



WASTEWATER DISCHARGE ORDINANCE

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CHAPTER 1. GENERAL PROVISIONS

1. Purpose and Policy.

This Wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system of Tuolumne City Sanitary District (hereinafter referred to as "District"). It enables the District to comply with administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and 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. Its purpose is to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. This Ordinance also provides for the setting of user charges and fees for the equitable distribution of cost of all users, and the issuance of permits to certain users.

1.1 Definitions.

Unless otherwise defined herein, terms 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. Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agency.

"Accessory Dwelling" - A secondary, separately and independently habitable dwelling with a floor space of 850 square feet or less which is located on a parcel which also has a primary residence.

"Building Sewer" - A sewer conveying wastewater from the premises of a user to a community sewer.

"Beneficial Uses" - Uses of the waters 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 specified by Federal or State law.

"Community Sewer" - A sewer owned or operated by the District, or a sewer owned or operated by another person or entity which serves more than one user and is tributary to and discharges into the District collection system, or a treatment or disposal facility owned or operated by the District.

"Compatible Pollutant" - Biochemical oxygen demand, suspended solids, PH and fecal coliform bacteria, plus additional pollutants identified in the District's National Pollutant Discharge Elimination System (NPDES) permit of the District's treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.

"Contamination" - 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.

"Critical User" - A user whose user classification is identified in the Standard Industrial Classifications (SIC) Manual in any of Division A, B, D, E, and I, and who (1) has a discharge flow of 50,000 gallons or more per average work day, or (2) has a discharge flow greater than 5 percent (5%) of the flow in the District's wastewater treatment system, or (3) has in his wastes toxic pollutants in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act.

"Demand Flow" - The quantity of wastewater volume discharge demand assured for purposes of this Ordinance, weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.

"Developer" - Any person who enters into an agreement with the District for the construction of sewer facilities to be transferred to the District for the provision of sewer service to a project or parcel(s).

"District" - Tuolumne City Sanitary District or TCSD.

"Equivalent Single-Family Residence (ESFR) or Equivalent Dwelling Unit EDU" – The estimated potential demand of the typical residential user expressed in terms of the volume of wastewater discharge, usually average daily flow in gallons per day.

"Federal Act" - The Federal Water Pollution Control Act, PL 92-500, and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"Holding Tank Waste" - Any waste from Holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease traps or grease interceptors, and vacuum pump tank trucks.

"Incompatible Pollutant" - Any pollutant which is not a compatible pollutant as defined in this section. The pretreatment standard for incompatible pollutants introduced into a District treatment works by a major contributing industry not subject to Section 307(c) of the Federal Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guideline defining best practicable control technology currently available pursuant to Section 301(b) and 304(b) of the Federal Act. Provided, that if the District's treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided, further, that even when the effluent limitations guideline for each industry category is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

"Manager" - The Manager of the District, or his/her designated representative.

"Mass Emission Rate" - 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.

"Mobile Home Park" - A user which has a proper license and permit issued by Tuolumne County to lease or rent mobile homes and which is defined in Tuolumne County Code, Title 17 Section 17.04.520.

"Nuisance" - 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. A public nuisance is one 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.

"Parcel Owner" – The person or persons whose name or names appear on the Tuolumne County Tax Assessor's latest equalized assessment roll as the owner of a parcel that is receiving utility service. The record owner is responsible for the payment of all rates, charges, and fees, including penalties thereon regarding such furnished services.

"Permit" - Means a written permit issued by the Manager or his authorized representative.

"Person" - Any individual, partnership, firm, association, corporation, or public agency, including the State of California and the United States of America.

"Pollution" - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial users. Pollution may include contamination.

"Premises" - A parcel of real estate, including any improvements thereon, which is determined by the District to be a single user for purpose of receiving, using, and paying for service.

