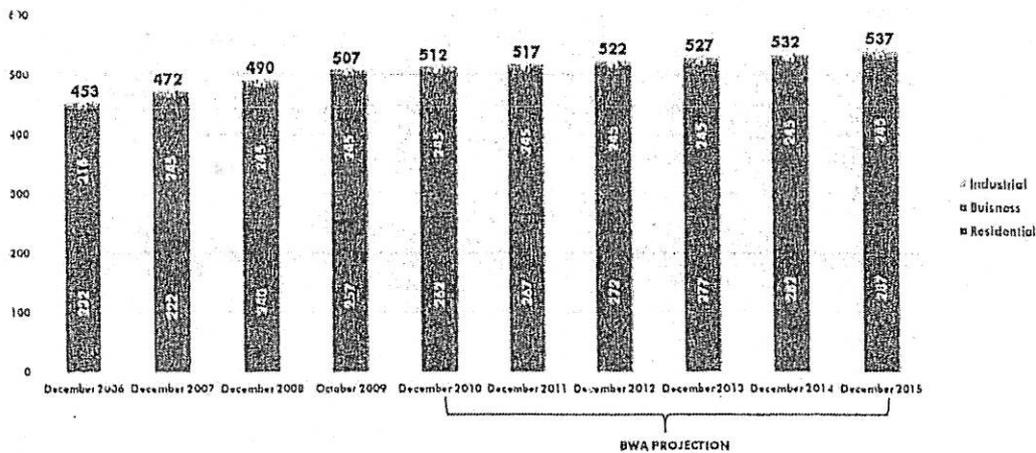


## District Resources

### Customers and Demand

**Water Customers and Demand:** The District currently serves about 257 residential, 245 commercial, and 5 industrial water customers as shown in Figure 1. Business and industrial customers have remained static since 2007, while the residential customer base has grown slightly. Over the next five years, BWA projects this trend continuing. BWA estimates five net additional equivalent residential customers per year through 2015. Figure 2 presents FY2008/09 water use by customer class in terms of residential equivalent service units (ESUs), a District-defined measurement that equals approximately 14.4 hundred cubic-feet (hcf) of demand per month. The District's residential customers used about 284 ESUs of water between July 2008 and June 2009, comprising 7 percent of total system demand. Industrial customers, by contrast, make up about 1 percent of all accounts but are responsible for more than 50 percent of District water demand.

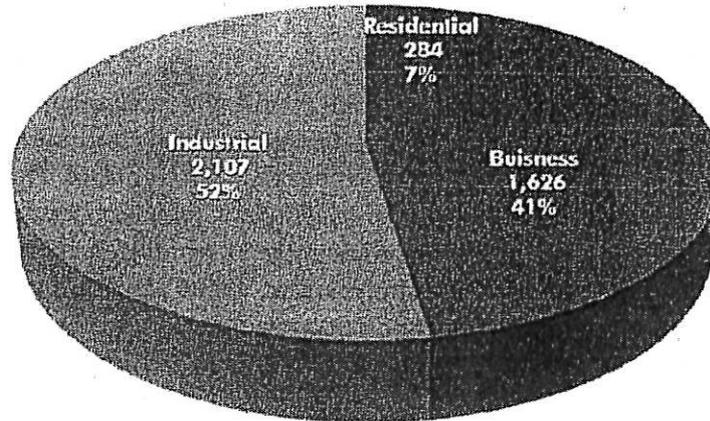
Figure 1 Historical, Current, & Projected Water & Sewer Customers



Source: MCWD.



Figure 2 Estimated Water Customer Demand in Water ESUs, FY2008/09



Source: MCWD.

Sewer Customers: Table 1 presents a summary of the District's sewer customers and their system usage characteristics, with monthly flow levels and characteristics. The District divides sewer customers into domestic strength (residential) and non-domestic strength (business and industrial). Non-domestic-strength sewer customers discharge wastewater that is of a different strength than domestic customers. The number of equivalent sewer service units assigned to these customers has been determined based on the following equation:

$$\text{Sewer ESUs} = \frac{\text{Flow Rate (gpd)}}{150} * \left[ 0.4 + \frac{0.3 * \left( \text{BOD} \frac{\text{mg}}{\text{l}} \right)}{175} + \frac{0.3 * \left( \text{SS} \frac{\text{mg}}{\text{l}} \right)}{185} \right]$$

This equation normalizes 1 sewer ESU to a typical single-family residence's flow characteristics (150 gpd flow volume, 175 mg/l BOD, 185 mg/l SS). Applying this criterion to monthly flow data for calendar year 2008, BWA estimates an average monthly District sewer discharge equal to 2,337 sewer ESUs. The breakdown of flow by customer class is similar to that for water demand, with residential customers responsible for about 182 sewer ESUs (8 percent), commercial customers 1,048 sewer ESUs (45 percent), and industrial customers 1,107 ESUs (47 percent)



**Table 1** Estimated Sewer Flow & Sewer ESUs, Calendar Year 2008

	Total Flow, MGD	BOD (mg/l)*	SS (mg/l)*	Est. ESUs
January	0.794	3.06	6.41	2,200
February	0.743	3.19	5.73	2,054
March	0.763	1.82	5.55	2,096
April	0.941	2.75	4.90	2,589
May	0.713	2.26	3.81	1,948
June	0.982	3.08	4.11	2,696
July	1.024	3.17	4.00	2,812
August	0.954	1.59	3.72	2,601
September	0.911	1.76	3.90	2,485
October	0.628	1.74	6.45	1,731
November	0.897	2.02	3.33	2,446
December	0.871	3.83	2.93	2,389
<b>Average Monthly Sewer ESUs</b>				<b>2,337</b>
Est. Residential ESUs				182 8%
Est. Business ESUs				1,048 45%
Est. Industrial ESUs				1,107 47%

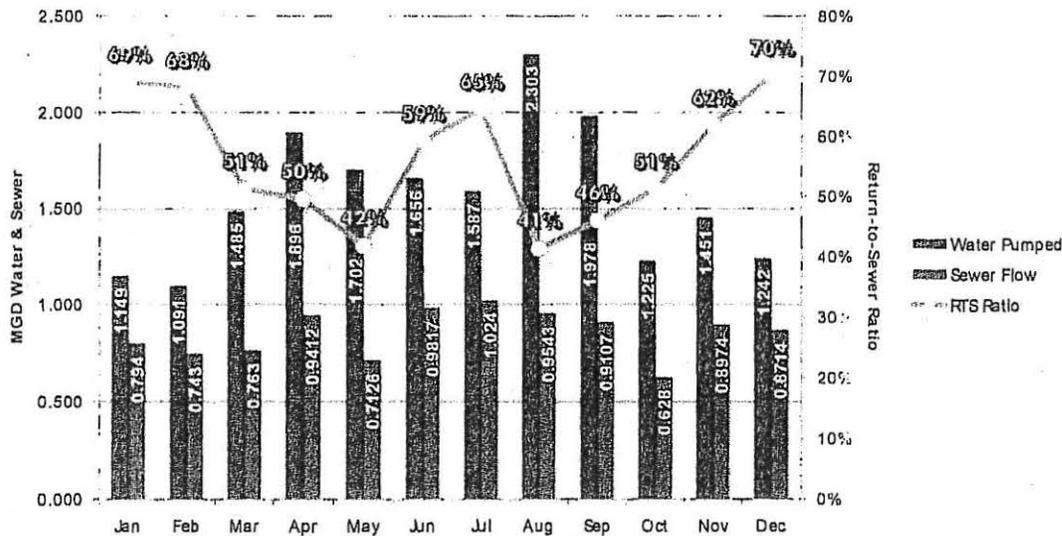
\* Average of flow characteristics from secondary monitoring and tertiary treatment discharge points.

Source: Provost & Pritchard, MCWD.

Figure 3 combines the District's monthly water production and wastewater treatment plant inflows for 2008 and expresses them in mgd (million-gallons-per-day) averages. Water production ranged from about 1.09 mgd in February to over 2.30 mgd in August and averaged about 1.56 mgd. Wastewater treatment plant average inflows varied from 0.74 mgd to just over 1.00 mgd. The monthly return-to-sewer ratio is "W" shaped, with peaks in January, July, and December, and troughs in May and August. Monthly treatment plant inflows did not appear to vary significantly with large changes in the water supply.



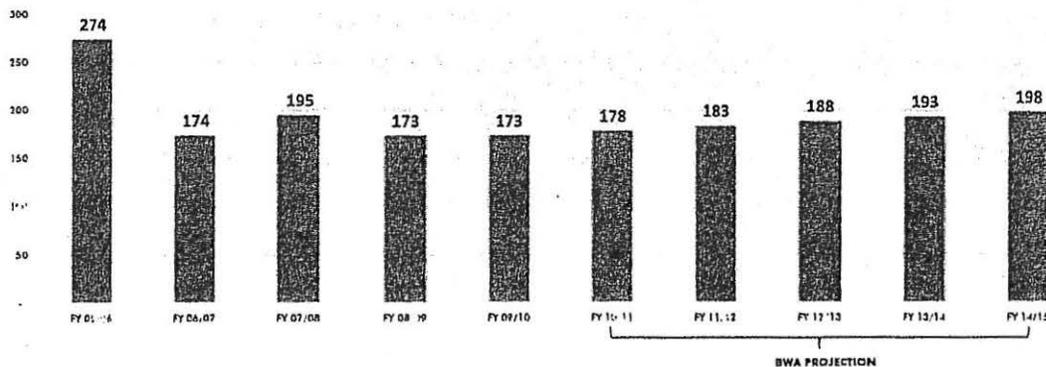
**Figure 3 Water & Sewer Flow (mgd), Return-to-Sewer Ratios, Cal Year 2008**



Source: Provost & Pritchard, MCWD, BWA.

**Solid Waste Customers:** Figure 4 shows BWA's estimate of the historical number of solid waste accounts between FYs 2005/06 and 2009/10, as well as a five-year projection. After a fall in customers in FY2008/09, BWA estimates that garbage accounts will gradually rise back to FY2007/08 levels after five years.

**Figure 4 Estimated Garbage ESUs, FYs 2005/06 - 2014/15**



Source: MCWD.



### Current Rates and Charges

**Water Rates:** Table 2 summarizes the District's current water rates and charges which became effective July 1, 2004. Residential users are billed a flat rate of \$12.66 per month for unlimited water usage. Commercial users are billed a minimum monthly charge based on meter size that includes a monthly water allowance. Water used above the allowance is billed a flat rate of \$0.88 per hcf per month.

**Table 2** Current Residential & Metered Water Rates, FY2009/10

Residential Rate (/ESU/Month) .....\$12.66

**Metered Rate**

Included hcf	Meter Size	Monthly Rate	AWWA Meter Ratio*
18	3/4"	\$15.51	1.0
31	1"	26.28	1.7
43	1 1/4"	37.25	2.4
59	1 1/2"	51.24	3.3
95	2"	82.24	5.3
180	3"	155.04	10.0
301	4"	259.05	16.7

Volume rate above base (/hcf).....\$0.88

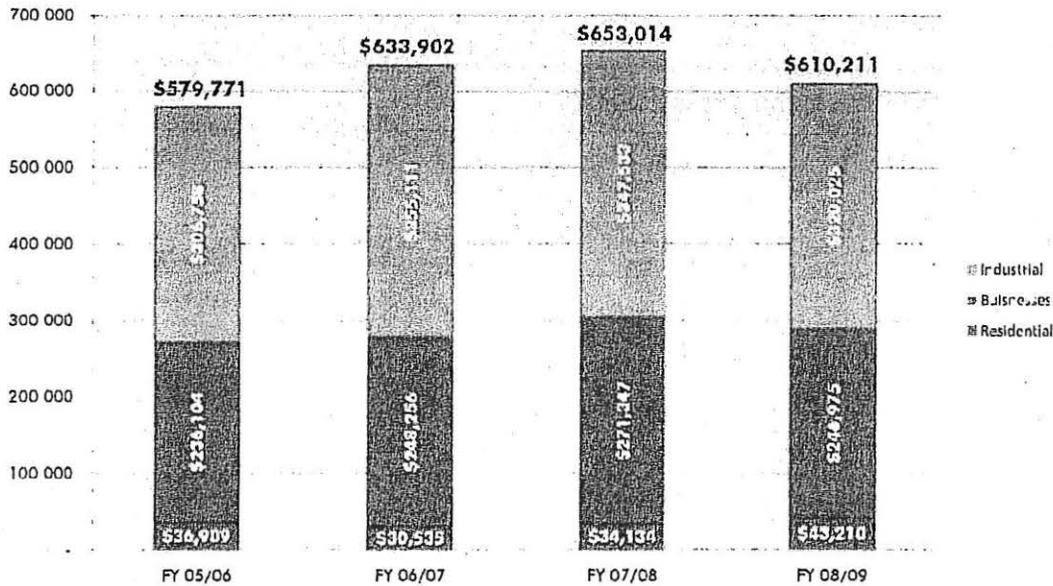
\* Based on AWWA Manual M22, 2nd Edition, 2004.

Source: MCWD.



Figure 5 breaks down annual water sales data for the past four available fiscal years by customer class. Since residential customers only pay a flat monthly charge, their share of water revenues is relatively small and stable when compared to business and industrial users.

Figure 5 Water Service Revenues by Customer Class, FYs 2005/06 - 2008/09



Source: MCWD.



**Water Service Capacity Fees:** Table 3 presents the District's current water capacity fee schedule. Fees are escalated based on meter size up to 4," increasing in proportion to capacity volume. Fees for meters larger than 4" are determined on a case-by-case basis. Water capacity fee revenues have historically been small, approximately \$3,100 in FYs 2007/08 and 2008/09, with the District projecting a similar amount for FY 2009/10.

**Table 3** Water Capacity Fees, FY2009/10

Meter Size	Capacity Fee
Single Family Dwelling Unit	\$1,018.75
3/4"	1,454.75
1"	2,473.50
1 1/4"	3,492.25
1 1/2"	4,803.25
2"	7,714.00
3"	14,553.25
4"	24,304.75
6" and greater	Determined at time of application

Source: MCWD.



Other Water Fees: Table 4 shows miscellaneous other fees charged by the District related to water service, including private fireline service and meter fees.

**Table 4 Fireline Service and Other Water Fees, FY2009/10**

**Private Fireline Service - Monthly Charge**

Monthly Mln. (20% of meter charge)	Allowance (bldg. sq. ft.)	Rate per Month
2" meter	8,000	\$16.45
3" meter	15,000	31.01
4" meter	25,000	51.78
6" meter	40,000	84.36
8" meter	64,000	135.03
10" meter	92,000	194.33
Charge per thsnd sq. ft. over allowance		\$2.11

**Private Fireline Service - Capacity Fee**

Size	Fee
2" connection fee	\$578.50
3" connection fee	865.50
4" connection fee	1,137.50
6" connection fee	1,984.50
8" connection fee	2,978.00
10" connection fee	3,248.50
12" connection fee	3,420.50

**Water Meter Fee**

Size	Fee
3/4" or 1" meter	\$153.33
1 1/2" meter	573.33
2" meter	722.67
3" meter	Case-by-case
4" meter	Case-by-case
6" and greater	Case-by-case

**Water Wasting Fine**

First offense	\$18.91
Second offense	47.28
Third offense	94.54
Fourth offense	Termination of service

**Miscellaneous**

Water/Related Use Permit Fee	\$24.00
Connection Inspection Fee	24.00
Temporary Hydrant Permit Fee	122.73
Fire Hydrant Minimum Cost	167.06
Fire Hydrant (each add. location moved)	464.10
Meter test deposit	94.54
Water service reconnection penalty	47.28
Late penalty	10%/bill + 2%/month
Private fire protection installation	Cost + 30%
Pipeline installation	Cost + 30%

Source: MCWDO.



**Sewer Rates and Fees:** Table 5 summarizes the District rates and fees associated with sewer service. Unlike with water, the District bills all customers based solely on demand. Sewer capacity fees are escalated based on anticipated flow in a similar fashion.

**Table 5 Sewer Rates & Fees, FY2009/10**

Monthly Rate/Sewer ESU	28.34
Sewer Connection Fee/Sewer ESU	1,090.00
<b>Permits</b>	
Residential (per connection)	31.90
Sewer permit fee (per connection)	31.90
Non-Residential Wastewater Discharge	\$275.00 - \$365.00
<b>Surcharges</b>	
BOD (>240mg/l)	TBD by District
SS (>300mg/l)	TBD by District
EC (>1,000mmhos/cm)	TBD by District
Surge loading	TBD by District

Source: MCWD.

**Solid Waste Fees:** The District currently charges \$24.00 per month per unit for garbage service.

**Historical Service Fees:** Table 6 shows the historical levels of water, sewer, and garbage fees for the last nine years, along with the total combined rate and the percentage increase. The total combined rate of the three utilities increased an average of 10 percent annually between February 2000 and October 2008.

**Table 6 Historic Water, Sewer, & Garbage Service Charges**

Date Increased	Water (/mo.)	Sewer (/ESU/mo.)	Garbage (/mo.)	Total Rates	% Increase
2/1/2000	\$6.70	\$8.40	\$13.36	\$28.46	-
7/1/2001	7.37	10.08	13.36	30.81	8.3%
10/1/2002	9.21	13.61	12.54	35.36	14.8%
10/1/2003	10.13	18.37	12.54	41.04	16.1%
7/1/2004	12.66	24.80	20.04	57.50	40.1%
7/1/2005	12.66	24.80	22.04	59.50	3.5%
10/1/2008	12.66	28.34	24.00	65.00	9.2%

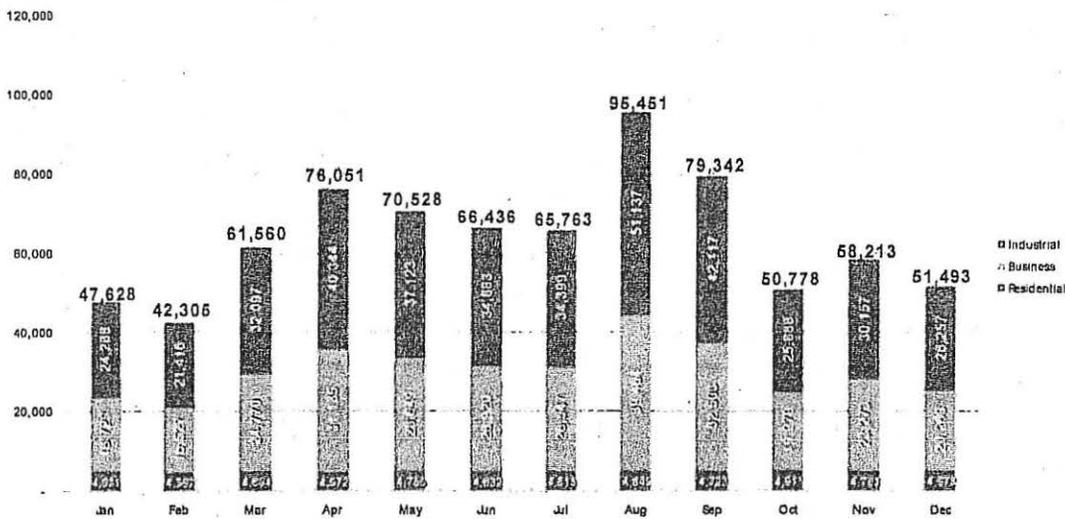
Source: MCWD.



### Water Consumption

Figure 6 shows the District's water use in calendar year 2008. The total water pumped in 2008 was about 766,000 hcf. Metered commercial accounts used about 309,000 hcf of water in 2008, or 40 percent, while industrial customers used 400,000 hcf, or 52 percent. Residential use, which is not metered, is estimated at 57,000 hcf based on an assumed use of 500 gallons per day per residence. Residential use may actually be higher and probably exhibits more seasonal fluctuations than shown here.

Figure 6 Water Pumped by Customer Class (hcf)\*, Calendar Year 2008



\* Estimated assuming 500 gpd water use per residential customer, remaining business and industrial use divided proportionally based on revenues.

Source: Provost & Pritchard, MCWD, BWA.

Table 2 shows standard AWWA water meter capacities and meter ratios. The meter ratio compares the capacity of a given water meter to that of a standard three-quarter inch meter. For example, a three-inch meter can supply the same capacity of water as 10 three-quarter inch meters. The costs of the water system are related to the costs of supplying each meter with a sufficient amount of water. Hence, these meter ratios are used in allocating costs among customers with different meter sizes.

### Revenues and Expenses

Water Revenues and Expenses: Table 7 presents water system revenues and expenses for FYs 2007/08 through 2009/10. The primary source of revenue is water sales (user fees). Water sales revenues are estimated at about \$53,000 lower in FY2009/10 than FY2007/08. Thanks to operating surpluses all three years, water grants totaling \$84,000 and \$167,000 in FYs 2007/08



and 2009/10 respectively, and relatively low capital expenditures, the District saw positive net cash flows for the past two years and is projected to see them again in FY2009/10. The District's debt coverage ratios have been consistently above 3.00. BWA projects that total water enterprise reserves will equal 21 months (176 percent) of O&M costs by July 2010.

It should also be noted that although the water enterprise has had surpluses, quite a bit of operating and maintenance costs have been deferred or not performed.

**Table 7 Water Enterprise Cash Flow, FYs 2007/08 - 2009/10**

	Estimated FY07/08	Estimated FY08/09	Proposed FY09/10
Beginning cash balance			\$302,590
<b>Revenues</b>			
Water sales	\$674,114	\$620,831	\$621,000
Fire service	\$202,823	\$214,178	\$214,000
Non-operating	13,632	20,059	20,100
Water grants	84,427	-	167,000
<b>Total revenues</b>	<b>\$974,996</b>	<b>\$855,066</b>	<b>\$1,022,100</b>
<b>Expenditures</b>			
Salaries & benefits	\$305,265	\$307,776	\$316,000
Utilities	141,030	100,445	105,000
Professional services	62,759	69,041	70,000
Other	109,342	164,653	153,000
O&M subtotal	618,396	641,915	644,000
Long-term debt	\$70,300	\$70,700	\$70,400
CIP	172,525	21,877	167,000
<b>Total expenditures</b>	<b>\$861,221</b>	<b>\$734,492</b>	<b>\$881,400</b>
<b>NET REVENUES</b>	<b>\$113,775</b>	<b>\$120,574</b>	<b>\$140,700</b>
Ending cash balance		\$302,590	\$443,290
% O&M	0%	47%	69%
Debt coverage ratio	5.07	3.01	5.37

Source: MCWD.

**Sewer Revenues and Expenses:** Table 88 presents sewer system revenues and expenses for three previous fiscal years. The primary source of revenue is sales revenue (user fees). Annual sales revenue rose sharply in FY 2008/09 after rate increases took effect in October 2008. Net operating revenues have been positive for the past three years, but when debt service and capital outlays are folded in, total net revenues were negative in FYs 2007/08 and 2008/09. Net revenues are projected to be positive in FY 2009/10 thanks primarily to an anticipated loan disbursement of \$750,000. Total reserve fund balances have oscillated between 29 percent of annual O&M expenses to 63 percent, where they are projected to stand in July 2010. BWA recommends reserve fund balances equal to no less than six months (50 percent) of O&M.



**Table 8 Sewer Enterprise Cash Flow, FYs 2007/08 - 2009/10**

	Estimated FY07/08	Estimated FY08/09	Proposed FY09/10
Beginning cash balance			\$186,759
<b>Revenues</b>			
Operating	\$726,595	\$860,758	\$890,000
Non-operating	38,691	45,166	46,944
Grant/Loan	178,494	15,136	994,000
<b>Total revenues</b>	<b>\$943,780</b>	<b>\$921,060</b>	<b>\$1,930,944</b>
<b>Expenditures</b>			
Salaries & benefits	\$254,200	\$262,576	\$274,395
Utilities	106,350	95,494	98,359
Professional services	48,049	60,650	62,470
Other	167,831	228,113	235,206
<b>O&amp;M subtotal</b>	<b>576,430</b>	<b>646,833</b>	<b>670,430</b>
Long-term debt	\$160,000	\$161,700	\$162,600
CIP	\$346,740	\$171,988	\$864,000
<b>Total expenditures</b>	<b>\$1,083,170</b>	<b>\$980,521</b>	<b>\$1,697,030</b>
<b>NET REVENUES</b>	<b>(\$139,390)</b>	<b>(\$59,461)</b>	<b>\$233,914</b>
Ending cash balance		\$186,759	\$420,673
% O&M		29%	63%
Debt coverage ratio	2.30	1.70	1.64

Source: MCWD.

**Solid Waste Revenues & Expenses:** Table 9 shows solid waste revenues and expenses from the past three fiscal years. The District's primary garbage revenue source is the service charge levied on residential customers. Expenses consist entirely of contract costs and dumping fees. With little unpredictability in costs, net revenues have been consistently small but positive.

**Table 9 Solid Waste Cash Flow, FYs 2007/08 - 2009/10**

	Estimated FY07/08	Estimated FY08/09	Proposed FY09/10
Total revenues	\$62,841	\$72,089	\$72,000
Total expenditures	\$59,402	\$66,300	\$66,300
<b>NET REVENUES</b>	<b>\$3,439</b>	<b>\$5,789</b>	<b>\$5,700</b>

Source: MCWD.



**Fixed Assets**

Table 10 summarizes the District's water and sewer fixed assets valued to June 30, 2009, showing both the replacement cost new (RCN) and the replacement cost new less depreciation (RCNLD). The water and sewer systems are approximately 15 - 20 percent depreciated below their RCN value. The total value of the District's fixed assets stands at about \$26.9 million RCN or \$22.1 million RCNLD, of which about 2/3 consists of wastewater assets.

**Table 10 Fixed Asset Valuation: June 30, 2009**

	Water		Wastewater	
	Replacement Cost	RCNLD	Replacement Cost	RCNLD
Land	\$500,623.33	\$500,623.33	\$1,848,835.31	\$1,848,835.31
Pumping Plant	4,665,429.65	3,384,184.40	-	-
Transmission & Distribution	3,524,990.11	2,990,747.33	-	-
Building	427,555.30	335,260.62	541,058.27	413,842.00
Collection Facility	-	-	3,724,833.22	3,164,950.52
Sewage Disposal	-	-	169,942.50	135,869.60
Sewage Treatment	-	-	11,513,304.68	9,368,101.77
<b>Total</b>	<b>\$9,118,598.38</b>	<b>\$7,210,815.68</b>	<b>\$17,797,973.99</b>	<b>\$14,931,599.20</b>

Source: MCWD, BWA.



### Capital Improvement Projects

Table 11 and Table 12 summarize capital improvement project expenses projected over the next two fiscal years, the longest-term projections available. BWA included only those projects deemed by District engineers to be "Priority 1" to operate and maintain the system properly. Also, BWA recalibrated the date of outstanding capital projects to FY 2010/11 or FY 2011/12, depending on the original start year. Through FY 2011/12, BWA projects that the District's capital outlays will reach \$1.45 million for the water system and \$2.93 million for the sewer system. On the water side, costs are driven primarily by \$1.2 million in design and construction costs for the new Well No. 8, a 1,200-gpm water source that is anticipated will replace the 1,100-gpm Well No. 1. The wastewater CIP proposes new construction as well, including \$2.5 million for additional disposal facilities.

Table 11 Priority 1 Water CIP, FYs 2010/11 - 2011/12

	FY10/11	FY11/12
<b>CIP Projects</b>		
New Well (No. 8) Land Acquisition	20,000	-
New Well (No. 8) Design & Const.	-	1,200,000
<b>Maintenance Projects</b>		
Replace meters	30,000	-
<b>WATER CIP TOTAL</b>	<b>\$50,000</b>	<b>\$1,200,000</b>

Source: Provost & Pritchard, BWA.



Table 12 Priority I Sewer CIP, FYs 2010/11 - 2011/12

	FY10/11	FY11/12
<b>CIP Projects</b>		
Additional Disposal Facilities	-	2,500,000
Monitoring Equipment	10,000	-
DAF Pipeline Repair	25,000	-
<b>Maintenance Projects</b>		
Tertiary effluent pump replacement	-	6,000
Refurbish screw pump	60,000	-
Refurbish secondary clarifiers	70,000	-
<b>Engineering Projects</b>		
On-going services	70,000	-
Influent flow monitoring report to RWQCB	5,000	-
Short term measure study for RWQCB	25,000	-
ROWD for Long Term measures	20,000	-
Treatment feasibility study	10,000	-
Groundwater monitoring evaluation	6,000	-
Toxics reduction plan	7,000	-
Best practices toxic control plan	15,000	-
Update O&M manual	10,000	-
Update and implement pretreatment program	5,000	-
Reclamation of effluent alternatives in the District	10,000	-
Update of Improvement standards	-	15,000
Prep of Sanitary sewer management plan	25,000	-
<b>SEWER CIP TOTAL</b>	<b>\$373,000</b>	<b>\$2,521,000</b>

Source: Provost & Pritchard, BWA.



## Long Range Financial Projections and Rate Adjustments

### *Rate Design*

Utility rates should be designed to generate sufficient revenue to ensure the financial health and stability of a utility, taking into account both ongoing operating needs and capital improvements. BWA believes that properly designed water and wastewater rates should meet the following tests:

- All customers should pay a proportional share of system operating and maintenance costs.
- Each customer should be charged a rate based on the cost of providing service to that customer.
- Rates for customers with similar characteristics should be consistent.
- Total operating revenues should be sufficient to pay all costs of providing operation and maintenance, as well as administration and other expenses, which can include debt service.
- The rates should include a provision for replacement of system facilities.
- The rates should comply with commitments to bondholders or other lenders.

This cost-of-service approach to ratemaking treats customers fairly and complies with California law and equitable ratemaking practice.

### *Cash Flow & Rate Projections*

Detailed cash flow projections were developed by BWA based on the District's historical finances, proposed CIP, and projected growth. Table 13 summarizes the assumptions BWA employed in projecting District finances out ten years. Because the District CIP only covers two years, BWA set the District's rates for FY2012/13 and beyond to cover annual capital outlays of \$300,000 plus 4 percent capital escalation.

**Table 13 BWA Projection Assumptions**

Interest rate	3%
Salary inflator (annual)	5%
Benefits inflator (annual)	4%
Energy inflator (annual)	6%
Capital inflator (annual)	4%
O&M inflator (annual)	3%
Capital outlays, FY12/13 +	\$300,000 + capital inflator

Source: BWA



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**Water Cash Flow & Rate Projections:** Table 14 shows BWA's projected 10-year cash flow for the Water Enterprise. Rate increases of 10 percent in FYs 2010/11 and 2011/12, with 3 percent increases thereafter, will be sufficient to fund the entire two-year Priority 1 Water CIP on a pay-as-you-go basis. Reserves fall below 50 percent of O&M after completion of Well No. 8, but recover above this level by FY 2016/17. Higher non-operating revenues are driven by revised capacity fees, which we detail later in this study. Table 15 shows the resulting water service rates, and Table 16 shows the resulting miscellaneous fee schedule. Fire Line service fees are set at 20 percent of their equivalent water meter charge.



**Table 14 Water Enterprise Cash Flow Projections, FYs 2010/11 - 2019/20**

	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Beginning cash balance	\$443,000	\$643,000	\$386,000	\$447,000	\$428,000	\$408,000	\$385,000	\$378,000	\$367,000	\$355,000
Rate Increase	10%	10%	3%	3%	3%	3%	3%	3%	3%	3%
Growth	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
<b>Revenues</b>										
Operating	\$923,000	\$1,020,000	\$1,058,000	\$1,093,000	\$1,132,000	\$1,172,000	\$1,213,000	\$1,256,000	\$1,300,000	\$1,345,000
Non-operating	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000	31,000
Interest @ 3%	34,000	34,000	6,000	9,000	10,000	10,000	11,000	13,000	14,000	14,000
Bond/loan proceeds		600,000								
<b>Total revenues</b>	<b>\$988,000</b>	<b>\$1,685,000</b>	<b>\$1,096,000</b>	<b>\$1,133,000</b>	<b>\$1,173,000</b>	<b>\$1,213,000</b>	<b>\$1,255,000</b>	<b>\$1,300,000</b>	<b>\$1,346,000</b>	<b>\$1,380,000</b>
<b>Expenditures</b>										
Salaries & benefits	\$330,000	\$344,000	\$380,000	\$376,000	\$392,000	\$410,000	\$428,000	\$447,000	\$467,000	\$488,000
Utilities	108,000	111,000	115,000	118,000	122,000	125,000	129,000	133,000	137,000	141,000
Professional services	72,000	74,000	76,000	79,000	81,000	84,000	86,000	89,000	91,000	94,000
Other	158,000	163,000	168,000	173,000	179,000	185,000	191,000	197,000	203,000	210,000
<b>O&amp;M subtotal</b>	<b>668,000</b>	<b>692,000</b>	<b>719,000</b>	<b>746,000</b>	<b>774,000</b>	<b>804,000</b>	<b>834,000</b>	<b>866,000</b>	<b>898,000</b>	<b>933,000</b>
Long-term debt	\$70,200	\$70,400	\$95,200	\$94,700	\$95,000	\$95,200	\$79,200	\$79,200	\$79,200	\$65,100
CIP	\$50,000	\$1,200,000	\$200,000	\$312,000	\$324,000	\$337,000	\$350,000	\$364,000	\$379,000	\$394,000
<b>Total expenditures</b>	<b>788,200</b>	<b>1,962,400</b>	<b>1,014,200</b>	<b>1,162,700</b>	<b>1,193,000</b>	<b>1,238,200</b>	<b>1,263,200</b>	<b>1,309,200</b>	<b>1,356,200</b>	<b>1,392,100</b>
<b>NET REVENUES</b>	<b>\$199,893</b>	<b>(\$276,921)</b>	<b>\$81,149</b>	<b>(\$19,221)</b>	<b>(\$20,065)</b>	<b>(\$23,498)</b>	<b>(\$8,313)</b>	<b>(\$9,680)</b>	<b>(\$11,548)</b>	<b>(\$1,765)</b>
Ending cash balance	\$643,000	\$366,000	\$447,000	\$428,000	\$408,000	\$385,000	\$376,000	\$367,000	\$355,000	\$353,000
% O&M	96%	53%	62%	57%	53%	48%	45%	42%	40%	38%
Debt coverage ratio	4.6	14.1	4.0	4.1	4.2	4.3	5.3	5.5	5.6	7.0

Source: BWA.

**Table 15 Proposed Water Service Rates, FYs 2010/11 - 2019/20**

	Current Rate	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
% Increase		10%	10%	3%	3%	3%	3%	3%	3%	3%	3%
Residential Rate (/ESU/Month)	\$12.66	\$13.93	\$15.32	\$15.78	\$16.25	\$16.74	\$17.24	\$17.76	\$18.29	\$18.84	\$19.41
<b>Metered Rate</b>											
Included hcf	Meter Size	Current Rate									
18	3/4"	\$15.51	\$17.06	\$18.77	\$19.33	\$19.91	\$20.51	\$21.12	\$21.76	\$22.41	\$23.08
31	1"	26.28	28.91	31.80	32.75	33.74	34.75	35.79	36.86	37.97	39.11
43	1 1/4"	37.25	40.98	45.07	46.42	47.82	49.25	50.73	52.25	53.82	55.43
59	1 1/2"	51.24	56.38	62.00	63.86	65.78	67.75	69.78	71.88	74.03	76.25
85	2"	82.24	90.46	99.51	102.50	105.57	108.74	112.00	115.36	118.82	122.39
180	3"	155.04	170.54	187.60	193.23	199.02	204.99	211.14	217.48	224.00	230.72
301	4"	259.05	284.96	313.45	322.85	332.54	342.52	352.79	363.38	374.28	385.50
Volume rate above base (/hcf)		\$0.88	\$0.97	\$1.08	\$1.10	\$1.13	\$1.16	\$1.20	\$1.23	\$1.27	\$1.31

Source: BWA.



**Table 16 Proposed Misc. Water Fees, FYs 2010/11 – 2019/20**

**Private Fireline Services - Monthly Charge**

Monthly Min.	Current rate/month	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
2" meter	\$18.45	\$18.10	\$19.90	\$20.50	\$21.12	\$21.75	\$22.40	\$23.07	\$23.77	\$24.48	\$25.21
3" meter	31.01	34.11	37.52	38.65	39.81	41.00	42.23	43.50	44.80	46.15	47.53
4" meter	51.78	56.88	62.65	64.53	66.47	68.46	70.52	72.63	74.81	77.06	79.37
6" meter	84.36	92.80	102.08	105.14	108.29	111.54	114.89	118.33	121.88	125.54	129.31
8" meter	135.03	148.53	163.39	166.29	173.34	178.54	183.89	189.41	195.09	200.94	206.97
10" meter	194.33	213.76	235.14	242.19	249.46	258.94	264.65	272.59	280.77	289.19	297.87

Charge per 1000 sq. ft. over allowance	\$2.11	\$2.32	\$2.55	\$2.63	\$2.71	\$2.79	\$2.87	\$2.96	\$3.05	\$3.14	\$3.23
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**Water Meter Fee**

Size	Fee	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
3/4" or 1" meter	\$153.33	\$166.66	\$185.53	\$191.10	\$198.83	\$202.73	\$208.81	\$216.08	\$221.53	\$228.18	\$235.02
1 1/2" meter	573.33	630.66	693.73	714.54	735.98	758.06	780.80	804.22	828.35	853.20	878.80
2" meter	722.67	794.94	874.43	900.66	927.88	955.61	984.18	1013.70	1044.12	1075.44	1107.70
3" meter	Case-by-case										
4" meter	Case-by-case										
6" and greater	Case-by-case										

**Water Wasting Fine**

First offense	\$18.91	\$20.80	\$22.88	\$23.57	\$24.27	\$25.00	\$25.75	\$26.53	\$27.32	\$28.14	\$28.99
Second offense	47.28	52.01	57.21	58.93	60.69	62.51	64.39	66.32	68.31	70.36	72.47
Third offense	94.54	103.99	114.39	117.83	121.36	125.00	128.75	132.61	136.59	140.69	144.91
Fourth offense	Termination of service										

**Miscellaneous**

Water/Related Use Permit Fee	\$24.00	\$26.40	\$29.04	\$29.91	\$30.81	\$31.73	\$32.68	\$33.67	\$34.68	\$35.72	\$36.79
Connection Inspection Fee	24.00	26.40	29.04	29.91	30.81	31.73	32.68	33.67	34.68	35.72	36.79
Temporary Hydrant Permit Fee	122.73	135.00	148.50	152.95	157.55	162.27	167.14	172.16	177.32	182.64	188.12
Fire Hydrant Minimum Cost	167.06	183.77	202.14	208.21	214.45	220.89	227.51	234.34	241.37	248.61	256.07
Fire Hydrant (each add. location moved)	484.10	610.51	661.56	578.41	595.76	613.63	632.04	651.00	670.53	690.65	711.37
Meter test deposit	94.54	103.99	114.39	117.83	121.36	125.00	128.75	132.61	136.59	140.69	144.91
Water service reconnection penalty	47.28	52.01	57.21	58.93	60.69	62.51	64.39	66.32	68.31	70.36	72.47

Source: BWA.

**Sewer Cash Flow & Rate Projections:** BWA was unable to adjust wastewater rates to pay for the entire Priority 1 sewer CIP on a pay-as-you-go basis. Therefore, BWA ran two rate scenarios: one in which the District drops the \$2.5 million in disposal facilities entirely, and one in which the District takes out a 20-year bank loan at 6.5 percent interest to finance the disposal project.

Table 17 presents the non-disposal scenario. Sewer rates would need to increase 15 percent in the first two fiscal years, then 3 percent thereafter. This brings reserves close to 100 percent of O&M by the end of the 10-year study period.

Table 18 shows that, under the disposal loan scenario, the District would incur an extra \$227,000 in debt service costs annually. As in the non-disposal scenario, rates would increase by 15 percent for the first two fiscal years, but then would need to increase a further 10 percent for two more years, before settling into 3 percent annual increases for the final six years. It should be noted that BWA constructed the bank loan scenario to be reasonably conservative. If the



District chooses to issue debt, it may find more favorable terms for a bank loan or bond issue, lowering financing costs.

**Table 17 Wastewater Cash Flow Projections (No Disposal), FYs 2010/11 - 2019/20**

	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Beginning cash balance	\$421,000	\$180,000	\$168,000	\$164,000	\$201,000	\$246,000	\$298,000	\$514,000	\$743,000	\$985,390
Rate Increase	15%	16%	5%	5%	3%	3%	3%	3%	3%	3%
Growth	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
<b>Revenues</b>										
Operating	\$1,029,000	\$1,189,000	\$1,255,000	\$1,324,000	\$1,370,000	\$1,419,000	\$1,468,000	\$1,520,000	\$1,573,000	\$1,629,000
Non-operating	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000
Interest @ 3%	13,000	6,000	5,000	5,000	6,000	7,000	9,000	15,000	22,000	30,000
Grant/Loan										
<b>Total revenues</b>	<b>\$1,093,000</b>	<b>\$1,246,000</b>	<b>\$1,311,000</b>	<b>\$1,381,000</b>	<b>\$1,428,000</b>	<b>\$1,478,000</b>	<b>\$1,529,000</b>	<b>\$1,587,000</b>	<b>\$1,648,000</b>	<b>\$1,710,000</b>
<b>Expenditures</b>										
Salaries & benefits	\$287,000	\$300,000	\$313,000	\$327,000	\$342,000	\$358,000	\$374,000	\$391,000	\$408,000	\$427,000
Utilities	101,000	104,000	107,000	111,000	114,000	117,000	121,000	125,000	128,000	132,000
Professional services	64,000	66,000	68,000	70,000	72,000	75,000	77,000	79,000	82,000	84,000
Other	243,000	250,000	258,000	266,000	274,000	283,000	292,000	301,000	310,000	320,000
<b>O&amp;M subtotal</b>	<b>\$695,000</b>	<b>\$720,000</b>	<b>\$747,000</b>	<b>\$774,000</b>	<b>\$803,000</b>	<b>\$832,000</b>	<b>\$863,000</b>	<b>\$895,000</b>	<b>\$928,000</b>	<b>\$963,000</b>
Long-term debt	\$256,000	\$258,000	\$259,000	\$257,000	\$257,000	\$256,000	\$98,000	\$98,000	\$98,000	\$98,000
CIP	\$373,000	\$300,000	\$300,000	\$312,000	\$324,000	\$337,000	\$351,000	\$365,000	\$380,000	\$395,000
<b>Total expenditures</b>	<b>\$1,323,643</b>	<b>\$1,278,192</b>	<b>\$1,305,424</b>	<b>\$1,343,878</b>	<b>\$1,384,376</b>	<b>\$1,426,279</b>	<b>\$1,311,758</b>	<b>\$1,357,772</b>	<b>\$1,406,699</b>	<b>\$1,456,311</b>
<b>NET REVENUES</b>	<b>(\$231,000)</b>	<b>(\$32,000)</b>	<b>\$6,000</b>	<b>\$37,000</b>	<b>\$44,000</b>	<b>\$51,000</b>	<b>\$217,000</b>	<b>\$230,000</b>	<b>\$242,000</b>	<b>\$256,000</b>
Ending cash balance	\$190,000	\$168,000	\$164,000	\$201,000	\$246,000	\$296,000	\$514,000	\$743,000	\$985,000	\$1,240,000
% O&M	27%	22%	22%	26%	31%	36%	60%	83%	106%	129%
Debt coverage ratio	1.56	2.04	2.18	2.36	2.43	2.52	6.82	7.09	7.37	7.66

Source: BWA.