"Private Sanitary Sewer Facilities" – The portions of the non-public sanitary sewer system under the ownership and control of the property owner and including the Building Sewer, cleanout outside the building foundation, lateral sewer connecting the Building Sewer to the public sewer lateral, and all backflow valves, pumps, tanks, vents, cleanouts and other appurtenances used to flow wastewater from the property to the District system.

"Shall" and "Will" - As used in this document shall both mean a mandatory or obligatory act or requirement.

"Unpolluted Water" - Water containing no constituents which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface water.

"Subscriber" - Another public or private utility company providing sewer service to more than one parcel of land, but for which some part of its sewer treatment or other sewer service is provided by the District by contract or other previous agreement. For the purpose of this definition subscribers are: Jamestown Sanitary District, THCSO, and Mono Village Water District.

"User" – Sometimes referred to as Customer or Homeowner, all having the same meaning and includes any person that discharges, causes or permits the discharge of wastewater into a community sewer.

"User Classification" - A classification of user based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

Division A -	Agriculture, Forestry, Fishing
Division B -	Mining
Division D -	Manufacturing
Division E -	Transportation, Communication, Electric, Gas Sanitary
Division I -	Services and Commercial User defined as all retail stores, restaurants, office buildings, laundries, churches, lodges, other private business and services.

"Waste" - Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, of human or animal origin, or from any producing, manufacturing, or processing operation.

"Wastewater" - Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

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

"Water of the State" - Any water, surface or underground, including saline waters within the boundaries of the State.

CHAPTER 2. REGULATIONS

2.1. Prohibitions on Discharges.

No person shall discharge to a community sewer or District treatment facilities, wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- 2.1.1. A fire or explosion;
- 2.1.1. Obstruction of flow in a sewer or injury of the system or damage to the wastewater collection, treatment or disposal facilities;
- 2.1.2. Danger to life or safety of personnel;
- 2.1.3. A nuisance, or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;
- 2.1.4. Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- 2.1.5. Interference with the wastewater treatment process;
- 2.1.6. 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;
- 2.1.7. A detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;
- 2.1.8. Discoloration or any other condition in the quality of the District's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;
- 2.1.9. Conditions at or near the District's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency of State or Federal regulatory body;
- 2.1.10. Quantities or rates of flow which overload the District's collection or treatment facilities or cause excessive District collection or treatment costs, or which use a disproportionate share of the District facilities.

2.2. Prohibitions on Storm Drainage and Groundwater.

2.2.1 Individual Connections.

Storm water, groundwater, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the District. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available and the District's system has been determined to have capacity available to meet maximum discharge flow rates as determined by the District.

If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable service connection fees and user charges and fees and meet such other conditions as required by the District.

2.2.2 Community Sewer Connections.

Whenever in the District's opinion a community sewer connection is discharging quantities of effluent significantly in excess of the amounts that should be generated from the services within the community sewer system, whether from storm water, groundwater, rainwater, street drainage, subsurface drainage, area drainage or other causes, then such excessive drainage shall be remedied, controlled and eliminated by the community sewer entity upon demand of the District, and for that purpose, the District may take any steps reasonably designed in its opinion to remedy, control and eliminate such excess effluent discharge into District facilities, including but not limited to:

- a. Imposition of a surcharge, including progressive surcharges, on such discharge determined by the District to be excessive;
- b. Requiring the entity to conduct an infiltration/inflow analysis or other study to determine the causes, and to adopt and implement a plan to remedy or eliminate such excess discharge;
- c. Termination of service.

2.3. Prohibition on Unpolluted Water.

Unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers will not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the District. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available and adequate system capacity exists.

If a permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable service connection fees and user charges and fees and shall meet such other conditions as required by the District.

2.4. Limitation on Radioactive Wastes.

- 2.4.1. No person shall discharge or cause to be discharged, any radioactive waste into a community sewer, except;
- 2.4.2. When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency.
- 2.4.3. When the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Atomic Energy Commission regulations and recommendations for safe disposal; and
- 2.4.4. When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.
- 2.4.5. When the person is undergoing medical procedures, treatments, or therapies.