Table 18 Wastewater Cash Flow Projections (Disposal Loan), FYs 2010/11 - 2019/20

	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Beginning cash balance	\$403,000	\$132,000	\$399,000	\$246,000	\$188,000	\$137,000	\$98,000	\$224,000	\$366,000	\$623,213
Rate increase	15%	15%	10%	10%	3%	3%	3%	3%	3%	3%
Growth	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
<b>Revenues</b>										
Operating	\$1,029,000	\$1,189,000	\$1,314,000	\$1,453,000	\$1,504,000	\$1,557,000	\$1,612,000	\$1,668,000	\$1,727,000	\$1,788,000
Non-operating	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000	52,000
Interest @ 3%	12,000	4,000	12,000	7,000	6,000	4,000	3,000	7,000	11,000	16,000
Grant/Loan		2,500,000								
<b>Total revenues</b>	<b>\$1,093,000</b>	<b>\$3,745,000</b>	<b>\$1,378,000</b>	<b>\$1,512,000</b>	<b>\$1,581,000</b>	<b>\$1,613,000</b>	<b>\$1,666,000</b>	<b>\$1,727,000</b>	<b>\$1,790,000</b>	<b>\$1,866,000</b>
<b>Expenditures</b>										
Salaries & benefits	\$287,000	\$300,000	\$313,000	\$327,000	\$342,000	\$358,000	\$374,000	\$391,000	\$408,000	\$427,000
Utilities	101,000	104,000	107,000	111,000	114,000	117,000	121,000	125,000	128,000	132,000
Professional services	64,000	68,000	68,000	70,000	72,000	75,000	77,000	79,000	82,000	84,000
Other	243,000	250,000	258,000	266,000	274,000	283,000	292,000	301,000	310,000	320,000
O&M subtotal	\$695,000	\$720,000	\$747,000	\$774,000	\$803,000	\$832,000	\$863,000	\$895,000	\$928,000	\$963,000
Long-term debt										
Disposal loan	\$256,000	\$258,000	\$259,000	\$257,000	\$257,000	\$256,000	\$98,000	\$98,000	\$98,000	\$98,000
			\$227,000	\$227,000	\$227,000	\$227,000	\$227,000	\$227,000	\$227,000	\$227,000
CIP	\$413,000	\$2,500,000	\$300,000	\$312,000	\$324,000	\$337,000	\$351,000	\$365,000	\$380,000	\$395,000
<b>Total expenditures</b>	<b>\$1,363,643</b>	<b>\$3,478,192</b>	<b>\$1,532,315</b>	<b>\$1,570,569</b>	<b>\$1,811,266</b>	<b>\$1,663,170</b>	<b>\$1,638,647</b>	<b>\$1,684,663</b>	<b>\$1,632,480</b>	<b>\$1,682,202</b>
<b>NET REVENUES</b>	<b>(\$271,000)</b>	<b>\$267,000</b>	<b>(\$154,000)</b>	<b>(\$58,000)</b>	<b>(\$50,000)</b>	<b>(\$40,000)</b>	<b>\$128,000</b>	<b>\$142,000</b>	<b>\$167,000</b>	<b>\$173,000</b>
Ending cash balance	\$132,000	\$399,000	\$245,000	\$186,000	\$137,000	\$98,000	\$224,000	\$366,000	\$523,000	\$699,000
% O&M	19%	55%	33%	24%	17%	12%	26%	41%	56%	72%
Debt coverage ratio	1.56	2.03	1.30	1.52	1.57	1.61	2.48	2.56	2.65	2.76

Source: BWA.

Table 19 Proposed Wastewater Service Rates (No Disposal), FYs 2010/11 - 2019/20

	Current rates	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Monthly Rate/Sewer ESU	\$28.34	\$32.59	\$37.48	\$39.35	\$41.32	\$42.56	\$43.84	\$45.15	\$46.51	\$47.90	\$49.34
<b>Permits</b>											
Residential (per connection)	\$31.90	\$36.69	\$42.19	\$44.30	\$46.51	\$47.91	\$49.34	\$50.82	\$52.35	\$53.92	\$55.54
Sewer permit fee (per connection)	31.90	36.69	42.19	44.30	46.51	47.91	49.34	50.82	52.35	53.92	55.54
Non-Residential	between	275.00	316.25	363.69	381.87	400.97	412.99	425.38	438.15	451.29	464.83
	and	365.00	419.75	482.71	506.85	532.19	548.16	564.60	581.54	598.99	616.95

Source: BWA.



**Table 20** Proposed Wastewater Service Rates (Disposal Loan), FYs 2010/11 - 2019/20

	Current rates	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Monthly Rate/Sewer ESU	\$28.34	\$32.59	\$37.48	\$41.23	\$45.35	\$48.71	\$48.11	\$49.56	\$51.04	\$52.57	\$54.15
<b>Permits</b>											
Residential (per connection)	\$31.90	\$36.69	\$42.19	\$46.41	\$51.05	\$52.58	\$54.16	\$55.78	\$57.45	\$59.18	\$60.95
Sewer permit fee (per connection)	31.90	36.69	42.19	46.41	51.05	52.58	54.16	55.78	57.45	59.18	60.95
Non-Residential	between	275.00	318.25	363.69	400.06	440.06	483.26	466.86	480.87	495.29	510.15
	and	365.00	419.75	482.71	530.98	584.08	601.60	619.65	638.24	657.39	677.11
											697.42

Source: BWA.

**Solid Waste Cash Flow & Rate Projection:** Table 21 shows BWA's projected 10-year solid waste cash flow and recommended rates. We assumed contract costs and dumping fees would escalate by a flat 3 percent annually. Keeping revenues on par with costs requires modest 1 percent rate increases per year for the entirety of this 10-year scope.

**Table 21** Solid Waste Cash Flow & Proposed Service Rates, FYs 2010/11 - 2019/20

	Current	FY10/11	FY11/12	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20
Rate Increase		1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Growth		1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
Solid waste rate/ESU/month	\$24.00	\$24.24	\$24.48	\$24.73	\$24.97	\$25.22	\$25.48	\$25.73	\$25.99	\$26.25	\$26.51
Total revenues		\$73,000	\$75,000	\$76,000	\$78,000	\$80,000	\$81,000	\$83,000	\$84,000	\$86,000	\$88,000
Total expenditures		\$88,000	\$70,000	\$72,000	\$75,000	\$77,000	\$79,000	\$81,000	\$84,000	\$86,000	\$89,000
NET REVENUES		\$6,000	\$6,000	\$4,000	\$3,000	\$3,000	\$2,000	\$1,000	\$1,000	(\$1,000)	(\$1,000)

Source: BWA.



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## Water and Wastewater Capacity Fees

### *Capacity Fees*

Capacity charges are charges to new customers to recover the capital costs that are needed to serve growth. These fees go by a variety of names including connection fees, facility charges, production charges, and hook-up fees. These are fees which recover the capital costs for facilities needed to serve development. They do not include fees for the direct costs of installing service connections. The terminology may shift between "connection" and "capacity" fees, but both refer to the same charge.

Capacity fees recover costs of future projects that must be constructed to serve new growth, as well as the costs of capacity in existing facilities that will benefit and serve new customers. The fees must be reasonable and non-arbitrary, and based on facility capital costs, user loads, and system capacity. A variety of methods may be used to determine the appropriate capacity fee.

California Government Code Section 66000 deals with fees for development projects. Section 66013 deals specifically with water and sewer connection fees. It states that such fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fees or charges are imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services is submitted to the electorate and approved by two-thirds of the vote cast.

Section 66013 defines capacity charge as a charge for facilities in existence at the time a charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged. As noted, this report refers to these charges as capacity fees. These fees do not cover charges for the physical facilities necessary to make a water or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main. Charges for these other services cannot exceed the reasonable cost of labor and materials for installation of these facilities.

The government code also specifies how the proceeds of such fees must be deposited, invested, accounted for, and expended.

- The District must deposit capacity fees in a separate account and avoid commingling them with its other moneys, except for investment. Interest earned on the fund accrues to the fund.
- The District must make available to the public, within 180 days of the end of the fiscal year, the following information:
  - Description of charges deposited in the fund.
  - Beginning and ending balance of fund and interest earned.
  - Amount of charges collected in fiscal year.



- Identification of the following:
  - \* Each public improvement on which charges were spent and amount spent on each improvement, including percentage from capacity fees if other funds were also used.
  - \* Each public improvement on which charges were expended that was completed within the year.
  - \* Each public improvement that is expected to be undertaken in the following fiscal year.
- Description of each interfund transfer or loan made from the capacity facilities fund, including public improvements on which the transferred moneys are or will be expended, date loan will be repaid, and interest to be earned by capital facilities fund.

These requirements to maintain capacity fees in a separate account and make annual reports do not apply to:

- Money received pursuant to a development agreement or reimbursement agreement.
- Charges that are used to pay debt service, collected under a bond indenture that establishes different procedures for accounting for the funds, or charges to reimburse advances made under a prior reimbursement agreement.

### *Capacity Fee Calculations*

**Water Capacity Fee:** Table 22 calculates an updated water capacity fee based on the average cost method.

The final calculation divides the sum of the District's current RCNLD and projected costs for Well No. 8 among the 4,355 gpm of anticipated future capacity, yielding \$1,939 per gpm.

Since BWA's previous rate study for the District concluded a capacity need of 2.8 gpm for a ¾" meter, BWA calibrated the new capacity fee schedule around a recommended level of \$5,430 for a ¾" meter, using standard AWWA capacity ratios to set the fee for 1," 1 ¼," 1 ½," 2," 3" and 4" meters.



**Table 22 Proposed Water Capacity Fees**

**Future Water System Capacity (gpm)**

<u>Future Active Wells</u>	
Well No. 6	1,655
Well No. 7	1,500
Well No. 8 (proposed)	1,200
<b>Total future capacity (gpm)</b>	<b>4,355</b>

**Well No. 8 Costs**

Proposed Well No. 8 Project Cost	\$1,320,000.00
<u>LESS Anticipated Grants</u>	85,000.00
<b>Net Cost to District</b>	<b>\$1,235,000.00</b>

**Water Capacity Fee Calculation per gpd**

Current water system RCNLD	\$7,210,815.68
<u>PLUS Well No. 8 net cost</u>	<u>\$1,235,000.00</u>
Future system value	8,445,815.68
<u>DIVIDE Future capacity (gpm)</u>	<u>4,355.00</u>
<b>Water Capacity Fee (per gpm)</b>	<b>\$1,939.34</b>

**Water Capacity Fee Calculation per 3/4" meter**

Total fee per gpm	\$1,939.34
<u>TIMES Est. gpm, 3/4" meter</u>	<u>2.8</u>
<b>Capacity Fee, 3/4" meter</b>	<b>\$5,430.15</b>

<u>Meter Size</u>	<u>Fee</u>	<u>AWWA Ratios*</u>
3/4"	\$5,430	1.00
1"	9,231	1.70
1 1/4"	13,032	2.40
1 1/2"	17,919	3.30
2"	28,779	5.30
3"	58,101	10.70
4"	90,681	16.70

\* AWWA demand ratios based on AWWA Manual M22, 2nd Edition, 2004.

Source: BWA.



**Sewer Capacity Fee:** Table 23 calculates an updated capacity fee per sewer service unit based on the average cost method: total system value divided by total system capacity. The depreciated value of the sewer system's fixed assets was about \$14.9 million as of June 30, 2009, the end of the previous fiscal year. The system requires additional disposal facilities. With the \$2.5 million additional disposal facilities will be capable of handling 1.2 million gpd of wastewater flow. This yields a system cost of about \$14.53 per gpd. Since the discharge of a sewer equivalent service unit is estimated at 150 gpd, the capacity fee per sewer service unit is calculated at \$2,179, or \$1,089 higher than the current capacity fee of \$1,090.00 per service unit.

<b>Table 23 Proposed Sewer Capacity Fees</b>	
Current Sewer System RCNLD	\$14,931,599.20
Additional Disposal Facilities Needed	2,500,000.00
Total Wastewater Facilities Cost	\$17,431,599.20
<u>DIVIDE by Sewer system capacity, gpd</u>	<u>1,200,000.00</u>
Conn. fee per gpd	\$14.53
<u>TIMES Gpd per ESU</u>	<u>150.00</u>
<b>Conn. fee per ESU</b>	<b>\$2,178.95</b>
Source: BWA.	

**Future Capacity Fee Adjustments:** The District should consider adjusting its capacity fees annually by the change in the Engineering News-Record (ENR) Construction Cost Index to prevent the charges from falling behind the costs of constructing new facilities. The Engineering News-Record magazine publishes construction cost indices monthly for 20 major U.S. cities and an average of 20 cities around the U.S. These indices can be used to estimate the change in the construction cost of facilities each year. If the appropriate ENR Construction Cost Index increases by two percent, water and sewer capacity fees should also increase by two percent.





**MALAGA COUNTY WATER DISTRICT**  
**MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS**  
**FY 2010/2011**  
**EFFECTIVE APRIL 1, 2010**

**Chapter One – Sewer Rates**

1. Sewer
2. Sewer Service Connection Fee
3. Permits
4. Loading
5. Collection System Cleanup
6. Pipeline Installation Charge

**Chapter Two – Water Rates**

1. Residential: Flat Rate
2. Base Rate/Amount: Metered Users
3. Above Base Rate Allocations – Per 100 Cubic Feet
4. Private Fireline Services
5. Water Service Connection
6. Water Meter Fee
7. Miscellaneous Permits
8. Water Wasting Fine
9. Meter Test Deposit
10. Water Service Reconnection Penalty
11. Late Penalty-Water Service
12. Private Fire Protection (District Installation)
13. Pipeline Installation Charge – District

**Chapter Three – Parks and Recreation Facilities, Fees, Rentals and Deposits**

1. Multi-Purpose Room
2. Kitchen
3. Meeting Rooms/Gym
4. Dance Room
5. Picnic Shelter
6. Gazebo
7. Softball Diamond
8. Caboose
9. Swimming Pool
10. Deposits

**Chapter Four – Solid Waste - Residents**

**MALAGA COUNTY WATER DISTRICT**  
**MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS**

**CHAPTER ONE**

**SEWER RATES**

1. **SEWER**

Per Equivalent Service Unit ("ESU") \$ 32.59

\*An ESU is service to a residential unit (single-family dwelling)

Commercial/industrial customers are assigned ESU's by the District based on wastewater flow and characterization.\* Significant Industrial Users will be charged pursuant to Title I of the Ordinance and this Chapter One of Title IV.

\*The basic formula used to determine commercial/residential sewer service units (SU) is as follows:

$$SU = \frac{\text{FlowRate (gpd)}}{150} [0.4 + \frac{0.3 * (\text{BOD mg/l})}{175} + \frac{0.3 * (\text{SS mg/l})}{185}]$$

This formula is also used as the basis for monthly sewer rate charges for those customers that discharge more than 25,000 gallons per day of wastewater.

2. **SEWER SERVICE CONNECTION FEE-NO INCREASE**

Connection Cost/Service per ESU \$1,199.00\*\*

3. **PERMITS**

A. Residential \$ 36.69 per connection  
 Sewer Permit Fee 36.69 per connection

B. Non-Residential:  
 An application shall be submitted (see Title One). The application processing fee ranges from \$316.25 to \$419.75 depending on the specific development requirements.

4. LOADING

Biochemical Oxygen Demand (BOD) in excess  
Of 240 milligrams per litre

\$ To be determined by the  
District Engineer based on cost  
to District exclusive of applicable  
penalties to be charged by  
District or incurred by District as  
a result of excessive loadings or  
violation of Title One of this Code.

Suspended Solids (SS) in excess of 300  
milligrams per litre

\$ See BOD above.

Electrical Conductivity (EC) in excess of  
1000 microhmos per centimeter (at 25 C)  
(freshwater dilution at current water rate)

\$ See BOD above.

Surge Loading

\$ See BOD above. Penalty is  
\$2,500 plus penalties, if any,  
suffered by District.

5. COLLECTION SYSTEM CLEANUP – CUSTOMER VIOLATION OF DISCHARGE  
REQUIREMENTS AND CONDITIONS

As needed (billed to customer) labor and  
Materials

\$ actual cost

6. Pipeline Installation Charge

Actual cost of construction plus 30% for  
administration and overhead, if done by  
District.

**MALAGA COUNTY WATER DISTRICT**

**MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS**

**CHAPTER TWO**

**WATER RATES**

1. Residential - Flat Rate
 

Per ESU*	\$ 13.93/mo.
Per ea. Additional ESU	\$ 13.93/mo.

\*Single-family dwelling – Equivalent Service Unit
  
2. Base Rate/Amount - this charge is applicable to metered users and defines the monthly minimum charge and amount of water applicable to the base rate.
 

¾" Meter	13,464 Gals.	-	1,800 cu.ft.	\$ 17.06/mo.
1" Meter	23,188 Gals.	-	3,100 cu.ft.	28.91/mo.
1 ¼" Meter	32,164 Gals.	-	4,300 cu.ft.	40.98.25/mo.
1 ½" Meter	44,132 Gals.	-	5,900 cu.ft.	56.36/mo.
2" Meter	71,060 Gals.	-	9,500 cu.ft.	90.46/mo.
3" Meter	134,640 Gals.	-	18,000 cu.ft.	170.54/mo.
4" Meter	225,148 Gals.	-	30,100 cu.ft.	284.96/mo.
  
3. ABOVE BASE AMOUNT - PER 100 CU.FT. - This charge is applicable to water used by metered customers above the base rate.
 

Per 100 Cu.ft.	0.97 / 100 Cu.ft.
----------------	-------------------
  
4. PRIVATE FIRELINE SERVICES - Base Rate
 

Service	2010/11	
Monthly Min.* (20% mtr chrg)	Allowance (sq.ft.)	
2" Meter	8,000	\$ 18.10
3" Meter	15,000	34.11
4" Meter	25,000	56.96
6" Meter	40,000	92.80
8" Meter	64,000	148.53
10" Meter	92,000	213.76
Charge per thousand sq. feet of building over allowance		2.32

5. WATER SERVICE-CONNECTION FEE-NO INCREASE

Single Family Dwelling Unit (1)	\$ 1,018.75 ea.
3/4" Service Line	\$ 1,454.75 ea.
1" Service Line	\$ 2,473.50 ea.
1 1/4" Service Line	\$ 3,492.25 ea.
1 1/2" Service Line	\$ 4,803.25 ea.
2" Service Line	\$ 7,714.00 ea.
3" Service Line	\$ 14,553.25 ea.
4" Service Line	\$ 24,304.75 ea.
6" and greater	Determined at time of application

6. WATER METER FEE

1" Meter / 3/4" Meter	\$ 168.66 ea.
1 1/2" Meter	\$ 630.66 ea.
2" Meter	\$ 794.94 ea.
3" Meter	Determined at time of application
4" Meter	Determined at time of application
6" and greater	Determined at time of application

7. CONNECTION FEE – FIRE SERVICE-NO INCREASE

2" Connection Fee	\$ 578.50 ea.
3" Connection Fee	\$ 865.50 ea.
4" Connection Fee	\$ 1,137.50 ea.
6" Connection Fee	\$ 1,984.50 ea.
8" Connection Fee	\$ 2,978.00 ea.
10" Connection Fee	\$ 3,248.50 ea.
12" Connection Fee	\$ 3,420.50 ea.

8. MISCELLANEOUS PERMITS

Water Use/Related Use: Permit Fee	\$ 26.40 ea.
Connection Inspection Fee	\$ 26.40 ea.
Temporary Hydrant Permit Fee	\$ 135.00 ea.
Fire Hydrant Minimum Cost	\$ 183.77 ea.
Fire Hydrant (each additional location moved)	\$ 510.51 ea.

9. WATER WASTING FINE

First Offense	\$ 20.80 ea.
Second Offense	\$ 52.01 ea.
Third Offense	\$ 103.99 ea.
Fourth Offense	Termination of Service

10. METER TEST DEPOSIT  
Deposit \$ 103.99 ea.

If a customer desires to have the meter service and premises tested, the deposit shall be paid. The deposit shall be refunded if the meter registers more than two percent (2) fast.

11. WATER SERVICE RECONNECTION PENALTY  
Reconnection Penalty \$ 52.01 ea.

12. LATE PENALTY-WATER SERVICE  
Late Penalty 10% Per Bill  
Plus 2% Per Month

13. PRIVATE FIRE PROTECTION FACILITIES  
Installation Cost if by District Actual Cost, plus 30%  
(Administration and Overhead)

14. PIPELINE INSTALLATION CHARGE - DISTRICT  
Actual Cost, plus 30% (administration and overhead)

## MALAGA COUNTY WATER DISTRICT

### MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS

#### CHAPTER THREE

#### PARKS AND RECREATION FACILITIES FEES, RENTALS AND DEPOSITS

RENTAL FEES: Fees must be paid in full prior to using the facility.

GROUP I - District sponsored groups, co-sponsored programs and District sponsored employee groups.

GROUP II - Small Groups, organizations and individuals, i.e. Birthday Parties, Basketball, Bridal/Baby Showers (\*Group of 70 or less)

GROUP III - Large Groups, Organizations (profit or non-profit) and Individuals, i.e. Weddings, Receptions, Dances, Fund Raising Activities.

<u>EFFECTIVE 2009/10</u>	<u>GROUP I</u>	<u>GROUP II</u>	<u>GROUP III</u>
1. MULTI-PURPOSE ROOM	-0-	\$80.00 Hour 2 Hr. Minimum	\$1,000/9 hrs. w/or without kitchen
2. KITCHEN	-0-	\$25.00 Hour 2 Hr. Minimum	\$25.00 Hour 2 Hr. Minimum
3. MEETING ROOMS/GYM AREA	-0-	\$11.50 Hour 2 Hr. Minimum	\$11.50 Hour 2 Hr. Minimum
4. DANCE ROOM	-0-	\$300.00 (extra) or \$100.00 Hour 3 Hr. Maximum	\$300.00 (extra) or \$100.00 Hour 3 Hr. Maximum
5. PICNIC SHELTER	-0-	\$150.00 \$ 50.00-Deposit	\$150.00 \$ 50.00-Deposit
6. PLAYGROUND AREA/OTHER	-0-	\$50.00 \$50.00-Deposit	\$50.00 \$50.00-Deposit
6. GAZEBO	-0-	\$50.00 \$50.00-Deposit	\$50.00 \$50.00-Deposit
7. SOFTBALL DIAMOND	-0-	\$25.00 Hour 2 Hr. Minimum	\$25.00 Hour 2 Hr. Minimum
8. CABOOSE	-0-	\$200.00 + Utilities	\$200.00 + Utilities
9. SWIMMING POOL	-0-	\$26.00 Hour 2 Hr. Minimum	\$26.00 Hour ** 2 Hr. Minimum

**No deposits on Picnic Shelter or Gazebo (rental fee only)**

10. DEPOSITS:

- a) \$200.00 - Regular Cleaning Deposit for Multi-Purpose Room; Minimum Charge for all other Facilities.
- c) \$150.00 - Deposit of \$150 & Flat Rate Fee of \$210.00 not to exceed \$15.00 per hour for every hour of use of 10 hours plus \$10.00 per hour additional fee for the use of lights for Baseball Tournaments.

\*\* Charge for Lifeguards shall be determined by the District (14.00/hr/per guard.)

**MALAGA COUNTY WATER DISTRICT**

**MASTER SCHEDULE OF FEES, CHARGES AND RECOVERED COSTS**

**CHAPTER FOUR**

**SOLID WASTE**

**RESIDENTS:**

Per Residential Unit (ESU)

\$ 24.24 per mo.

**ALL CHAPTERS:**

**EFFECTIVE APRIL 1, 2010**

**RESOLUTION NO. 03/23/2010A**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
MALAGA COUNTY WATER DISTRICT ADOPTING PROPOSED NEW  
WATER, SEWER AND SOLID WASTE RATES**

WHEREAS, on January 26, 2010, the Board of Directors of the Malaga County Water District ("District") set the date and time for a public hearing on proposed new water, sewer and solid waste rates for March 23, 2010, at 7:00 PM at the District office located at 3580 S. Frank Street, Fresno, California 93725, and directed staff to provide notice of said public hearing in accordance with provisions of Article XIII(D) of the California Constitution also known as Proposition 218; and

WHEREAS, the District Board finds that notice of the public hearing on the proposed new water, sewer, and solid waste rates was given pursuant to the provisions of Article XIII(D) of the California Constitution also known as Proposition 218, a copy of that notice is attached to this Resolution and incorporated by this reference herein as Exhibit A; and

WHEREAS, the District Board finds that a public hearing was held regarding the proposed new water, sewer, and solid waste rates on March 23, 2010, at 7:00 PM, or as soon thereafter as the matter could be heard in accordance with the aforementioned notice; and

WHEREAS, the District Board finds that the total number of protests to the proposed new water, sewer, and solid waste rates received by the District, including those received at the public hearing, was \_\_\_\_\_; and

WHEREAS, the District Board finds that the total number of protests needed to constitute a majority protest are \_\_\_\_\_; and

WHEREAS, the District Board finds that written protests to the proposed new water, sewer, and solid waste rates have not been received from a majority of the owners of identified parcels; and

WHEREAS, the District Board finds that the revenue received from the proposed new rates for water, sewer, and solid waste collection, as detailed in Exhibit A, will not exceed the funds required to provide those property-related services; and

WHEREAS, the District Board finds that the revenues derived from the proposed new rates for water, sewer, and solid waste collection, as detailed in Exhibit A, will not be used for any purpose other than that for which they are imposed; and

WHEREAS, the District Board finds that the proposed new rates for water, sewer, and solid waste collection does not exceed the proportional cost of the service attributable to the parcel to any parcel or person as an incident of property ownership; and

WHEREAS, the District Board finds that the proposed new rates for water, sewer, and solid waste collection do not constitute a fee or charge imposed for a service that is not actually used by or immediately available to the owner of the property in question; and

WHEREAS, the District Board finds that the proposed new rates for water, sewer, and solid waste collection do not constitute a fee or charge imposed by the District for any general governmental service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Malaga County Water District as follows:

Section 1. That the above findings and facts are true and correct.

Section 2. That the Board of Directors of the Malaga County Water District hereby adopts the proposed new water, sewer, and solid waste rates as detailed in Exhibit A to this Resolution.

Section 3. That the effective date of the new rates shall be implemented as detailed in Exhibit A attached to this Resolution.

\*\*\*\*\*

PASSED AND ADOPTED by the Board of Directors of the Malaga County Water District, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by the following vote:

AYES:  
NOES:  
ABSENT:

  
\_\_\_\_\_  
Charles Garabedian, President

ATTEST:

\_\_\_\_\_  
Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
District Counsel



(REVISED)  
SUMMARY ACTION MINUTES  
BOARD OF DIRECTORS MEETING  
MALAGA COUNTY WATER DISTRICT  
3580 SOUTH FRANK STREET  
FRESNO, CALIFORNIA 93725  
TUESDAY, MARCH 23, 2010, 7:00 PM

1. **CALL TO ORDER:**
2. **ROLL CALL:**
- 2A. **Directors Present:** President Charles Garabedian, Jr., Vice President Salvador Cerrillo, Director Irma Castaneda, Director Frank Cerrillo, Jr., & Director Frank Soto
- 2B. **Others Present:** Russ Holcomb, Neal Costanzo, Gloria Aleman, Jessica Aleman, Miguel Alvarez Sr., Amado Fernandez, Maria Fernandez, Maria Flores, Dolores Guillen, Maria Flores, Sally Medina, Joey Roman, Filiberto Romero, Nathan Rodriguez, Carlos Tovar, Roger Wilson, and Veronica Calderon
3. **CERTIFICATION:** Certification was made that the agenda was posted 72 hours before the meeting.
4. **COMMUNICATIONS:**
- 4A. **PUBLIC COMMUNICATIONS:** Any member of the public may address the Malaga County Water District Board on item(s) of interest within the jurisdiction of the Board, not appearing on the agenda. The Board will listen to all communications; however, in compliance with the Brown Act, the Board cannot take action on items that are not on the agenda. Public may also address the Board on agenda items at the time they are addressed by the Board. -Anyone wishing to speak is requested to wait until recognized by the Board President.  
**Public Speaker Limitations:** Public speakers will be limited to three (3) minutes or less per individual/group per item per meeting. Total time per topic (15) minutes max.
- 4A1. **General Manager:** Reported that Alex de los Santos and David Contreras passed away last week. Brief Discussion Followed.
- 4A2. **Joey Roman:** Asked who the owner was of the blocks for sale on Front Street. Brief Discussion Followed.
- 4A3. **Maria Fernandez:** Reported that water collects near her residence on Harding Ave. Also that there are a lot of loose dogs in the community. General Manager to follow up with Request. Brief Discussion Followed.
- 4A4. **Amado Fernandez:** Reported that water runs all day from some of the residences on his street. General Manager to follow up with Request. Brief Discussion Followed.
- 4A5. **Director Castaneda:** Suggested that the non English speaking residents call the District Office to report the loose dogs, and then the Office staff can call SPCA for them. General Manager to follow up with Request. Brief Discussion Followed.

4. **COMMUNICATIONS – CONTINUED:**

- 4B. **PUBLIC HEARING: PROPOSITION 218/RATE STUDY/RATE INCREASE:** Proposition 218/Rate Study/Rate Increase information will be presented by Alex Handlers of Bartle Wells & Associates. The Malaga County Water District will then receive comments regarding the District's intent to increase rates for Water Service from \$12.66 to \$13.93 per month, an increase of \$1.27 per month. Sewer Service from \$28.34 to \$32.59 per month, an increase of \$4.25 per month. Solid Waste Service from \$24.00 to \$24.24 per month, an increase of .24¢ per month. Total monthly utility bills would be increased from \$65.00 to \$70.76 per month. The rate increase is effective immediately upon Board approval of Resolution No. 03/23/2010A.  
(Recommended Action: Approve Resolution No. 03/23/2010A as Submitted or Modified)

**CSGCC MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED RESOLUTION NO 03/23/2010A, AS SUBMITTED**

5. **CORRESPONDENCE:**

- 5A. **US Census Bureau:** A fax from the US Census Bureau requesting the use of the Community Center for training purposes, April 20, 210 through April 29, 2010. Brief Discussion Followed.
- 5B. **Fresno County:** Letter from Jonathan Avedian of the Community Development Division of Fresno County, regarding Well # 8. Brief Discussion Followed.

6. **REGULAR BUSINESS:**

6A. **Minutes:**

Minutes of the Regular Board Meeting of March 09, 2010

(Recommended Action: Approve Meeting Minutes, as Submitted or Modified)

**CCGSCMOTION BY DIRECTOR CERRILLO, SECONDED BY VICE PRESIDENT CERRILLO, AND BY A 5-0 VOTE, APPROVED THE MINUTES OF THE REGULAR MEETING OF MARCH 09, 2010, AS SUBMITTED**

6B. **Bills Payable/Financial Statement:**

Bills Payable/Financial Statement for the period: 02/01/2010 – 02/28/2010

(Recommended Action: Approve the Final Bills Payable/Financial Statement for the period: 02/01/2010 – 02/28/2010, as Submitted or Modified)

**CSGCC MOTION BY VICE PRESIDENT CERRILLO, SECONDED BY DIRECTOR SOTO, AND BY A 5-0 VOTE, APPROVED THE BILLS PAYABLE/FINANCIAL STATEMENT FOR THE PERIOD OF 02/01/2010 – 02/28-2010, AS SUBMITTED**

- 6C. **California I-Bank: Water Enterprise System – Financing Application:** A resolution of the Malaga County Water District Board of Directors (Resolution No. 03/23/2010B) authorizing the submission of the application to the California Infrastructure Bank and Economic Development Bank for financing of the MCWD Well #8 Project. Declaration of official intent to reimburse certain expenditures from proceeds of obligation, and approving certain other matters in connection therewith:

(Recommended Action: Approve Resolution No. 03/23/2010B, as Submitted or Modified)

**SCGCC MOTION BY DIRECTOR SOTO, SECONDED BY DIRECTOR CERRILLO, AND BY A 5-0 VOTE, APPROVED RESOLUTION NO. 03/23/2010B, AS SUBMITTED**

6. **REGULAR BUSINESS – CONTINUED:**

6D. **California I-Bank: Sewer Enterprise System – Financing Application:** A resolution of the Malaga County Water District Board of Directors (Resolution No. 03/23/2010C) authorizing the submission of the application to the California Infrastructure Bank and Economic Development Bank for financing of the MCWD WWTP – DAF & UV Improvement Projects. Declaration of official intent to reimburse certain expenditures from proceeds of obligation, and approving certain other matters in connection therewith:

(Recommended Action: Approve Resolution No. 03/23/2010C, as Submitted or Modified)

SCGCC **MOTION BY DIRECTOR SOTO, SECONDED BY DIRECTOR CERRILLO, AND BY A 5-0 VOTE, APPROVED RESOLUTION NO. 03/23/2010C, AS SUBMITTED**

7. **ENGINEER'S REPORT:**

7A. **CDBG Projects:**

7A1. **WWTP Sludge Drying Bed & Monitoring:** The project has been submitted to the County for approval to advertise.

(Recommended Action: Informational – No Action Required)

7A2. **Test Well #8:** Test Well project construction is complete. Final paperwork associated with the Agreement with the county is in process. All documentation will be finalized the first week of April

Recommended Action: Informational – No Action Required)

7B. **Wastewater:**

7B1. As directed, the Draft Annual Pretreatment Report is submitted for authorization to submit to the RWQCB for approval Please note that it is recommended the District send appropriate letters to several significant dischargers identifying non-compliance and a specific schedule to attain compliance.

As directed, the Engineer is preparing information for submittal to the City of Fresno regarding alternatives for connection to the City sewer system. Additional pond alternative.

(Recommended Action: Board's Pleasure)

No Action taken on this Item at this time

7B2. **Wastewater Treatment Facilities UV project:** The UV disinfection project has placed the UV facilities into operation. The Contractor is finalizing punch list open items.

(Recommended Action: Informational – No Action Required)

8. **RECREATION REPORT(S):**

8A. **Events Coordinator's Report:**

8A1. **Center Activity – from: 03/10/10 – 03/23/10**

8A1a. **Computer Lab:** Monday – Thursday at 3:00 PM – 7:30 PM

8A1b. **Arts & Crafts:** Tuesdays & Thursdays at 4:00 PM – 6:00 PM

8A1c. **Adult Ceramics:** Wednesdays & Thursdays at 9:00 AM

8A1d. **Seniors Bingo:** Wednesdays at 10:00 AM

8A1e. **50's Dance:** Saturday 03/20/10 at 7:00 PM – 12:30 AM

8A1f. **Easter program:** Saturday 3/27/10 at 12 Noon – 2:00 PM

8A1g. **Center Rentals:** Friday: Set-Up; Saturday: Rental; Sunday: Clean-up

8A2. **Center Activity – from: 03/24/10 – 04/07/10**

8A2a. **Computer Lab:** Monday – Thursday at 3:00 PM – 7:30 PM

8A2b. **Arts & Crafts:** Tuesdays & Thursdays at 4:00 PM – 6:00 PM

8A2c. **Seniors Bingo:** Wednesdays at 10:00 AM

8A2d. **Recreation Committee Bingo & Dinner:** Wednesday, 04/07/10 at 5:00 PM

8A2e. **Adult Ceramics:** Wednesdays & Thursdays at 9:00 AM

8A2f. **Recreation Committee Meeting:** Wednesday: 04/30/10 at 5:30 PM

8A2g. **Center Rentals:** Friday: Set-Up; Saturday: Rental; Sunday: Clean-Up

8. **RECREATION REPORT(S) – CONTINUED:**

8B. **Youth Sports Coordinator’s Report:**

8B1. **Sports Activities – from: 03/09/10 – 03/22/10**

8B1a. **Baseball Practices:** Practices are Tuesdays and Thursdays T-Ball at 5:00 PM; 2<sup>nd</sup> and 3<sup>rd</sup> Grade at 5:00 PM; 4<sup>th</sup> and 6<sup>th</sup> Grade at 5:00 PM; 7<sup>th</sup> through 12<sup>th</sup> Grade at 6:00 PM. T-Ball Coaches: Elias Hernandez & Cecilia Cerrillo; 7<sup>th</sup> through 12<sup>th</sup> Coach: John Morelos; and, 2<sup>nd</sup> through 6<sup>th</sup> Grade Coach: Rosie Flores.

8B1b. **Bake Sale:** Sunday, 03/21/10 at 7:00 AM; Fundraiser for Baseball Shirts. This will be at Jus Joes Country Kitchen, 701 West Shaw Avenue Clovis, CA 93612. Owner has agreed to let us sell baked goods outside her restaurant. She did mention that bake sales do very well, as they do not have desserts on their menu.

8B1c. **Referees:** Coaches will be officiating games. Scorekeeping will done by either myself or a parent.

8B1d. **Games:** Date of the first games was changed to Friday, 04/02/10. Games will start at 6:00 PM. Change is due to the Children’s Easter Program being rescheduled to Saturday, 04/03/10.

8B1e. **Snow Trip:** The trip has been confirmed for Saturday, 03/20/10. We will depart at 6:00 AM and return at 6:00 PM. We have 15 people going and each has paid \$35.00 to participate - \$20 for the Sierra Summit ski package and \$15 for transportation. Next year Sierra Summit wants to hold an educational clinic at our park to share our experience at Sierra Summit with our community. A date will be set just prior to next year’s outing.

8B2. **Sports Activities – from: 03/23/10 – 04/12/10**

8B2a. **First Games:** Friday, 04/02/10, T-Ball Games start at 6:00 PM, Grades: 2<sup>nd</sup> thru 6<sup>th</sup> at 7:00 PM, and 7<sup>th</sup> and up at 8:00 PM

8B2b. **Practices:** Tuesdays & Thursdays 5:00 PM – 7:00 PM

8B2c. **Games:** All Games will be on Saturdays, with the exception of the first games, which will be on Friday, 4/02/10.

9. **GENERAL MANAGER’S REPORT:**

9A. **Water:**

9A1. **District Water Infrastructure Loan – Well #8 Update:** I-Bank Loan Application Status: Prop 218 Notification, Bartle Wells Final Rate Study, Resolution, etc. have been as completed. Loan Resolution needs to be approved. Final requirements will be sent after 03/23/2010 Board Meeting.

9A2. **Bartle Wells Final Rate Study:** The final Rate study Report will be presented at the Public Hearing at the 03/23/2010 Board meeting. Doug Dove will present Rate Study. Rate Study needs to be adopted.

9B. **Sewer:**

9B1. **District WWTP Infrastructure Loan – UV & DAF Update:** I-Bank Application Status: Prop 218 Notification, Bartle Wells Final Rate Study, Resolution, etc. have been as completed. Loan Resolution needs to be approved. Final requirements will be sent after 03/23/2010 Board Meeting.

9B2. **Bartle Wells Final Rate Study:** The final Rate study Report will be presented at the Public Hearing at the 03/23/2010 Board Meeting. Doug Dove will present Rate Study. Rate Study needs to be adopted.

9C. **Solid Waste:** Nothing New to Report

9D. **Other:**

**Budget Planning/Changes – Meetings:** Meeting on a regular basis with President Garabedian & Vice President Cerrillo regarding Budget Planning/Changes.

10. **PRESIDENT’S REPORT:**

Asked for a motion to move the April 13, 2010 Regular Board Meeting to April 08, 2010 to accommodate approving the Water Quality Report. Brief Discussion Followed.

SCGCC **MOTION BY DIRECTOR SOTO, SECONDED BY VICE PRESIDENT CERRILLO, AND BY A 5-0 VOTE, MOVED THE REGULAR BOARD MEETING OF APRIL 13, 2010 TO APRIL 08, 2010, AS REQUESTED**

- | 11. **DIRECTOR'S REPORT(S):**  
No Director's Report for this Meeting
- | 12. **LEGAL COUNSEL'S REPORT:**  
No Legal Counsel's Report for this Meeting
13. **CLOSED SESSION:**  
The Board went into Closed Session at 9:13 PM  
The Board returned from Closed Session at 10:20 PM  
President Garabedian announced that No Reportable Action was taken during Closed Session.
- | 14. **ADJOURNMENT:**  
Board Meeting Adjourned at 10:21 PM



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ORDINANCE NO. 01-13-2004

AN ORDINANCE RECODIFYING TITLE ONE  
OF THE MALAGA COUNTY WATER DISTRICT  
REVISED ORDINANCE CODE - 1992

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BE IT ORDAINED by the Board of Directors of the Malaga County Water District of the County of Fresno, State of California, as follows:

Section 1. ~~Title One - Sewer Use Ordinance of the Malaga County Water District~~ Revised Ordinance Code - 1992 (the "Code") is hereby recodified to read as set forth in Exhibit A attached hereto and by reference incorporated herein.

Section 2. Title Four - FEES, CHARGES, COSTS AND ENFORCEMENT is hereby added to the Malaga County Water District Revised Ordinance Code - 1992 to read as set forth in Exhibit B attached hereto and by reference incorporated herein.

Section 3. If any provision, paragraph, word, section, or article of this Sewer Use Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.

Section 4. All existing District ordinances or parts of ordinances modified, replaced, inconsistent or conflicting with any part of this Sewer Use Ordinance including, but not limited to, the previous Title One of the Code are hereby repealed to the extent of such inconsistency or conflict.

Section 5. Upon adoption, this Sewer Use Ordinance shall be entered in the minutes of the Board and shall be posted in three (3) public places within the District, at least one (1) week prior to the expiration of thirty (30) days from the date of its passage and adoption, there being no newspaper of general circulation printed and published in the District, and shall take effect and be in force immediately upon the expiration of thirty (30) days from the date of adoption.