2.5. Limitation on the Use of Garbage Grinders.

- 2.5.1. Waste from garbage grinders shall not be discharged into a community sewer except: Waste generated in preparation of food normally consumed on the premises; or
- 2.5.2. Where the user has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the waste constituents and characteristics.
 - 2.5.2.1. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

2.6. Limitations of Point of Discharge.

- 2.6.1.1. No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless upon written application by the user and payment of the applicable user charges and fees, the District issues a permit for such direct discharges.

2.7. Holding Tank Waste.

- 2.7.1. A user proposing to discharge holding tank waste into a community sewer must secure a permit. Unless allowed by the District under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable service connection fees and user charges and fees and shall meet such other conditions as required by the District. A properly installed connection located on the building sewer of a single family residential property and having been inspected by the District on installation, shall not be required to secure a Permit as detailed herein, so long as the holding tank discharge connection is used for personal, intermittent tank discharge.

2.8. Grease Trap and Grease Interceptors

- 2.8.1. Any type of business or other establishment such as, but not limited to, restaurants, bakeries, donut shops, takeout or drive-in eating establishments, ice cream parlors, hospitals, hotels, markets, or commercial kitchens in schools, churches, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public sewer main or disposal system, shall have a "gravity grease interceptor" or a "hydro mechanical grease interceptor", herein referred to generally as "interceptor".
- 2.8.2. Any type of business or facility such as, but not limited to, car washes, quick lubes, and automotive repair shops, where any grease of mineral or petroleum origin is generated and which may be discharged into a public sewer main or disposal system, shall have a "oil liquid interceptor", herein referred to generally as "interceptor".
- 2.8.3. Interceptors shall be sized and constructed in accordance with District standard specifications and the latest edition of the District's Fats, Oils and Grease Control Program. All designs shall be submitted for approval by the District Engineer prior to installation.
- 2.8.4. Each interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A gravity grease interceptor may not be installed in any part of a building where food is handled. Locations of interceptors shall meet the latest edition of the California Plumbing Code and the approval of the District Engineer.
- 2.8.5. Each business establishment for which an interceptor is required shall have an interceptor, which shall serve only that business establishment.
- 2.8.6. Buildings remodeled for use requiring interceptors shall be subject to these regulations.
- 2.8.7. Waste discharge from fixtures and equipment in the above mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, etc., and floor drains shall not drain through the interceptor without prior approval by the District Engineer. Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

- 2.8.8. The interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be emptied or discharged into any drainage piping or public or private sewer. Such materials shall be appropriately disposed of by the Owner in accordance with applicable waste discharge regulations.
- 2.8.9. Abandoned grease interceptors shall be emptied and filled as required for abandoned septic tanks in Section 722 of the latest edition of the California Plumbing Code.
- 2.8.10. The cover or lid for interceptors shall be designed for the loads imposed on the structure as required by the District Engineer. The cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only.
- 2.8.11. Interceptors shall be installed in such a manner as to prevent drainage from outside the intended area of use.
- 2.8.12. If, upon inspection by the District, an interceptor is found to be absent or ineffective as solely determined by the District, the owner/user shall be required to make immediate repairs or corrections within thirty (30) days after receiving written notification of deficiency from the District. If the interceptor requires pumping and servicing, as determined by the inspector, the owner/user shall be required to have the interceptor pumped by a licensed hauler within ten days after receiving notification by the inspector. Failure to make such repairs or corrections shall result in disconnection from the public sewer.
- 2.8.13. The owner/user shall keep records of interceptor cleaning, maintenance, and grease removal and report on such maintenance to the District in the format and at the frequency required by the District. The District may require the owner/user to provide results of periodic measurements of its discharge which is to include chemical analysis of fats, oils and grease content.