\* \* \* \* \*

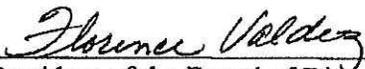
The foregoing Sewer Use Ordinance was introduced by Director Blancas, who moved its adoption, seconded by Director Landin, and adopted on roll call on January 13, 2004, by the following vote:

AYES: DIRECTORS: **Blancas, Landin, Cerrillo, Garabedian Jr., Valdez**

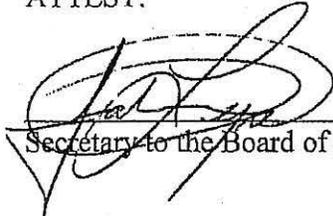
NOES: DIRECTORS: **None**

ABSTAIN: DIRECTORS: **None**

ABSENT: DIRECTORS: **None**

  
\_\_\_\_\_  
President of the Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary to the Board of Directors

**EXHIBIT A**

**TITLE ONE  
SEWER USE ORDINANCE**

**PART ONE: GENERAL PROVISIONS**

**CHAPTER 1**

**Section 1.1.01 Short Title.** This Ordinance may be cited as the Malaga County Water District Sewer Use Ordinance (herein "Sewer Use Ordinance") of the Revised Ordinance Code (1992) (herein the "Code").

**Section 1.1.02 Purpose and Policy.**

(A) To provide certain minimum standards, provisions and requirements for design, methods of construction and use of materials in sanitary sewer facilities hereinafter installed, altered or repaired. This Sewer Use Ordinance shall not 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.

(B) To set uniform requirements for discharges into the Wastewater collection, transport, and treatment system and enables the Malaga County Water District to meet its contractual obligations to comply with the administrative provisions of the Clean Water Grant regulations, the water quality requirements set by the Regional Water Quality Control Board of the State of California and the applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharge into those systems. This Sewer Use Ordinance provides for the establishment of a surveillance and enforcement procedure to control the discharge of certain Wastewater and the issuance of Non-residential Wastewater Discharge Permits to certain Users, as well as Permits for Users other than Non-residential. Revenues derived from said Non-residential Wastewater Discharge Permits required by this Ordinance shall be used to defray the District's cost of conducting the pretreatment program and Non-residential Wastewater Discharge Permit system.

The following documents were reviewed and used as source materials for complying with the federal and State laws, regulations and guidelines in the writing of this Ordinance:

- (1) Model Pretreatment Ordinance EPA 833-B-92-003 June 1992.
- (2) 40CFR Part 403 - General Pretreatment Regulations for Existing and New Sources of Pollution, July 1, 1991.

(3) U.S. Environmental Protection Agency; Guidance Manual for POTW Pretreatment Program Development, October 1983.

(4) U.S. Environmental Protection Agency; Guidance Manual on the Development and Implementation of Local Discharge Limitations Under the Pretreatment Program, December 1987.

**Section 1.1.03 Definitions.** Unless otherwise defined herein, terms used herein shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in the latest edition of Glossary -- Water and Wastewater Control Engineering, published by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by the Guidelines Establishing Test Procedures for the Analysis of Pollutants, found in 40 CFR 136. It is intended that these definitions supplement, expand and add to those provided in other District Ordinances, and in the event of conflict, these definitions shall be controlling in the interpretation of this Ordinance. To the extent not covered by the aforesaid sources and, as applicable, because they are not otherwise defined herein, additional terms shall have the meaning indicated in Chapter 1 of that certain plumbing code entitled "Western Plumbing Officials Uniform Plumbing Code," as revised and adopted by the Western Plumbing Officials Association from time to time, copies of which are on file with the District.

01 "**Act**" shall mean the "Federal Water Pollution Control Act Amendments" of 1972 (PL 92-500) and any amendments thereto including the "Clean Water Act of 1977, the Water Quality Act of 1987, as well as any guidelines, limitations, and standards promulgated by the U.S. Environmental Protection Agency pursuant to the Act.

02 "**Applicant**" shall mean the Person making application for a Permit, including Non-residential and all other Users, and shall be the owner of Premises to be served by the Sewer for which a Permit is requested or owner's authorized agent.

03 "**Beneficial Uses**" shall mean Uses of the water of the State that may be protected against quality degradation including, but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible or intangible as specified by federal or State law.

04 "**Best Available Technology Economically Achievable (BAT or BATEA)**" shall mean, subject to economic and engineering feasibility limitations, incorporation of the top-of-the-line current technology, with a capacity up to and including no discharge of pollutants. Considerations include the age of the equipment and facilities involved; the process used; the engineering aspects of applying various types of control techniques; process changes; the cost of achieving the effluent

reduction resulting from applying the technology; and non-water quality environmental impacts, such as energy use.

05 **"Best Conventional Pollutant Control Technology (BCT)"** shall mean measures and practices for point sources of convenient pollutants, determined with consideration of the reasonableness attainment costs versus effluent reduction benefits, the age of equipment and facilities involved, and energy impacts.

06 **"Best Management Practices (BMPs)"** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce water pollution. The term also includes treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

07 **"Best Practicable Technology (BPT or BPCTA)"** shall mean technology based on the average of the best existing performance levels achieved by exemplary plants of various sizes, ages, and unit processes within an industry.

08 **"Biochemical Oxygen Demand (BOD)"** shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees C, expressed in terms of concentration (milligrams per liter).

09 **"Blowdown"** shall mean the minimum discharge of recirculating water to discharge materials contained in the process, when the further buildup would cause concentrations or amounts to exceed limits established by best engineering practice.

10 **"Board"** shall mean the Board of Directors of the District.

11 **"Building"** shall mean any structure used for human habitation for a place of business, recreation or other purpose containing Sanitary Facilities.

12 **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from drainage piping inside the walls of a Building and which conveys liquid wastes to the Building Sewer intersecting at a point two feet from the Building foundation.

13 **"Building Sewer"** shall mean that portion of any Sewer beginning at the plumbing or drainage outlet of any Building and running to the property line or to a Private Sewer.

14 **"City or Cities"** shall mean any municipal corporation organized under the laws of the State of California whether as a general law city or a charter city, as applicable.

15 **"Combined Sewer"** shall mean a Sewer receiving both surface runoff and Sewage.

16 **"Commercial Establishments"** shall mean any building used for conducting private or public wholesale or retail transactions involving the exchange of services, commodities or financial business. Such facilities normally produce domestic Wastes, but may also contain Industrial Wastes.

17 **"Community Sewer"** shall mean a Sewer owned, operated and/or maintained by the District, a city, or other public agency tributary to the treatment facility operated by the District.

18 **"Compatible Pollutant"** shall mean BOD, suspended solids, pH (within the range of 6.0 - 9.0) and fecal coliform bacteria, and such additional pollutants as are now or may be in the future specified and controlled in this District's California Regional Water Quality Control Board waste discharge permit for its wastewater facilities where said facilities have been designed and used to reduce or remove such pollutants.

19 **"Condominium"** shall mean residence sited in multiple residence unit buildings but usually owned by different individuals. Common areas of the subdivision are owned jointly by all unit owners.

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

21 **"Contractor"** shall mean any contractor licensed by the State of California to enter into contracts for and to perform the work of installing, repairing, replacing or relocating Sewers under District jurisdiction, or the Owner of private property doing Owners own residential Sewer work on Owners private property only.

22 **"Controlled Substance"** shall mean any substance which is a toxic substance or an incompatible pollutant or which may cause pollution or which may interfere with or pass through the POTW, or which is regulated by this Ordinance or a Non-residential Wastewater Discharge Permit.

23 **"Cooling Water"** shall mean the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

24 **"County"** shall mean the County of Fresno, California.

25 **"Critical User"** shall mean User who is required to obtain a Permit as defined in Section \_\_\_\_\_.

26 **"Discharge"** shall mean to pump, to place, to deposit, to permit, or to cause to flow or to be transported by a flow.

27 "**District**" shall mean the Malaga County Water District of the County of Fresno, State of California.

28 "**District's Counsel**" shall mean an attorney appointed by the Governing Board to represent the District.

29 "**District Engineer or Engineer**" shall mean the Engineer appointed by and acting for the Board and shall be a Registered Professional of the State of California.

30 "**District Inspector**" shall mean the Inspector acting for the Board and may be a Member of the Board, the District Engineer or an Inspector appointed by the Board.

31 "**Domestic Wastes**" shall mean liquid wastes (a) from the noncommercial preparation, cooking, and handling of food; or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.

32 "**Equivalent SFR Unit**" shall mean any discharge of wastewaters, expressed in fractions or multiples of the prevailing quantities of daily emissions of gallonage, pounds of BOD and pounds of SS for the average single family residence (SFR) as stated in the currently effective Amendment to Ordinance No. 10-24-78 "An Ordinance Providing For the Establishment of Sewer Service Charges."

33 "**Existing Source**" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, and which is not a New Source, as defined herein.

34 "**Garbage**" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sales of food.

35 "**Governing Board or Board**" shall mean the five-person Board of Directors constituted under the County Water District Act (Water Code Sections 30000 et seq.) empowered as a group acting in public meetings to legislate in all matters related to the District's jurisdiction as established by the laws of the State of California.

36 "**Hazardous Substance**" shall mean any substance which is imminently hazardous to District personnel, the public, or the environment; and includes but is not necessarily limited to: (A) any substance designated pursuant to section 311(D)(2)(A) of the Federal Water Pollution Control Act, (B) any element, compound, mixture, solution or substance designated pursuant to section 102 of the Comprehensive Environmental Response, Compensation and Liability Act, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (D) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act, and (F) any imminently hazardous chemical substance or

mixture with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act.

37 **"Holding Tank Waste"** shall mean any waste from holding tanks such as vessels, chemical toilets, industrial process detention tanks, and brine tanks and grease/sand interceptors.

38 **"House Sewer"** shall mean any Sewer or Building Drain beginning at the plumbing or drainage outlets of any buildings and running to the property line.

39 **"Incompatible Pollutant"** shall mean any pollutant which is not a "compatible pollutant" as defined in this section or which may interfere with or pass through the wastewater facilities or which may cause abnormal increase in the operation costs of the wastewater facilities.

40 **"Industrial Establishment (or Industrial User)"** shall mean any building that discharges industrial wastewater or wastewater containing any of the constituents referenced in Chapter I of Title Three of this Ordinance.

41 **"Industrial Wastewater"** shall mean the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments, as distinct from Domestic Wastes. This includes Wastewater from a source other than an industrial plant or facility which introduces Hazardous Substances into Publicly Owned Treatment Works, including, without limitation: medical offices; dental offices; hospitals; schools; research, educational and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial, and public uses of pesticides and fertilizers; gas stations; and septage collection and disposal.

42 **"Infectious Waste"** shall mean wastes which contain pathogenic organisms.

43 **"Institutional Facilities"** shall mean any publicly or privately-owned school, publicly-owned building from which federal, State, County, City or Special District activities are conducted or offered for public use. Such facilities shall include, but is not limited to, schools, hospitals, jails, libraries, offices, equipment yards and maintenance buildings, laboratories, parks, rubbish stations, detention homes and fire stations.

44 **"Interference"** shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both, (a) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (b) therefore causes either a violation of the District's waste discharge requirements (including and increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with applicable federal, State, or local statutory provisions and regulations or permits issued thereunder.

An Industrial User significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with above-cited authorities whenever such User:

- (1) discharges a daily pollutant loading in excess of that allowed by regulation of or contract with the POTW or by Federal, State or Local law;
- (2) discharges wastewater which substantially differs in nature or constituents from the User's average discharge; or
- (3) its discharge, alone or in conjunction with discharges from other sources, will result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

Any holder of a permit is deemed to have actual and/or constructive knowledge of the District's ordinances, resolutions, rules and regulations regarding discharge and treatment of wastewater, whether by a POTW or private treatment or pretreatment facility.

45 "**Lateral Sewer**" shall mean that portion of the Building Drain within a public street, which, with the House Sewer, comprises the Side Sewer.

46 "**Main Sewer**" shall mean a Public Sewer designed to accommodate more than one Lateral Sewer.

47 "**Manager**" shall mean the General Manager of the District or the Manager's designated representative(s) acting within the scope of the policy directives of the Governing Board of the District.

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

49 "**Mobile Home**" shall mean a residence on wheels or a County or State approved "permanent foundation" which requires a special permit to be moved and usually, but not always, sited in a park or development exclusively zoned for such residences. Frequently, the spaces are rented from the owner-operator of such developments which can offer community facilities such as a recreation building, swimming pools, sauna, etc. Mobile Homes are those mobile residences with 400 square feet or more of floor space.

50 "**Multiple Family Dwellings**" shall mean buildings such as duplexes, triplexes, apartments, etc., under a single owner, usually occupied by renters.

51 "**Natural Outlet**" shall mean a channel, pond, ditch, lake or other body of surface or ground water.

52 "**New Source**" shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such

source if such Standards are thereafter promulgated in accordance with that section, subject to certain conditions specified in 40CFR 403.3(k).

53 "Non-Residential" shall mean all uses other than as defined for Residential.

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

55 "Ordinance Code" shall mean the Ordinance Code of the Malaga County Water District adopted \_\_\_\_\_, 2003.

56 "Outside Sewer" shall mean a private sewer beyond the limits of the District, not subject to the control or jurisdiction of the District.

57 "Pass Through" shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's waste discharge requirements (including an increase in the magnitude or duration of a violation).

58 "Pathogenic Organisms" shall mean bacteria, protozoa, viruses, or other life forms which may cause disease.

59 "Permit" shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of any Sewer Facilities connected to the Sewerage System.

60 "Permittee" shall mean the Person to whom the Permit was issued.

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

62 "P.C.B." shall mean polychlorinated biphenols, a group of synthetic organic compounds.

63 "PH" shall mean a measure of the hydrogen-ion concentration in a solution, expressed as the logarithm (base ten) of the reciprocal of the hydrogen-ion concentration in gram moles per liter.

64 "Plumbing System" shall mean the distributing pipes for the water supply; the fixtures and fixture traps; the soil, waste, and vent pipes; the Building Drain and Building Sewer; and the storm

water drainage pipes; with their devices, appurtenances, and connections within and adjacent to the Building.

65 **"Pollution" or "Pollutants"** shall mean an alteration of the quality of the waters of the State by Waste to a degree which adversely affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination. Pollutants constitute the elements causing the adverse effect.

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

67 **"Pretreatment"** shall mean application of physical, chemical, or biological processes to reduce the amount of pollutants in or alter the nature of the pollutant properties in a Wastewater prior to discharging such wastewater into the wastewater facilities.

68 **"Pretreatment Requirement"** shall mean any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a user.

69 **"Pretreatment Standard (or National Pretreatment Standard)"** shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40CFR 403.5.

70 **"Private Sewer"** shall mean a Sewer which has an independent sewage disposal system not connected with a Public Sewer and which accommodates one or more Premises.

71 **"Publicly Owned Treatment Works (POTW)" or "Sewage Treatment Plant"** shall mean a treatment works as defined by section 212 of the Federal Water Pollution Control Act, which is owned by a State or municipality (as defined by section 502(4) of the Federal Water Pollution Control Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey Wastewater to a POTW treatment plant. POTW shall also mean the Sewerage System of the District.

72 **"Public Sewer"** shall mean a Sewer in a public right-of-way or easement owned, permitted or controlled by the District or any other POTW, if applicable, or any Sewer constructed by the District.

73 **"Residence, Residential or Residential Unit"** shall mean a Building for occupancy by one or more persons as a permanent or temporary habitat. Normally used to refer to and known as a Single Family Residence (SFR), physically separate from any other Building, or the equivalent thereof in a Multiple Family Dwelling or other Building.

74 "**Sanitary Facilities**" means such facilities, devices and systems within a Building used for or useful in collection and discharge of Sanitary Wastewater into the Wastewater Facilities or Private Sewer, as applicable.

75 "**Sanitary Wastewater**" shall mean (1) Domestic Wastes with storm and surface water excluded; (2) Wastewater discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, industrial plants, or institutions; and (3) the water supply of a community after it has been used and discharged into a Sewer.

76 "**Secretary**" shall mean that person appointed by the Board to serve as Secretary of the District.

77 "**Sewage**" shall mean a combination of water-carried wastes from buildings connected to the Sewerage System of District or to any Private Sewer.

78 "**Sewer**" shall mean a pipe or conduit for transporting Wastewater.

79 "**Sewerage System**" shall mean the collection, transport, pumping, treatment, and disposal facilities owned, operated, or maintained by the District.

80 "**Side Sewer**" shall mean the part of the horizontal piping beginning at the foundation wall of any Building and terminating in the Sewerage System or Private Sewer and include the Building Sewer and Lateral Sewer.

81 "**Significant Industrial User (SIU)**" shall mean (a) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (b) any other industrial user that, discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Manager on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

82 "**Significant Violation (or Significant Non-Compliance)**" shall mean:

(A) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6)-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(B) Technical Review Criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6)-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by

the applicable TRC (TRC - 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Manager determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(D) Any discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40CFR403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

(E) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Permit or Administrative Order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90)-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report such noncompliance;

(H) Any other violation or group of violations which the Manager determines will adversely affect the operation or implementation of the District's pretreatment program.

83 "Single-Family Dwelling/Single-Family Residence/SFR" shall mean premises designed, improved or used as a residence for one family only and for no other purpose, with sanitary and kitchen facilities.

84 "Special District" shall mean a local agency as defined in Section 54725 of the Government Code of the State of California.

85 "Standard Industrial Classification (SIC)" shall mean the compilation of industries and their discharges of pollutants, which is printed by the U.S. Office of Management and Budget in its Standard Industrial Classification Manual.

86 "Storm Water" shall mean any flow occurring during or immediately following any form of natural precipitation and resulting therefrom whether discharged or otherwise entering the Sewerage System or not.

87 "Street" shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way.

88 "**Suspended Solids (SS)**" shall mean the total suspended matter that floats on the surface of, is suspended in, or settles from wastewater, or other liquids, and which is removable by laboratory filtering.

89 "**Total Toxic Organics**" shall mean the sum of all quantifiable values greater than 0.01 mg/L for all toxic organics covered by the electroplating point source category and the metal finishing point source category.

90 "**Trailer**" shall mean mobile residence normally set up in a park constructed to provide utility hookups for such dwellings. Trailers are limited to 35 feet in length by the California Motor Vehicle Code and may be towed on the public highway without a special permit. Such residences have less than 400 square feet of floor space.

91 "**Toxic Substances**" shall mean any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307 (a) of the Act, and the "Toxic Substances Control Act" (P.L. 94-469), and chemical elements or compounds, phenols or other taste or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the treatment system.

92 "**Unpolluted Water**" shall mean water not containing any pollutants limited or prohibited by applicable regulations, standards, or limitations and whose discharge will not cause any violation of receiving water quality standards.

93 "**User**" shall mean any Person who discharges, causes, or permits the discharge of Wastewater into the District's Wastewater Facilities.

94 "**User Classification**" shall mean a classification of user based on the 1972 (or subsequent) edition of the Standard Industrial Classification (SIC) Manual prepared by the Office of Management and Budget.

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

96 "**Wastewater**" shall mean Waste and water, whether treated or untreated, discharged into or permitted to enter a Community Sewer.

97 "**Wastewater Constituents and Characteristics**" shall mean the individual chemical, physical, biological and radiological parameters, including volume and flow rate and such other parameters that define, classify, or measure the contents, quality, quantity, or strength of Wastewater.

98 **"Wastewater Facilities"** shall mean any devices, facilities, structures, equipment, or works owned, operated or maintained by the District for the purpose of the collection, transmission, storage, treatment, recycling, reclamation and disposal of industrial and domestic waste, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including, but not limited to, intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment, and their appurtenances: extension, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

99 **"Watercourse"** shall mean a channel in which a flow of water occurs either continuously or intermittently.

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

**Section 1.1.04 Additional Definitions.** For the purpose of this Sewer Use Ordinance, additional terms shall have the meaning indicated in Chapter 1 of that certain plumbing code entitled "Western Plumbing Officials Uniform Code," as revised and adopted by the Western Plumbing Officials Association from time to time. A copy of the current edition is on file with the District.

**Section 1.1.05 Interpretation.**

(A) - Unless the context otherwise indicates, words expressed in the singular shall include the plural and vice versa and the use of the neuter, masculine or feminine gender is for convenience only and shall be deemed to include the neuter, masculine or feminine gender, as appropriate.

(B) Headings of articles and sections herein and the table of contents hereof are solely for convenience of reference, do not constitute a part hereof and shall not affect the meaning, construction or effect hereof.

(C) All references herein to "Article," "Section," "Paragraph" and other subdivisions are to the corresponding Article, Section, Paragraph or subdivision of this Ordinance unless otherwise indicated; the words "herein," "hereof," "hereby," "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Article, Section or subdivision hereof.

**Section 1.1.06 Violation Unlawful.** Following the effective date of this Sewer Use Ordinance, it shall be unlawful for any person to connect to, construct, install or provide, maintain and use any other means of Sewage disposal from any building in said District except by connection to a Public Sewer in the manner as in this Sewer Use Ordinance provided.