2.9. Other Limitations on Wastewater Discharged into a Community Sewer.

2.9.1. No person shall discharge into a sewer wastewater containing in excess of:

- mg/L arsenic
- mg/L cadmium
- 5.6 ug/L copper
- mg/L cyanide
- mg/L lead
- mg/L mercury
- mg/L nickel
- mg/L silver
- mg/L total chromium 38 ug/L zinc

Groundwater Remediation Projects:

- mg/L Benzene, Toluene, Ethyl benzene, Xylene (BTEX)
- 10.0 mg/L Total Petroleum Hydrocarbons (TPH)

No person shall discharge into a sewer any wastewater:

- Having a temperature higher than 150 degrees F (65 degrees C.)
- Containing more than 300 mg/L of oil or grease of animal or vegetable origin.
- Containing more than 100 mg/L of oil or grease of mineral or petroleum origin.
- Having a pH lower than 6.0.
- Containing in excess of 0.02 mg/L total identifiable chlorinated hydrocarbons.
- Containing an excess of 1.0 mg/L phenolic compounds.

2.9.2. No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District sewer system any toxic or other wastes if in the opinion of the Manager such wastes may have an adverse or harmful effect on service maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger the public, the environment, or create a public nuisance.

2.9.3. Effluent limitation promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Ordinance. Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in commercial and industrial categories subject to effluent guidelines of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the Administrator. Where the District treatment works was designed to and does achieve substantial removal of pollutants other than the four pollutants listed in the definition for compatible pollutants in Section 102(e) (BOD, suspended solids, pH, and fecal coliform bacteria), it is not appropriate to require the commercial or industrial user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of 80 percent (80%) or greater. Minor incidental removals in the order of 10 to 30 percent (10-30%) are not considered "substantial". For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly owned treatment works. However, any adjustment required for particular categories should be considered in connection with the District's requirements, rather than in the national pretreatment standards. Limitations on wastewater strength in Section 2.9.1 and 2.9.2 of this Ordinance may be supplemented with more stringent limitations in accordance with Section 3.2:

1. If the district determines that the limitations in Section 2.9.1 and 2.9.2 may not be sufficient to protect the operation of the District's treatment works, or
2. If the District determines that the limitations in Sections 2.9.1 and 2.9.2 may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the Waste Discharge Requirements specified by the California Regional Water Quality Control Board for the District.

2.10. Limitations on Flow.

2.10.1. When in the opinion of the District, the quantity of wastewater discharged to the collection facilities are in any way detrimental to said facilities or are in excess of the capacity of that system, the District may require the implementation of flow limiting devices by individual users. The flow limiting devices shall be of a type approved by the District and shall be installed on those fixtures designated by the District and at the user's expense. User charges may then be adjusted as provided for in Chapter 4 of this Ordinance.

2.10.2. All applicants for new sewer service connections may be required to furnish proof of installation in residential, commercial and/or industrial buildings, toilets, urinals and shower heads at maximum flow rates as determined by applicable law.

2.11. Backflow Devices - Sewer Customers Shall Install

2.11.1 The District requires that a backflow prevention device be installed in accordance with District specifications and operated, maintained and replaced on all connections to the community sewer, at the sole expense of the user. The purpose of the backflow device is to prevent wastewater flowing in the community sewer from backing up into the user's building sewer. Such backflow prevention device shall be installed on the property of the user and become part of the user's building sewer. Protection of property from damage caused by wastewater backup from the community sewer is the sole responsibility of the user. Failure of the District to notify the user of any known or unknown hazards which may result from the user's connection to the community sewer and/or failure of the District to require the installation of such backflow prevention device shall not relieve the user of this sole responsibility. The District shall not be responsible for nor shall it compensate for damages resulting from any such backup of wastewater.

2.11.2 Upon discovery that a backflow prevention device does not exist on the user's building sewer, the District may require its installation in accordance with a time schedule based on the potential for user property damage caused by sewage backup.