**Section 1.1.07 Relief on Application.** When any person by reason of special circumstances, is of the opinion that any provision of this Sewer Use Ordinance is unjust or inequitable as applied to Owner's Premises, Owner 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 Owner's Premises.

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

**Section 1.1.08 Relief on Own Motion.** The Board may on its own motion find that by reason of special circumstances any provision of this regulation and Sewer Use Ordinance should be suspended or modified as applied to a particular Premise and may, by resolution, order such suspension or modification for such Premises during the period of such special circumstances, or any part thereof.

**Section 1.1.09 Permits and Fees.** No Public Sewer , Side Sewer, or other Sanitary Facilities 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 connection with the requirements of this Sewer Use Ordinance.

**Section 1.1.10 Governmental or Public Premises.** The provisions of this Sewer Use Ordinance shall apply to governmental or public premises as well as to premises which are not governmental or public premises. As used herein, the terms "governmental" or "public premises" means and includes premises which are owned, controlled or used by (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, county, town or city and county or any of their departments or agencies, (4) any school district, and (5) any other governmental or public entity.

This section is merely explanatory and declaratory of the existing provisions of this Sewer Use Ordinance.

## CHAPTER 2

### USE OF PUBLIC SEWER REQUIRED

**Section 1.2.01 Disposal of Waste.** It shall be unlawful for any person to place, deposit, or permit to be deposited upon property within the District, any human or animal excrement, garbage, or other objectionable Waste which in the opinion of the Board results in a hazard to public health or safety.

**Section 1.2.02 Treatment of Waste Required.** It shall be unlawful to discharge to any stream or Watercourse any Sewage, Industrial Wastewater, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Sewer Use Ordinance.

**Section 1.2.03 Unlawful Disposal.** Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of Sewage.

**Section 1.2.04 Occupancy Prohibited.** No Building, Industrial Establishment or other structure shall be occupied until the Owner of the Premises has complied with all rules and regulations of the District.

**Section 1.2.05 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 or within 200 feet thereof is hereby required at Owner's expense to connect said Building directly with the proper Public Sewer in accordance with the provisions of this Sewer Use Ordinance, within ninety (90) days after date of official notice to do so, when such connection is deemed necessary by the District.

**Section 1.2.06 Separate Sewer.**

(A) No two adjacent lots fronting on the same street shall be permitted to join in the use of the same side sewer.

(B) Except as hereinafter provided, every Residential structure, commercial Building or Industrial Establishment must be separately connected with a Public Sewer if such Public Sewer exists within 200 feet of the closest point of the property and will be installed in the Street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board where conditions are determined to meet criteria as for a variance under the zoning ordinances of the County of Fresno.

(C) Any Owner violating this Section shall be served by the District or other authorized person with written notice of the violation as set forth in Section 3.1.07 of this Sewer Use Ordinance. The Owner shall, within the period of time stated in such notice, permanently cease all violations, or enter into an agreement with the District to remedy the violations. The Owner shall pay all administrative costs the District incurs in entering into the agreement, reviewing the plans, and inspecting the work required to cease all violations. Administrative costs include, but are not limited to, staff time, engineering services and attorney fees. Any charges not paid within sixty (60) days of being levied under this Section shall be a lien on the property pursuant to Health and Safety Code section 5473.11. Nothing in this Section shall relieve the Owner of paying all charges and fees required by the District for such connection.

## PART TWO: BASIC WASTEWATER REGULATIONS

### CHAPTER 1

#### PRIVATE SEWAGE DISPOSAL

**Section 2.1.01 Sewer Not Available.** Where a Public Sewer is not available under the provisions of Section 1.2.05, the Building Sewer shall be connected to a Private Sewer complying with the rules, regulations and ordinance of the District.

**Section 2.1.02 Permit Required.** Before commencement of construction of a Private Sewer, the Owner shall first obtain a Permit signed on behalf of the District. The application for such Permit shall be made on a form furnished by the District, which the Applicant shall supplement by any plans, specifications and other information as are deemed necessary by the District. A Permit and inspection fee shall be paid to the District at the time application is filled in accordance with the provisions of this Sewer Use Ordinance.

**Section 2.1.03 Inspection Required.** A Permit for a Private Sewer shall not become effective until the installation is completed to the satisfaction of the District. The District shall be allowed to inspect the work at any stage of construction and in any event, the Applicant for the Permit shall notify the District when the work is ready for final inspection, and before any underground portions are covered. The notification shall be made at least forty-eight (48) hours, Saturdays, Sundays and Holidays excluded, of the time the Contractor or owner expects the work to be completed and ready for inspection.

**Section 2.1.04 Design Requirements.** The type, capacities, location and layout of a Private Sewer shall comply with all recommendations of the Department of Public Health of the State of California. No Permit shall be issued for any Private Sewer employing subsurface soil absorption facilities where the area of the lot is determined to be inadequate by the Board of the District. No septic tank or cesspool shall be permitted to discharge to any Public Sewer or any Watercourse.

**Section 2.1.05 Abandonment of Facilities.** At such time as a Public Sewer becomes available to a property serviced by a Private Sewer as provided in Section 1.2.05 hereof, a direct connection shall be made to the Public Sewer in compliance with this Sewer Use Ordinance and the rules and regulations of the District, and any septic tanks, cesspools, and similar Private Sewer shall be abandoned and filled with suitable material as determined by the District.

**Section 2.1.06 Cost of Maintenance by Owner.** The Owner shall operate and maintain the Private Sewer in a sanitary manner at all times, at no expense to the District.

**Section 2.1.07 Additional Requirements.** No statement contained in this Chapter 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 or the County.

## CHAPTER 2

### BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

**Section 2.2.01 Lateral Sewers.** Will be installed at the locations desired by the Applicant by the District provided the location is reasonable. Installations will be made only to property abutting on Public Streets or abutting on such Sewer as may be constructed in alleys or easements, at the convenience of the District. Lateral Sewers installed in new subdivisions prior to the construction of Streets or in advance of Street improvements must be accepted by the Applicant in the installed location.

**Section 2.2.02 Cost of Lateral Sewer.** A sum of money as determined by the Manager shall be deposited with the District prior to installation of the Lateral Sewer. The deposit is for the actual cost of the installation plus ten percent (10%). If the cost is greater than the deposit, the Applicant will be billed for the balance. If the cost is less than the deposit, the balance will be refunded.

**Section 2.2.03 Permit Required.** In accordance with this Sewer Use Ordinance, no Person shall construct a Building Sewer, Lateral Sewer or make a connection with any Public Sewer without first obtaining a Permit from the District and paying all fees and connection charges as required by District ordinances and resolutions.

**Section 2.2.04 Construction Requirements.** Construction of Building Sewers and Lateral Sewers shall be in accordance with the requirements of the County of Fresno and the requirements of the District. In case of conflict, the more stringent shall apply.

**Section 2.2.05 Minimum Size and Slope.** The minimum size of a Building Sewer shall be four inches (4") in diameter. A Building Sewer serving a duplex or multiple dwelling shall be not less than six inches (6") in diameter. When more than one Building Sewer shall 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 inches (6") in diameter. All other requirements as to size and slope of Sewer shall be in accordance with the rules, regulations and ordinances of the District.

**Section 2.2.06 Separate Sewer.** No two adjacent lots fronting on the same Street shall be permitted to join in the use of the same Side Sewer. Every Building or Industrial Establishment must be separately connected with a Public Sewer if such Public Sewer exists in the Street upon which the property abuts or in an easement which will serve such property. Exceptions may be made by approval of the Board in writing. Exceptions are temporary in nature and issued in the sole discretion and determination of the Board. Exceptions may be terminated on ninety (90) days notice in writing from the District.

**Section 2.2.07 Old Building Sewers.** Old Building Sewers may be used in connection with reconstruction only when they are found, upon examination and test by the District, to meet all requirements of the District.

**Section 2.2.08 Cleanouts.** Cleanouts in Building Sewers shall be provided in accordance with the rules, regulations and ordinances of the District.

**Section 2.2.09 Sewer Too Low.** In all Buildings in which any Building Sewer is too low to permit gravity flow to the Public Sewer, sanitary Wastewater carried by such Building Sewer shall be lifted by artificial means, approved by the District and approved by the Board, and discharged to the Public Sewer at the expense of the Owner.

**Section 2.2.10 Connection to Public Sewer.** The connection of the Lateral Sewer into the Public Sewer shall be made at the lateral or "Y" branch, if such lateral or "Y" branch is available at a suitable location. Where no properly located "Y" branch is available, a neat hole may be cut into the Public Sewer to receive the Lateral Sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°). A wye saddle shall be used for the connection and in no case shall the pipe protrude inside the main Sewer. The invert of the Lateral Sewer at the point of connection shall be made and the connection made secure and watertight. The connection to the Public Sewer shall be made in the presence of the inspector for the District and under the supervision and direction and in accordance with the rules, regulations and ordinances of the District. Any damage to the Public Sewer shall be repaired at the cost of the Applicant to the satisfaction of the District.

**Section 2.2.11 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. 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 County or any other person having jurisdiction thereover.

**Section 2.2.12 Maintenance of a Side Sewer.** Side Sewers shall be maintained by the property owner from the building to the property line.

**Section 2.2.13 Testing.** All Building Sewers and Lateral Sewers shall be tested in the presence of the inspector for the District by filling the line with water and inspecting for leakage. Fittings, plugs, water and labor for testing shall be furnished by the person constructing the Sewer. All lines showing leakage shall be repaired or replaced at the expense of the person doing the work and shall be done at the direction and to the satisfaction of the inspector for the District.

**Section 2.2.14 Application, Contents.** In the application for a Permit to construct a Lateral Sewer, or make a connection to any Sewer, the Owner of the property or Owner's representative shall describe, and shall show by a plat or diagram, the work proposed to be done, the exact location of the Lateral Sewer and the connection to the main Sewer, and shall state the day upon which the proposed work will be commenced.

**Section 2.2.15 Permit, Departure.** When approved by the issuance of the Permit, such location shall not be departed from without written permission of the Board or its authorized representative.

**Section 2.2.16 Joints.** Joint material used shall be as specified in the construction requirements or as approved by the inspector for the District.

**Section 2.2.17 Maintenance of Lateral Sewer.** Lateral Sewers shall be maintained by the District, subject to compliance with Section 2.1.06. If extreme negligence by Owner is indicated, repairs shall be at the expense of the Owner.

### CHAPTER 3

#### PUBLIC SEWER CONSTRUCTION

**Section 2.3.01 Permit Required.** In accordance with Chapter 5 of Part Two of this Ordinance, no person shall construct, extend or connect to any Public Sewer without first obtaining a Permit from the District and paying all fees and connection charges and furnishing bonds as required. The provisions of the section requiring Permits shall not be construed to apply to Contractors constructing Sewer and appurtenances under contract awarded and entered into by the District.

**Section 2.3.02 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 submitted to the District at least twenty (20) days prior to a regular meeting of the Board. The District may require them to be modified as it deems necessary for proper installation. 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 the payment of all connection charges, fees and furnishing bonds as required by the District. The Permit shall prescribe such terms and conditions as the Board finds necessary in the public interest.

**Section 2.3.03 Subdivisions.** The requirements of Sections 2.3.01 and 2.3.02 of this Ordinance shall be fully complied with before any final subdivision map consent by County shall be approved by the Board. The final subdivision map shall provide for dedication for public use of all Streets, easements or rights of way in which Public Sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing Sewers to serve the tract is not completed within the time allowed in the Permit, the Board may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

**Section 2.3.04 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 Board a proper easement or grant of right of way having a minimum width of ten (10) feet sufficient in law to allow the laying and maintenance of such extension or connection.

**Section 2.3.05 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.

**Section 2.3.06 Grade Stakes.** Grade and line stakes shall be set by a Registered Civil Engineer prior to the start of work on any Public Sewer construction. The Contractor shall be responsible for accurately transferring grades to grade bars and sewer invert.

**Section 2.3.07 Compliance With Local Regulations.** Any person constructing a Sewer within a Street shall comply with all State or County laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, lighting and protecting 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.

**Section 2.3.08 Protection of Excavation.** The Applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a Sewer is under construction and of each dangerous condition to be encountered as a result thereof. He 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.

**Section 2.3.09 Design and Construction Standards.** Minimum standards for the design and construction of Sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, regulations and 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. Said SPECIFICATIONS FOR SEWER CONSTRUCTION shall be and they are hereby approved and adopted. "As-built" drawings showing the actual location of all mains, structures, "y's," laterals and cleanouts shall be filed with the District before final acceptance of the work.

**Section 2.3.10 Completion of Sewer Required.** Before any acceptance of any Sewer by the District and prior to the admission of any Wastewater into the system, the Sewer shall be tested and shall be complete in full compliance with all requirements of the SPECIFICATIONS FOR SEWER CONSTRUCTION and to the satisfaction of the District Engineer.

#### CHAPTER 4

## USE OF PUBLIC SEWERS

**Section 2.4.01 Introduction.** This chapter is applicable to areas within the boundaries of the Malaga County Water District and to all other areas and entities which by contract are bound to comply with the ordinances, resolutions, rules and regulations of the District.

**Section 2.4.02 Prohibitions on Wastewater Discharges.** No Person shall discharge or deposit or cause or allow to be discharged or deposited into the Wastewater Facilities any Wastewater which may cause interference or pass through or which contains the following:

(A) **Oils and Grease.**

- (1) Oil and grease concentrations or mass emission rates in violation of applicable federal pretreatment standards.
- (2) Wax, grease or oil of animal, vegetable, mineral or petroleum origin (including emulsified forms) in any concentration or quantity which may cause or significantly contribute to flow obstruction, pass through or interference, or otherwise be incompatible with the Wastewater Facilities.
- (3) Oil and grease limitations are established at 100 mg/l.

(B) **Explosive Mixtures.** 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 Wastewater Facilities or to the operation of such Wastewater Facilities. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes and any other liquids having a closed-cup flashpoint of less than 140 F, peroxides, chlorates, perchlorates, bromates, carbides, formaldehyde, hydrides, and sulfides.

At no time shall the reading on a combustible gas meter at the point of discharge, or at any point in the Wastewater Facilities exceed five percent (5%) of the lower explosive limit (LEL) of the meter.

(C) **Noxious Material.** Noxious or malodorous solids, liquids or bases, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, may cause acute worker health and safety problems, or are or may be sufficient to prevent entry into a Sewer for its maintenance and repair.

(D) **Improperly Shredded Garbage.** Garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public sewers, with no particle greater than three eights (3/8) inch in any dimension.

(E) Radioactive Wastes. Radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which will or may cause damage or hazards to the Wastewater Facilities or personnel operating the Wastewater Facilities.

(F) Solid or Viscous Waste. Solid or viscous Waste which will or may cause obstruction to the flow in a Sewer, or otherwise interfere with the proper operation of the Wastewater Facilities. Prohibited materials include, but are not limited to, any incompatible pollutant greater than 3/8 inch in any dimension, grease, uncomminuted garbage, animal guts or tissues, paunch manure, bones, hair, hies or flashings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, polishing compounds, resin beads, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(G) Excessive Discharge Rate (Slug Loads).

(1) Hydraulic: that rate of flow which shall result from the averaging of the flow rates over a period of fifteen (15) consecutive minutes and which shall be greater than five (5) times the twenty-four (24) hour total volume expressed in million gallons per day (MGD), of a monthly flow volume greater than that specified by connection permit shall be considered excessive.

(2) Loadings: those concentrations of Pollutants such as toxics, grease and oil, and other constituents, which in a grab sample are greater by a factor of five (5) than the average 24-hour concentration allowed in the Non-residential Permit or a mass emission greater than that specified by connection permit shall be considered excessive.

(3) B.O.D. and S.S.: those concentrations of Biochemical Oxygen Demand and Suspended Solids which, in a composite sample taken at intervals of fifteen (15) minutes over a period of four (4) hours, are greater by a factor of five (5) than the average 24-hour concentration allowed in the Non-residential Permit or a mass emission greater than that specified by Non-residential Permit shall be considered excessive.

(4) Any Pollutants, including oxygen demanding Pollutants (B.O.D., etc.) released in a discharge at a flow rate and/or concentration which may cause interference or pass through.

(H) Toxic or Hazardous Substances.

(1) Any Toxic or Hazardous Substance in a manner or quantity which is in violation of any federal, State or district regulation, standard or limitation;

(2) Any Hazardous Substance by truck, by rail, or by dedicated pipeline;

(3) Any chemical element or compound, including taste or odor producing substances, which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the Wastewater Facilities.

(I) Unpolluted Waters. Any unpolluted water including, but not limited to, water from cooling systems or of Storm Water origin, which will increase the hydraulic load on the Wastewater Facilities.

(J) Discolored Materials. Wastes with objectionable color not removable by the treatment process. Such color shall be objectionable if it causes the plant effluent to fail to meet State or EPA standards for turbidity or light transmittance, or if it causes pollution to Waters of the State.

(K) Corrosive Wastes. Any Waste which will cause corrosion or deterioration detrimental to the design life expectancy of the Wastewater Facilities. All Wastes discharged to the Public Sewer must have a pH value in the range of six (6.0) to nine (9.0) standard units. Materials which may be prohibited under this Section include, but are not limited to, acids, caustic, sulfides, concentrated chloride and flouride compounds, and substances which will react with water to form acidic products.

(L) Interference With Reclamation or Reuse. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances in the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

(M) Nuisance. Any Waste which will cause, threaten to cause, or is capable of causing either alone or by interaction with other substances a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to the District or to any public agency having regulatory jurisdiction over the District.

(N) Incompatible Pollutants. Any Waste which is not a "compatible pollutant" as defined in this Sewer Use Ordinance or which may interfere with or may pass through the Sewerage System or which may cause abnormal increase in the operation costs of the Wastewater Facilities.

**Section 2.4.03 Limitations on Wastewater Discharges.** The following table specifies the maximum concentrations of pollutants allowable in Wastewater discharges to the Wastewater Facilities.

Table 1

pH -- acceptable range 6.0-9.0 pH units

Temperature -- not to exceed temperatures that will cause interference or that will cause the influent at the treatment plant to exceed 104°F, but in no case to exceed 150°F.

Radioactivity -- not to exceed limits specified in Sections 30285 and 30287 of the California Code of Regulations.

Electrical Conductivity -- not to exceed 1000 umho/cm. A User which has a flow volume less than 3,000 gallons per day or less than 45,000 gallons per month shall have a maximum concentration limit for Electrical Conductivity of 7,000 umhos/cm except that such discharge shall not be an incompatible Pollutant nor shall it pass through the POTW or interfere with the POTW.

Limitations for other incompatible Pollutants have not been established for general application. The Manager will determine and implement such limits for such constituents as he may find necessary to ensure compliance with the District's California Regional Water Quality Control Board permit requirements and with more restrictive pretreatment standards for new sources as prescribed by the Environmental Protection Agency (EPA).

General guidelines for various characteristics are summarized as follows:

Iron	1ppm	Lead	5ppm	Silver	5ppm
Arsenic	5ppm	Benene	0.02 ppm	Phenols	1ppm
Cadmium	0.1 ppm	Zinc	5ppm	Chromium	5ppm
Copper	5ppm	Aluminum	5ppm	Mercury	0.2 ppm
Barium	10ppm	Nickel	5ppm	Selenium	1ppm
Boron	8ppm				

Limitations and prohibitions on Wastewater strength contained in this Sewer Use Ordinance, including those of Table 1, may be supplemented with more stringent limitations and prohibitions. The District may provide the more stringent limitations and prohibitions as follows:

- (1) If the District determines that the limitations and prohibitions in this Sewer Use Ordinance may not be sufficient to protect the operation of the District's Wastewater Facilities, or
- (2) If the District determines that the limitations and prohibitions in this Sewer Use Ordinance may not be sufficient to enable the District's Wastewater Facilities to comply with water quality standards or effluent limitations specified in the District's California Regional Water Quality Control Board permit requirements.

**Section 2.4.04 Federal Limitations.** Any User who does not comply with the Pretreatment Standard as required by the Act and any applicable regulations thereunder, whether promulgated prior to or subsequent to the effective date of this Sewer Use Ordinance, violates this Sewer Use Ordinance. Said regulations include standards cited in 40 CFR Chapter 1, Subchapter N, parts 401-471. The more stringent of the standards will apply whenever local, State and federal standards overlap. Violation and prosecution under this Sewer Use Ordinance does not preclude violation and prosecution by other affected federal, State or local agencies in accordance with applicable law.

**Section 2.4.05 Dilution.** The dilution of any Wastewater for the purpose of satisfying discharge limitations is prohibited.

**Section 2.4.06 Limitations on Point of Discharge.** No Person shall discharge any substances directly into a manhole or other opening in the Sewerage System other than through an approved Building Sewer unless, upon written application by the User and payment of the applicable User charges and fees, the District issues a Permit for such direct discharges.

**Section 2.4.07 Trucked or Hauled Waste.** The discharge of trucked or hauled Waste is prohibited, except as authorized by the District in accordance with the terms and conditions of a permit for septic pumpage discharge and the District's regulations and procedures for septic pumpage dischargers.

All materials removed from pretreatment devices or facilities and prohibited by this Sewer Use Ordinance, including but not necessarily limited to Holding Tax Wastes, shall be stored, transported, treated and disposed of in accordance with applicable federal, State and local regulations.