2.12. Access.

District personnel shall have a right of access to any premises the sewage discharge from which reaches the District's sewer system, to determine whether there is compliance or non-compliance with this Ordinance. District personnel shall further have a right of access to go upon any premises on which a sewer line is located that is serving more than one parcel or building for the purpose of inspection of the sewer line and to shut off, terminate, repair or reconnect sewer service, for any other purpose related to the operation of the sewer system, including the inspections relating to grease interceptors. All Critical Users will be required to install an inspection/sampling chamber, the type and location of which will be determined by the District Engineer.

2.13. Responsibility for Lateral or Service Line.

The District is responsible for operation and maintenance of the public sewer system and the owner (or user) is responsible for the operation and maintenance of the private sewer facilities serving their property, as further detailed in Chapter 9 of this Ordinance. The District shall make the determination of whether a sanitary sewer facility is owned by the District, or is part of the private sanitary sewer facilities serving a particular property or properties. In no case will the District maintain sewer laterals on private property unless the District specifically agrees under special circumstances, such as where the lateral serves more than one parcel, and where an easement is granted to and accepted by the District. As a general rule, the following shall guide the decision of whether a sewer facility is public or private, as well as improvements required for the District to accept ownership of previously private sanitary sewer facilities:

2.13.1. Existing Sewer Connections with No Property Line Cleanout - The owner/user shall be responsible for ownership, maintenance and repair of the sewer lateral and all associated facilities from the building to its interconnection with the District's main.

2.13.2. Existing Sewer Connection, New Cleanout Installed on a Lateral Determined to be Defective - If the user installs a sewer cleanout at the property line adjacent to a public right-of-way, and the cleanout is installed pursuant to District standards and accessible to the District's satisfaction, the District will enter into Agreement with the owner/user for the improvement and ultimate ownership, operation and maintenance of the portion of the lateral downstream of the cleanout in the public easement, road or right-of-way, to the District main. The owner/user shall be responsible for the cost of improvement of the sanitary sewer facilities between the new cleanout and District's sewer main, in accordance with schedule established by the District and in the manner addressed in the Agreement.

2.13.3. Existing Sewer Connection, New Cleanout Installed on a Lateral Determined to be Acceptable to District Standards – If the user installs a sewer cleanout at the property line adjacent to a public right-of-way, and all sanitary sewer facilities are determined to be will

enter into Agreement with the owner/user for the ownership, operation and maintenance of the portion of the lateral downstream of the cleanout in the public easement, road or right-of-way, to the District main.

2.13.4. District Installed Cleanout – Under conditions determined by the District to be an emergency or threat to public health and safety, the District may, at its sole discretion, install a cleanout at the customer's property line if the customer locates and exposes the private lateral. Installation of a clean out by the District does not affect the ownership responsibility for the private sanitary sewer facilities unless addressed in an Agreement with the District as detailed in 2.13.2 and 2.13.3 above.

2.13.5. New Construction - The customer shall install a cleanout at the property line in accordance with District standards and under the inspection of the District. The homeowner is responsible for the Lateral from its connection from the building sewer to the property line cleanout. The District is responsible for the sanitary sewer facilities from the property line cleanout to the District main.

2.14 Separate Service Laterals

2.14.1 Each parcel of land shall be served by a separate sewer service lateral, generally extending from the District main sewer to the property line of the parcel served; at which point the private lateral is connected via a sanitary sewer cleanout installed per District standards. Sewer service to additional structures containing plumbing fixtures, secondary dwellings, granny houses, and other buildings or structures require a separate service application, approval by the District and potentially the payment of additional connection and/or capacity charges in accordance with this Ordinance.