**Section 2.4.08 Medical Facility Wastes.**

(A) Infectious Wastes from hospitals, clinics, and mortuaries may be disposed of to the Sewerage System subject to the following limitations and requirements:

- (1) Pathologic specimens may not be disposed of to the Sewerage System.
- (2) The material shall be ground by an approved grinder so that the material shall pass a 3/8" screen opening.
- (3) The materials must not violate any other requirements of these rules and regulations or applicable State and/or federal statutes, laws, and rules and regulations.

(B) Ground organic kitchen waste from hospital food preparation and disposal facilities excluding all paper and plastic items may be discharged into the Sewerage System.

(C) The following shall not be discharged to the Sewerage System by any means:

- (1) Disposable hypodermic needles, syringes, and associated articles following their use in hospitals, out-patient clinics, medical and dental offices, etc.
- (2) Solid Wastes generated by patients suspected or diagnosed as having a communicable disease.
- (3) Portions of the human anatomy.

(4) Wastes excluded by other provisions of this Sewer Use Ordinance except as specifically permitted in this Section.

(D) Nothing in this Section shall be construed to limit the authority of the Health Officer of the County to define Wastes as being infectious.

**Section 2.4.09 Control Manholes.** When required by the District, the owner of any property served by a Side Sewer carrying Industrial Wastewater shall install a suitable control manhole in the Side Sewer to facilitate observation, sampling and measurement of Waste. Such manhole shall be constructed in accordance with plans approved by the District Engineer. The manhole shall be installed by the Owner at Owner's expense, and shall be maintained by Owner so as to be safe and accessible at all times.

**Section 2.4.10 Measurements and Tests.** All measurements, tests and analyses of the characteristics of Wastewater and Waste to which reference is made in Sections 2.4.02 and 2.4.08 shall be determined in accordance with standard methods and shall be determined at the control manhole provided for in Section 2.4.09, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Side Sewer is connected.

**Section 2.4.11 Special Agreements.** No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an Industrial Wastewater of unusual strength or character in excess of Section 2.4.08 of this Sewer Use Ordinance may be accepted by the District for treatment, subject to payment therefor by the Industrial User and subject to such terms and conditions as might be required by the District.

**Section 2.4.12 Swimming Pools.** It shall be unlawful for any person to discharge the contents of a swimming pool into a Sewer except in the manner specified herein. The size of pipe carrying discharge water shall not be larger than two inches (2") and shall not be under a head to exceed twenty feet (20'). If the water is discharged by pumping, the rate of flow shall not exceed one hundred (100) gallons per minute. Each swimming pool discharging to a Sewer shall be equipped with an approved separator to preclude any possibility of a backflow of Wastewater into the swimming pool or piping system.

**Section 2.4.13 Use of Storm Sewers Required.** Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the District. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the District, to a storm sewer, combined sewer or natural outlet.

**Section 2.4.14 Non-Industrial Users.** Hospitals, clinics, schools, commercial facilities, public agency facilities, and any other class of discharger may require treatment as an Industrial User for

purposes of applying this Sewer Use Ordinance. The applicability may be extended to residential Users at the sole discretion of the District in special instances.

## CHAPTER 5

### CONTROL OF PROHIBITED WASTES

**Section 2.5.01 Regulatory Actions.** If Wastewaters containing any substance described in Chapter 1 of Part Three of this Sewer Use Ordinance are or may be discharged or proposed to be discharged into the Sewerage System of the District or to any Sewer tributary thereto, the Manager and/or the District's counsel may take any action necessary to,

(A) Prohibit the discharge of such Industrial Wastewater into the collection system and treatment works.

(B) Require pretreatment of any Industrial Wastewater which the District determines is necessary in order to meet standards established by the federal or State of California or other regulatory agencies or which the District determines is necessary in order to protect its Wastewater Facilities or the proper and efficient operation thereof or the health or safety of its employees or the environment.

(C) Require the Person proposing, making, causing, or allowing the discharge to pay to the District for excess costs to the District for supplementary treatment, Wastewater Facilities, operations or maintenance needed as a result of allowing the discharge into the Sewerage System of such Industrial Wastewater.

(D) Take such other remedial action as may be deemed by the Manager to be desirable or necessary to achieve the purpose of this Ordinance.

**Section 2.5.02 Submission of Plans.** Where Pretreatment or equalization of Wastewater flows prior to discharge into any part of the Wastewater Facilities is required, plans, specifications, and other pertinent data or information relating to such Pretreatment or flow-control facilities shall first be submitted to the District for review and approval in writing. Such written approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such Pretreatment or flow-control facilities may be required by the Manager and shall not be made without due notice to and prior approval of the Manager.

**Section 2.5.03 Pretreatment.**

(A) **General.** Users shall make Wastewater acceptable under the limitations established herein before discharging to the Sewerage System. Any facilities required to pretreat Wastewater to a level

acceptable to the District shall be provided and maintained at the User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to, and approved by, the District in writing 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 Sewer Use Ordinance. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to, and be approved in writing by, the District.

(B) **Interceptors.** Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of the liquid Wastes containing grease in excessive amounts, or any flammable Wastes, sand, and other harmful ingredients. All interceptors shall be of a capacity sufficient to provide the appropriate quality of effluent, and shall be in an easily accessible location for purposes of cleaning and inspection.

(C) **Commercial Garbage Grinders.** No owner of a commercial garbage grinder shall maintain or operate or permit to be maintained or operated any such grinder which may discharge any waters, wastes, or other substances into the District Sewerage System without first providing, at such person's expense, such preliminary treatment as may be necessary to reduce the suspended solids, daily flow, or objectionable characteristics or constituents to within the maximum limits contained in Chapter 1.

(D) **Water Softening Units.** In order to minimize salts discharged into the Sewerage System, water softening units must be well operated and maintained in strict accordance with manufacturer's instructions and applicable provisions of the California Health and Safety Code.

**Section 2.5.04 Pretreatment Facilities Operations.** If Pretreatment or control of Waste flows is required, such facilities shall be maintained in good working order and shall be operated so as to ensure continuous compliance with District ordinances, resolutions, rules and regulations and any applicable permits by the User at the User's own cost and expense. Pretreatment facilities are at all times subject to the requirements of these rules and regulations and all other applicable codes, ordinances and laws. Intermittent operation of Pretreatment facilities, except as approved in writing by the Manager, during discharge to District's Wastewater System is prohibited.

**Section 2.5.05 Admission to Property.** Whenever it shall be necessary for the purposes of these rules and regulations, the Manager, upon the presentation of credentials, may enter upon any property or premises at reasonable time for the purpose of (1) reviewing and copying any records required to be kept under the provisions of this Sewer Use Ordinance, (2) inspecting any monitoring equipment or Pretreatment facility or discharge-producing process, or (3) sampling any discharge of Wastewater to the Wastewater Facilities. The Manager may enter upon the property at any hour under emergency circumstances. In the event of such emergency entry, the Manager shall make every effort to immediately notify the User's designated agent. Consent to admission to property is given by the use of the District's Wastewater Facilities.

**Section 2.5.06 Protection From Accidental Discharge.** Each Industrial User shall provide protection from accidental discharge of prohibited materials or other Wastes regulated by this Sewer Use Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Industrial User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved in writing by the Manager before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify his facility as necessary to meet the requirements of this Sewer Use Ordinance.

**Section 2.5.07 Reporting of Accidental Discharge.** If, for any reason, a User does not comply with or will be unable to comply with any prohibition or limitation in this Sewer Use Ordinance, the User responsible for such discharge shall immediately notify the District so that corrective action may be taken to protect the Wastewater Facilities. In addition, a written report addressed to the Manager detailing the characteristics of the discharge and corrective action taken to prevent future violative discharges, shall be filed by the responsible Industrial User within five (5) days of the occurrence of the noncomplying discharge.

Such notification will not relieve the User of liability for any expense, loss, or damage to the Sewerage System or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code.

**Section 2.5.08 Preventive Measures.** The Manager may require any User to implement best management practices (BMP) for the purposes of preventing pollution and/or minimizing waste discharge. These may include, but are not limited to, elimination or labeling of drains, connections or other entry points so as to prevent discharge of Waste in violation of this Sewer Use Ordinance. BMP may also include, but is not limited to, product substitution in order to prevent discharge of Wastes in violation of this Sewer Use Ordinance.

## CHAPTER 6

### INDUSTRIAL WASTEWATER MONITORING AND REPORTING

**Section 2.6.01 Reporting Requirements.**

(A) The Manager may require any User to monitor its Wastewater and to submit monitoring reports to the Manager, at a frequency specified by the Manager.

(B) Monitoring reports shall include, at the discretion of the Manager, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of discharge, concentrations of controlled pollutants, and other information relating to Wastewater. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to monitoring reports, the Manager may require information in the

form of Non-Residential Wastewater Discharge Permit Applications and other reports as stipulated in 40 CFR 400.12, which include:

1. Baseline reports (403.12b).
2. Compliance schedules (403.12c).
3. Report on compliance with categorical pretreatment standard deadline (403.12d).
4. Periodic reports on continued compliance (403.12e).
5. Notice of potential problems, including slug loading (403.12f).
6. Monitoring and analysis to demonstrate continued compliance (403.12g).
7. Reporting requirements for industrial users not subject to categorical Pretreatment standards (403.12h).
8. Notification of changed discharge or new discharge (403.12j).
9. Notification of hazardous Waste discharge (403.12p).

(C) Any report required by the Act, whether such requirement be prior to or subsequent to the effective date of this Sewer Use Ordinance, shall be signed and certified by a responsible corporate officer, proprietor, general partner, or representative for whom written authorization has been received by the POTW from one of the aforementioned persons. Said certification shall consist of the following 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 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."

(D) If sampling performed by an Industrial User indicates a violation, the User shall notify the Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeated analysis to the Manager within thirty (30) days after becoming aware of the violation.

#### **Section 2.6.02 Records and Monitoring.**

(A) All Industrial Users who discharge or propose to discharge Wastewaters to the Wastewater Facilities shall maintain such records of production and related factors, effluent flows, and pollutant amounts or concentrations as are necessary to demonstrate compliance with the requirements of this Sewer Use Ordinance and any applicable state or federal pretreatment standards or requirements, and shall notify the Manager of any new or changed discharge.

(B) Such records shall be kept for a minimum of three (3) years, made available upon request by the Manager. All such records relating to compliance with Pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the Industrial User's compliance with this Sewer Use Ordinance shall be prepared upon request by the Manager.

(C) The owner or operator of any Premises or facility discharging Industrial Wastewater into the Wastewater Facilities shall install, operate and maintain at his own cost and expense suitable monitoring equipment on each connection discharging Industrial Wastewater to facilitate the accurate observation, sampling, and measurement of Wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

(D) The monitoring equipment shall be located and maintained on the Industrial User's premises outside of the Building. When such a location would be impractical or cause undue hardship on the User, the Manager may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over such street or sidewalk, and located so that it will not be obstructed by public utilities, landscaping, or parked vehicles.

(E) When more than one User can discharge into a common Sewer, the Manager may require installation of separate monitoring equipment for each User. When there is a significant difference in Wastewater constituents and characteristics produced by different operations of a single User, the Manager may require that separate monitoring facilities be installed for each separate discharge.

(F) Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with District requirements and all applicable construction standards and specifications.

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

**Section 2.6.03 Confidential Information.** All information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential in accordance with the provisions of 40 CFR Part 2 entitled, "Confidentiality of Business Information," shall not be transmitted to the general public by the District until and unless prior and adequate notification is given to the User of the POTW, provided, however, that confidential information shall be available to the State, any State agency, U.S. Environmental Protection Agency or any federal agency with jurisdiction.

**Section 2.6.04 Inspection, Sampling, and Analysis-General.** The District may inspect the facilities of any User to ascertain whether the purpose of this Sewer Use Ordinance is being met and all requirements are being complied with. Persons or occupants of Premises where Wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the Premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the User's property such devices as are necessary to conduct sampling or metering operations, and every effort will be made so that such devices and operations do not interfere with the normal business operations of the User. 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 will be permitted to enter without delay for the purposes of performing their specific responsibilities.

(A) **Compliance Determination.** Compliance determinations with respect to Part Three, Chapter 1 prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of Wastewater. Composite samples may be taken over a twenty-four (24) hour period, or over a longer or shorter time span, as determined necessary by the Manager to meet the needs of specific circumstances.

(B) **Analysis of Industrial Wastewaters.** Laboratory analysis of Industrial Wastewater samples shall be performed in accordance with the approved test procedures listed in 40 CFR 136.

(C) **Sampling Frequency.** Sampling of Industrial Wastewater for the purpose of compliance determination with respect to Part Three, Chapter 1 prohibitions and limitations will be done at random intervals as the Manager may determine necessary to the pretreatment program goals.

## CHAPTER 7

### PERMITS

**Section 2.7.01 Permit Required.** No unauthorized Person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance or perform any work on any Sewer or draining system without first obtaining a written permit from the District.

**Section 2.7.02 Application for Permit.** Any Person, legally entitled to apply for and receive a Permit shall make such application on forms provided by the District for that purpose. The Applicant 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 District will require plans and specifications, drawings and other such information as may be deemed necessary. Prior to issuing connection Permits and the commencement of development, the plans and specifications, and other information as deemed necessary, will be reviewed and approved by the District Engineer and Manager.

If the District determines that the plans, specifications, drawings, descriptions or information furnished by the Applicant is in compliance with the ordinances, rules and regulations of the District, the District shall issue the Permit applied for upon payment of the required fees as hereinafter fixed.

**Section 2.7.03 Compliance With Permit.** After approval of the application, evidenced by the issuance of a Permit, no change shall be made in the location of the Sewer, the grade materials or other details from those described in the Permit or as shown on the plans and specifications for which the Permit was issued except with written permission from the District.

**Section 2.7.04 Agreement.** The Applicant's signature on an application for any permit as set forth in Section 2.5.02 hereof shall constitute an agreement to comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District, and with the plans and specifications Applicant has filed with Applicant's 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 and may only be modified upon the written request for the alteration from the Applicant.

**Section 2.7.05 Classes of Permits.** There shall be five (5) classes of Permits, as follows:

- (A) Residential Building Sewer Permit,
- (B) Non-residential Wastewater Discharge Permit,
- (C) Force main Sewer connection Permit.
- (D) Public Sewer construction Permit.
- (E) Private Wastewater disposal Permit.

**Section 2.6.06 Persons Authorized to Perform Work.** Permits shall be issued only to Contractors as said Contractors are defined herein. Applicants for Permits shall provide any plans, specifications or other information considered pertinent in the judgment of the Engineer of the District.

## CHAPTER 8

### NON-RESIDENTIAL WASTEWATER DISCHARGE PERMIT SYSTEM

**Section 2.8.01 Non-residential Wastewater Discharge Permits Required.** The District has implemented a Non-Residential Wastewater Discharge Permit system in order to regulate the discharge of Industrial Wastewater pursuant to Section 3.3.01. All Significant Industrial Users proposing to connect to or discharge into any part of the Wastewater Facilities must first obtain a Non-Residential Wastewater Discharge Permit therefor. All existing Significant Industrial Users connected to or discharging to any part of the Wastewater Facilities must obtain a Non-Residential

Wastewater Discharge Permit within one hundred twenty (120) days after the effective date of this Sewer Use Ordinance.

Non-residential Wastewater Discharge Permits shall be classified as follows:

Class I : Significant Industrial Users

Class II : All Others

Any User discharging Industrial Wastewater may be required to apply for a Non-Residential Wastewater Discharge Permit. The Manager may issue a Non-Residential Wastewater Discharge Permit to any User, upon application, subject to the terms and conditions specified therein.

**Section 2.8.02 Permit Application.** Users seeking a Non-Residential Wastewater Discharge Permit shall complete and file with the District an application on the form prescribed by the Manager, and accompanied by the applicable fee. In support of this application, the User shall submit the following information:

- (A) Name, address, and SIC number of applicant.
- (B) Volume of Wastewater to be discharged.
- (C) Wastewater constituents and characteristics including, but not limited to, those set forth in Part Three, Chapter 1 of this Sewer Use Ordinance as determined by a State-approved analytical laboratory.
- (D) Time and duration of discharge.
- (E) Average and thirty (30) minute peak Wastewater flow rates, including daily, monthly, and seasonal variations, if any.
- (F) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location, and elevation.
- (G) Description of activities, facilities, and plant processes on the Premises including all materials and types of materials which are, or could be, discharged.
- (H) Each product produced by type, amount, and rate of production.
- (I) Number and type of employees, and hours of work.
- (J) Listing of or copies of, all environmental control permits.

(K) Any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Non-Residential Wastewater Discharge Permit subject to terms and conditions provided therein.

**Section 2.8.03 Permit Fees.** Applications for issuance or renewal of Non-Residential Wastewater Discharge Permits shall include the required fee, as specified below:

<u>Classification</u>	<u>Initial Permit</u>	<u>Renewal Permit</u>
Class I	\$225	\$150
Class II	\$175	\$150

The cost of excessive laboratory analysis required to establish User's compliance with this Sewer Use Ordinance shall be billed to the Industrial Establishment sampled.

**Section 2.8.04 Permit Conditions.** Non-Residential Wastewater Discharge Permits shall be expressly subject to all provisions of this Sewer Use Ordinance, including Section 3.4.08, and all other regulations, User charges, and fees established by the District. The conditions of Non-Residential Wastewater Discharge Permits shall be enforced in accordance with this Sewer Use Ordinance, and applicable State and federal regulations. The following general permit conditions shall be applicable to all Non-Residential Wastewater Discharge Permits:

- (1) To comply with all of the provisions, terms and requirements of the ordinances, rules and regulations of the District.
- (2) To furnish any information on Non-Residential Wastewater discharge as required by the District.
- (3) To pay all fees required by District ordinance including but not limited to connection fees, annexation fees, bond debt service charges, fixed charges, operation, and maintenance charges, and industrial pretreatment chemical charges.
- (4) To pay any additional cost or expense incurred by the District for handling and treating excess loads imposed on the Wastewater Facilities.
- (5) To pay any cost or expense incurred by the District in the enforcement of the provisions of its ordinances and the correction of violations thereof.

- (6) To make Wastewater acceptable under the limitations of this Sewer Use Ordinance before discharge to the Sewerage System.
- (7) To operate and maintain any required Wastewater Pretreatment devices in a satisfactory manner approved by the District.
- (8) To provide immediate access to authorized District personnel to any facility directly or indirectly connected to the Sewerage System under emergency conditions and at all other reasonable times.
- (9) To cooperate at all times with authorized District personnel in the inspection, sampling and study of the Permittee's facilities and Wastewater.
- (10) To divert rainwater and one-pass cooling water for disposal other than to the Sewerage System.
- (11) To apply for a revised Non-Residential Wastewater Discharge Permit if there is any change in the location, grade, materials, construction or configuration of the physical Sewer connection or if there is any change in the Permittee's processes or operations which affect the quantity or quality of the Wastewater.
- (12) To immediately notify the District (phone 559-485-7353, 24 hours a day) of any Wastewater which is not in compliance with this Sewer Use Ordinance or which exceeds limitations specified in its permit or which might be reasonably judged to constitute a hazard to District personnel, treatment plant or Sewerage System.
- (13) To operate only one Non-Residential Wastewater discharge point to the Sewerage System under the authority granted by the permit.

**Any or all of the following specific Permit conditions may be included in Non-residential Wastewater Discharge Permits,**

- (14) To install, operate and maintain at Permittee's cost and expense an automatic, permanent Wastewater flow monitoring system approved by the District which provides a primary flow measuring device, indication, recording and totalizing of flow and a signal generating device that can be used to activate the District's and other automatic samplers.
- (15) To install, operate and maintain at Permittee's cost and expense an automatic Wastewater sampling system approved by the District which provides a flow proportional composite sample, a sample volume of not less than two liters, refrigerated storage and self-purging capability.

(16) To install operate and maintain at Permittee's cost and expense an automatic pH recording system approved by the District which provides a pH recording instrument and a pH probe located downstream of all Pretreatment operations and just before discharge to the Sewerage System.

(17) To install, operate and maintain at Permittee's cost and expense a batch pH neutralization system approved by the District which provides a storage facility for Wastewater of pH less than 6.0 or greater than 9.0, a pH measuring device, neutralizing agent and a permanently bound record of pH neutralization before discharge to the Sewerage System.

(18) To install, operate and maintain at Permittee's cost and expense an automatic pH recording and control system approved by the District which provides a pH recording instrument, a pH probe located downstream of all Pretreatment operations and just before discharge into the Sewerage System, storage for a neutralizing agent, a neutralization chamber, a continuous neutralizing agent injection system activated by pH level and adequate agitation.

(19) To implement a spill prevention, control and countermeasure plan approved by the District which provides protection from accidental discharge of Wastes prohibited or regulated by this Sewer Use Ordinance and which provides for the construction, operation and maintenance, at Permittee's cost and expense, of facilities necessary to implement said plan.

(20) To implement an illicit discharge prevention plan approved by the District which provides information to Permittee's employees regarding regulation and limitations of Wastewater to the Sewerage System and which includes permanently posting in a conspicuous place a notice furnished by the District advising employees whom to call in case of discharge in violation of this Sewer Use Ordinance.

(21) To install, operate and maintain at Permittee's cost and expense a grease interceptor approved by the District which (a) prevents excessive grease and oil from entering the Sewerage System (b) provides at least 1250 gallons storage capacity, at least two compartments, baffles to retain floatable greases and oils and a sampling port and (c) excludes any Sanitary Wastewater from entering the interceptor.

(22) To install, operate and maintain at Permittee's cost and expense a sand interceptor approved by the District which (a) prevents sand and settleable grit from entering the Sewerage System (b) provides a 30-minute detention time based on peak Wastewater rate, a minimum capacity of 500 gallons, at least two compartments, baffles to reduce Wastewater velocity sufficiently to settle sand and grit and (c) excludes any Sanitary Wastewater from entering the interceptor.

(23) To operate and maintain any Garbage grinders in a manner which prevents discharge of Wastewater in violation of this Sewer Use Ordinance.

(24) To operate and maintain any water softening units in strict accordance with manufacturer's instructions and in a manner to minimize salts discharge into the Sewerage System.

(25) To maintain a District-approved prohibited substances inventory accounting system which includes a bound log book containing permanent entries that account, either by mass or by volume, for the disposition of substances prohibited by this Sewer Use Ordinance or by its Permit.

(26) To keep waste hauler reports on file for a period of three years using forms provided by the District.

**Other Permit conditions, including but not necessarily limited to the following, may be included in Non-Residential Wastewater Discharge Permits:**

A. The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the system;

B. The average and maximum Wastewater constituents and characteristics (specific limitations);

C. Limits on rate and time of discharge or requirements for flow regulation and equalization;

D. Monitoring and reporting requirements;

E. Compliance schedules;

F. Requirements to install best available technology (BAT), best conventional pollutant control technology (BCT), or best practicable technology (BPT);

G. Requirements to implement best management practices (BMP) to prevent pollution or minimize Waste discharge;

H. Any other conditions as may be deemed necessary by the Manager.

**Section 2.8.05 Notices to Employees.** In order that employees of Users be informed of District requirements, Users shall make available to their employees copies of this Sewer Use 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. A notice shall be furnished

and permanently posted on the User's bulletin board advising employees whom to call in case of an accidental discharge in violation of this Sewer Use Ordinance.

**Section 2.8.06 Duration of Permits.** Permits shall be issued for a specified time period, not to exceed five (5) years. A Permit may be issued for a period of less than five years, or may be stated to expire on a specific date. If the User is not notified by the District thirty (30) days prior to the expiration of the Permit, the Permit shall automatically be extended for three (3) months. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit, as limitations or requirements as identified in Chapter 1 of Part Three are modified and changed. The User shall be informed of any proposed changes in User's Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Failure of the District to act upon a valid Permit application or renewal application shall allow for automatic extension of operations under existing Permit conditions.

**Section 2.8.07 Transfer of a Permit.** A Non-Residential Wastewater Discharge Permit is issued to a specific User for a specific operation. The Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation. If a Non-Residential Wastewater Discharge Permit is transferred in violation of this section, the Non-Residential User shall pay a surcharge fee of twenty percent (20%) of the aggregate amount discharged in the District's facilities. The District reserves the right to enforce any other penalties authorized under this Sewer Use Ordinance, including terminating service to the Non-Residential User.

**Section 2.8.08 Application to County for Zoning Amendment.** All property owners whose property is zoned agriculture, industrial or commercial within the limits of the District shall notify the District when they file an application for a zoning change, conditional use permit or variance. A property owner or tenant who proposes to change the uses for the property, and for which a permit was issued by the District shall mail a copy of all the documents filed with the County in support of the property owner or tenant's request.

**Section 2.8.09 Permit Required.** Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion or alteration of any Building, or any addition to any Building, a Permit shall be secured from the District by any owner or his agent for said work, and it shall be unlawful to commence any work until and unless such Permit shall have been obtained. Provided, further that no such Building shall be occupied or used unless a Permit is first obtained from the District.

**Section 2.8.10 Procedure.** Each application for a Permit shall be made on a printed form to be obtained from the District and shall be accompanied by accurate information and dimensions as to the size and location of the lot; the size and location of the buildings on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary for the enforcement of those regulations. Where complete and accurate information is not readily available from existing

records, the District may require the application to furnish a survey of the lot prepared by a licensed surveyor. A copy of the original of such application shall be kept in the office of the District.

Each application shall be reviewed for compliance with the requirements of the District. No Permit shall be granted unless the proposal meets all the requirements of this Sewer Use Ordinance.

Before a Permit shall be issued, all required on-site (outside of District right of way) and off-site (within District right of way) improvements shall have either been completed or, if not completed, the permittee shall have entered into an agreement with the District to complete said work within six (6) months from the date of the issuance of the Permit. The District may extend the completion date for one additional six (6) month period upon written request of the permittee upon a showing of good cause therefore.

**Section 2.8.11 Revocation of a Permit.** Any User who violates the following conditions of User's Permit or of this Sewer Use Ordinance, or applicable State or federal regulations, is subject to having the permit revoked. Violations subjecting a User to possible revocation of the Permit include, but are not limited to, the following:

- (A) Failure of a User to accurately report the Wastewater constituents and characteristics of User's 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.

## PART THREE: ENFORCEMENT

### CHAPTER 1

**Section 3.1.01 Purpose and Scope.** The Board finds that in order for the District to comply with the laws, regulations, and rules imposed upon it by State and federal regulatory agencies and to ensure that the District's Wastewater Facilities and treatment processes are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the District's system by Residential and Non-residential Users.

**Section 3.1.02 Filing Application/Obtaining Permit.**

(A) All Residential Users shall complete and file an Application for a Residential Building Sewer Permit (Section 2.6.05(A) hereof).

(B) All Non-residential Users shall complete and file an application on the form prescribed by the Manager, accompanied by the application fee. Prior to discharging any Wastewater into the District's Facilities, the Non-residential User shall obtain a Non-residential Wastewater Discharge Permit. Non-residential Users who are discharging into the District's Wastewater Facilities on the effective date of this Sewer Use Ordinance and have not applied for a Non-residential Wastewater Discharge Permit as required under Section \_\_\_\_, shall have fifteen (15) days from the effective date of notification to complete and file with the District the application required by Section 2.6.01, et seq.

**Section 3.1.03 Determination of Non-compliance With Discharge Limits.** Non-compliance with mass emission rate limits, concentration limits, Permit discharge conditions, or any discharge provision of this Sewer Use Ordinance may be determined by an analysis of a grab or composite sample of the effluent of a User. Non-compliance with mass emission rate limits shall be determined by an analysis of composite sample of the User's effluent, except that a grab sample may be used to determine compliance with mass emission rate limits when the discharge is from a closed (batch) treatment system in which there is no Wastewater flow into the system when the discharge is occurring, the volume of Wastewater contained in the batch system is known, the time interval of discharge is known, and the grab sample is homogeneous and representative of the discharge. Any sample taken from a sample point is considered to be representative of the discharge to the Public Sewer.

**Section 3.1.04 Enforcement Procedures and Applicable Fees.**

(A) Self-monitoring Requirements as a Result of Non-compliance.

(1) If an analysis of any sample obtained by the District or by a Permittee shows non-compliance with the applicable Wastewater discharge limits set forth in the Sewer Use

Ordinance or in the Permittee's discharge Permit, the District may impose self-monitoring requirements on the Permittee.

(2) A Permittee shall perform required self-monitoring or constituents in a frequency, at the specified location, and in a manner directed by the District.

(3) All analysis of self-monitoring samples shall be performed by an independent laboratory acceptable to the District and submitted to the District in a form and frequency determined by the District.

(4) All analysis of self-monitoring costs shall be borne by the Permittee (the "Non-compliance Sampling Fee"). The purpose of the Non-compliance Sampling Fee is to compensate the District for costs of additional sampling, monitoring, laboratory analysis, treatment, disposal, and administrative processing incurred as a result of the non-compliance, and shall be in addition to and not in lieu of any penalties as may be assessed pursuant to Chapter 2 of this Part Three of this Sewer Use Ordinance.

(5) Nothing in this Section shall be deemed to limited the authority of the District to impose self-monitoring as a Permit condition.

#### **Section 3.1.05 Non-compliance Sampling Fees for Composite Samples.**

(1) Each violation of a Permittee's Permit limit or condition is a separate violation of this Sewer Use Ordinance.

(2) If any analysis of any composite sample of a Permittee's discharge obtained by the District shows a major violation by the Permittee of mass emission rates or concentration limits specified in the Permittee's discharge permit or in this Sewer Use Ordinance, then the Permittee shall pay Non-compliance Sampling Fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

(3) If analysis of any composite sample of a Permittee's discharge obtained by the District shows a minor violation by the Permittee of mass emission rates or concentration limits specified in the Permittee's discharge Permit or in this Sewer Use Ordinance, then the Permittee shall pay Non-compliance Sampling Fees to the District pursuant to fee schedules adopted by the District's Board of Directors.

(4) The fees specified in Sections 3.1.05 and 3.1.06 herein shall be imposed for each date on which the District conducts sampling as a result of a violation by a Permittee.

#### **Section 3.1.06 Non-compliance Sampling Fees for Grab Samples and Self-monitoring Results.**

(1) If analysis of any grab sample analysis of a Permittee's discharge shows non-compliance with any concentration limits as set forth in the User's Permit or in this Sewer Use Ordinance, the District may impose Non-compliance Sampling Fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the Permittee.

(2) If any self-monitoring analysis of a Permittee's discharge shows non-compliance with any concentration limits or mass emission rates as set forth in the User's Permit or in this Sewer Use Ordinance, the District may impose Non-compliance Sampling Fees, pursuant to fee schedules adopted by the District's Board of Directors, for sampling conducted by the District as a result of a violation by the Permittee.

**Section 3.1.07 Violation.** Any Person found to be violating any provision of this or any other ordinance, rule or regulation of the District, except Section 4.1.01 hereof, shall be served by the District 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 not be less than two (2) nor more than seven (7) working days. The offender shall, within the period of time stated in such notice, permanently cease all violations. All Persons shall be held strictly responsible for 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 District of any defect arising in any Sewer or of any violation of the ordinances, rules and regulations of the District, the person or persons having charge of said work shall immediately correct the same.

If a non-residential User fails to complete and file with the District an Application on the form prescribed by the Manager within fifteen (15) days from the effective date of notification, the non-residential User shall be subject to a fine of \$150.00 per calendar day for each day that the non-residential User fails to comply with Section 3.1.02 of this Sewer Use Ordinance.

**Section 3.1.08 Public Nuisance.** Continued habitation of any Building or continued operation of any Non-residential facility in violation of the provisions of this or any other ordinance, rule or regulation 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 or Non-residential use during the period of such violation.

**Section 3.1.09 Disconnection.** As an alternative method of enforcing the provisions of this or any other ordinance, rule or regulation of the District, the District shall have the power to disconnect the User or Sewer from the Sewerage System of the District. Upon disconnection, the District shall estimate the cost of disconnection from and reconnection to the Sewerage System, and such User shall deposit the cost as estimated, of disconnection and reconnection, before such User is reconnected to the Sewerage System. The District shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

**Section 3.1.10 Public Nuisance - Abatement.** 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 a reasonable attorney's fee and cost of suit arising in said action.

**Section 3.1.11 Means of Enforcement Only.** The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of its ordinances, rules and regulations, and not as a penalty.

## CHAPTER 2

### PENALTIES AND COSTS

**Section 3.2.01 Authority.** All Users of the District's system and facilities are subject to enforcement actions administratively or judicially by the District, United States Environmental Protection Agency, State of California Regional Water Quality Control Board, or the County of Fresno District Attorney. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to: (1) Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251, et seq.); (2) California Porter-Cologne Water Quality Control Act (California Water Code Section 13000, et seq.); (3) California Hazardous Waste Control Law (California Health & Safety Code Sections 25100 to 25250); (4) Resource Conservation and Recovery Act of 1976 (42 U.S.C.A. Section 6901, et seq.); and (5) California Government Code, Sections 54739-54740.6.

**Section 3.2.02 Recovery of Fines and Penalties.** In the event the District is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its Permits, and said violation can be established by District, as caused by the discharge of any User of the District's system which is in violation of any provision of the District's Sewer Use Ordinance or the User's Permit, District shall be entitled to recover from the User all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.

**Section 3.1.03 Correction of Violations; Collection of Costs; Injunction.** In order to enforce the provisions of this Sewer Use Ordinance, the District may correct any violation thereof; and the cost of such correction (including but not necessarily limited to costs of investigation, analysis, document review, administration, enforcement, treatment or any other associated costs incurred by the District or any fines or other costs imposed on the District by any federal or State agency or court) may be added to any charge payable by the person violating this Sewer Use Ordinance or the Owner or tenant of the property upon which the violation occurred and the District shall have such remedies for the collection of such costs as it has for the collection of rates, fees and charges for Sewer service. The District may also petition the Superior Court of the State of California for the issuance of a

preliminary or permanent injunction, or both, as may be appropriate, restraining any Person from the continued violation of this Sewer Use Ordinance.

**Section 3.1.04 Civil Penalties.**

(A) Pursuant to the authority of Government Code Sections 54739 - 54740.6, any person who violates any provision of this Sewer Use Ordinance; any Permit condition, prohibition or effluent limit, or any suspension or revocation order shall be liable civilly for a sum not to exceed \$5,000.00 to \$25,000.00 per violation for each day in which such violation occurs, depending on the nature and type of violation. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251, et seq., any Person who violates any provision of this Sewer Use Ordinance, or any Permit condition, prohibition, or effluent limit shall be liable civilly for a sum of \$5,000.00 to a maximum of \$25,000.00 per violation for each day in which such violation occurs, depending on the nature and type of violation. The General Counsel of the District, upon order of the Manager or the Board of Directors, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the District may impose, assess, and recover pursuant to federal and/or State legislative authorization.

(B) Pursuant to the authority of California Government Code sections 54740.5 and 54740.6, the District may issue an administrative complaint to any person who violates:

- (1) any provision of this Sewer Use Ordinance;
- (2) any Permit condition, prohibition, or effluent limit; or
- (3) any suspension or revocation order.

Civil Penalties may be assessed as follows:

- (1) In an amount which shall not exceed Two Thousand Dollars (\$2,000.00) for each day for failing or refusing to furnish technical or monitoring reports.
- (2) In an amount which shall not exceed Three Thousand Dollars (\$3,000.00) for each day for failing or refusing to timely comply with any compliance scheduled established by the District.
- (3) In an amount which shall not exceed Five Thousand Dollars (\$5,000.00) per violation for each day of discharges in violation of any Wastewater violation of any Waste discharge limitation, Permit condition, or requirement issued, reissued, or adopted by the District.
- (4) In an amount which does not exceed Ten Dollars (\$10.00) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.

(5) The amount of civil penalties imposed under this Section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County Recorder of Fresno County and when recorded shall have force and effect priority of a judgment lien and continue for ten (10) years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

(6) All monies collected under this Section shall be deposited in a special account of the District, and shall be made available for the monitoring, treatment, and control of discharges into the District's Wastewater Facilities or for other mitigation measures.

(7) This District may, at its option, elect to petition the Superior Court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, or the Code of Civil Procedure.

These sums shall be recoverable by the District in accordance with District billing procedures.

**Section 3.2.05 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.

## PART FOUR: MISCELLANEOUS PROVISIONS

### CHAPTER 1

#### DAMAGE AND INSPECTION

**Section 4.1.01 Protection From Damage.** No unauthorized Person shall maliciously, wilfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's Sewerage System. Any Person violating this provision shall be subject to the penalties provided by law.

**Section 4.1.02 Powers and Authorities of Inspectors.** The officers, inspectors and any duly authorized employee of the District shall wear or carry an official badge of office or other evidence establishing their position as such and upon exhibiting the proper credentials and identification shall be permitted to enter in and upon any and all Buildings, Non-residential Premises and properties for the purposes of inspection, re-inspection, 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.

### CHAPTER 2

#### CHARGES FOR SEWER SERVICE

**Section 4.2.01 Purpose.** The purpose of the service charge to Users of the Sewerage System (herein "Sewer Service Charge") is to raise revenue for the cost of acquisition, construction, reconstruction, maintenance and operation of the Sewerage System, to repay principal and interest on bonds issued for the construction or reconstruction of such Sewerage System and such other purposes provided for in Division 5, part 3, Chapter 6, Article 4 (commencing with Section 5470) of the Health and Safety Code of the State of California. Fee, user and other charges are set forth in Title Four of the Code.

**Section 4.2.02 Basis of Charge.** The basis of the Sewer Service Charge is the establishment of a unit cost, hereinafter referred to as a "Service Unit," computed to reflect costs in the collection, treatment and disposal of Wastewater from an average single-family dwelling.

Customers using the Sewerage System are divided into Residential and Non-Residential classifications. Sewer Service Charges for Residential Users will be computed on the basis of Equivalent SFR Units, fractions or multiples thereof and in the case of Non-Residential Users on a formula utilizing the Equivalent SFR Units and also variances in quantity and quality of discharge.

**Section 4.2.03 Equivalent SFR Unit Rate.** The charge per Equivalent SFR Unit shall be for each month of service. Users outside the District boundary will be charged one and one-half (1 1/2) the Equivalent SFR Unit for such service within the District.

**Section 4.2.04 Residential Customer Charge.** Charges for Equivalent SFR Unit and other associated fees and charges are as set forth in Title IV of the Code.

**Section 4.2.05 Non-residential User Charges.** Customers in the Non-Residential category shall pay a rate based on Equivalent SFR Units as set forth in Title IV of the Code.

**Section 4.2.06 Non-residential - Additional Provisions.** The following are additional provisions applicable to the computation of the Sewer Service Charge for Non-Residential Users:

(A) Billing for services may be paid in advance for a period mutually agreed upon, not exceeding twelve (12) months, where it can be demonstrated that a uniform flow and Sewage characteristic exists.

(B) The District or the User may require the installation of District-approved recording and sampling devices, or Sewage meters, on the Premises for use by the District. Installation shall be at the User's expense. Such devices or meters shall be available for inspection at any reasonable time. Recording devices shall be capable of recording instantaneous and accumulated flows and sampling devices shall be automatic and capable of twenty-four (24) hour storage and maintenance of temperature between 35° and 40° fahrenheit and have a five (5) gallon capacity. In the event of installation as described above at the request of the User, said User shall be responsible for the maintenance, repair and replacement of all sampling or recording devices and equipment. User shall in all events be responsible for any damage or expense in repair or replacement for which User or User's agent, officers or employees are responsible.

**Section 4.2.07 Power to Inspect Premises.** In order to effect the powers of this Ordinance and pursuant to Section 4766 of the Health and Safety Code of the State of California, the District's Manager and the Manager's authorized representatives are hereby given the power and authority to enter upon private property for the purpose of inspection and maintenance of the Plumbing System including, but not limited to, ascertaining the nature of such Premises, the type of activities carried on therein, the number of plumbing fixtures, situated therein, and any other facts or information reasonably necessary to ascertain the applicability of any Sewer Service Charges to such Premises, or the amount of such charges. In particular, readings of water meters may be taken where the Sewer Service Charge is based upon the amount of water consumed or used by said Premises.

**Section 4.2.08 Vacancy.** No credit, adjustment or refund will be made to any User because the Premises or any part thereof are vacant unless said Premises are disconnected from the Sewerage System.

**Section 4.2.09 Refunds.** When any refund becomes due and owing by virtue of action of the Board or by virtue of any error made in ascertaining the charge applicable to any customer, the Manager is authorized to make payable such monies from the specific fund established for the deposit of Sewer Service Charges.

**Section 4.2.10 Adjustments.** It is the intent of the provisions of this Chapter 2 of Part 4 of the Sewer Use Ordinance, in providing for different Sewer Service Charges for different categories of Users, to reflect the benefit from such service to each User so that those who receive greater benefits or those who impose heavier burden upon the Sewerage System because of higher flow, or the quality of the discharge, pay a higher charge. If, in respect to any User, the Board should find that the Sewer Service Charge is inequitable, or unfair because of unusual circumstances, it may establish a special Sewer Service Charge for such User, differing from those otherwise established which will bear a closer relationship to the benefit received from use of the Sewerage System. Such special Sewer Service Charge may be established by resolution or agreement, but may be revoked at any time by the Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

The Owner or occupants of the Premises who by reason of special circumstances finds that the applicable rates are unjust or inequitable as applied to the Premises, may make written application to the Board stating the circumstances and requesting a different basis of charges for such premises. If such application be approved, the Board may by resolution fix and establish fair and equitable rates for such Premises to be effective as of the date of such application and continuing during the period of such special circumstances.

### CHAPTER 3

#### SEWER ALTERATION - PERMITS

**Section 4.3.01 Permit Required.** No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any Public Sewer or appurtenance thereof without first obtaining a Permit from the District and paying all fees and connection charges of the District.

**Section 4.3.02 Persons Authorized to Perform Work.** Permits shall be issued only to Contractors as said Contractors are defined herein. Applicants for Permits shall provide any plans, specifications or other information considered pertinent in the judgment of the Engineer of the District. "Contractor" shall mean any contractor licensed by the State of California to enter into contracts for and to perform the work of installing, repairing, replacing or relocating Sewers under District jurisdiction, or the owner of private property doing his own Building Sewer work on his private property only. Fees and connection charges shall be determined in accordance with Title 4 of the Code under the Master Schedule of Fees, Charges and Recovered Costs.

**Section 4.3.03 All Costs Paid by Owner.** All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the Owner. The acceptance of any Permit shall constitute an agreement to comply with all the provisions, terms and requirements of this Code and other ordinances, rules and regulations of the District, and with any plans and specifications filed with District. Such agreement shall be binding upon the Applicant and may be altered only by the District. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.