2.14.2 Common Lateral Use Agreements

The District will approve the use of a single public sewer lateral to serve more than one property only if no public sewer is available abutting the parcel applying for connection and extension of the existing sewer system to provide a separate public lateral is either not possible and/or not feasible. To facilitate the use of a single public lateral to serve more than one property or building, an agreement between the property owner(s) and the District is required. The service applicant(s) shall pay all costs associated with agreement preparation, surveying, easement dedication, recording and administration. The Agreement must be acceptable to the District and shall at minimum contain the following:

- The requirement for easements surveyed and dedicated to allow for installation, operation and maintenance of the common private lateral across the affected private property, and
- Agreement among the parties owning and using the common lateral and with any properties across which the lateral is located agreeing to cost allocation, ownership, operation, repair, replacement, access and liability for the common lateral. The terms and conditions of the Agreement must meet the standards of the District.
- The agreement and easements must be properly recorded with each affected property and a recorded copy filed with the District.

CHAPTER 3. EXTENSION OF FACILITIES AND DISCHARGE PERMITS

3.1 Extension or Improvement of Facilities Agreement.

When sewer service is requested for property within the District which does not abut an adequate public sewer collection facility, an extension or improvement of the District's system shall be required. Such facilities may include, but not limited to, collection pipes, manholes, backflow prevention devices, pump stations and clean outs.

3.1.1 Application.

An extension or improvement of facilities shall be initiated by completing an application and depositing an application fee. The application must be signed by the property owner, and shall become null and void under the following conditions:

- a. The application shall become void ninety (90) days following date of issue unless a recordable extension or improvement of facilities agreement has been signed by both the TCSD Board of Directors and the applicant.
- b. The application and recordable agreement shall both be void and terminated eighteen (18) months after execution of the extension and improvement agreement unless construction has been completed and accepted in writing by the District. A twelve (12) month extension of time may be granted upon request by the developer and approval in writing by the District Manager.

3.1.2 Project Approval.

Design documents accompanying extension or improvement applications shall be reviewed by the Manager and/or District Engineer. If further information or redesign is required, the applicant shall furnish additional material or information at his own expense. All such designs shall be certified and stamped by an engineer registered to practice in the State of California and all design and material specifications shall be in accordance with standard specifications approved by Tuolumne City Sanitary District. Upon District approval, the design shall be incorporated into an extension or improvement agreement in accordance with District Policy and meeting terms and conditions required by the District. The agreement shall be placed on the Board of Directors agenda, accompanied by staff recommendations, and, if authorized, the President and Secretary of the Board shall sign the agreement.

No actual construction or field work shall begin until the agreement has been signed by all parties and any required payments, deposits or insurance submittals are provided by the applicant.

3.1.3 Installation and Ownership of Extension of Facilities.

The applicant (hereinafter referred to as "developer") shall have the facilities constructed and installed by an experienced, competent contractor approved by the District. The District reserves the right to construct, with its own personnel or by contract, at cost to the developer, taps or connections to existing pipes and any other complex or difficult construction which may be necessary to proper operation and function of District facilities, in the opinion of the District. The developer may be required to furnish an irrevocable letter of credit, bond, or other acceptable surety to guarantee completion and payment for any facilities constructed under the agreement. Upon completion, final inspection and acceptance in writing by the District, the off-site facilities shall be owned and operated by the District as part of its sewer system

3.1.4 Sizing of Facilities.

The Developer is responsible to size the project's collection system adequate to meet peak buildout demand, and to construct or pay for upsizing existing District collection facilities if necessary to accommodate the added peak flow from the project, as determined by the District. The normal minimum pipe line size for public sewer shall be eight (8) inches inside diameter; however, the District Manager may specify larger or smaller pipe line size under appropriate conditions.

For projects of twenty lots or more, the District may require that modeling or other system capacity evaluations be completed by the District, at the expense of the applicant to ensure that the existing collection system can meet the expected peak flows from the new development, when added to the existing peak wastewater flows. If upsizing of the existing District collection system is necessary to accommodate the Project peak flow, the proportional cost of the improvements to District facilities shall be paid by the Developer, as further described herein. Billing to the Developer for all plan review, application processing, administration, inspection and/or construction work will be billed by the District in accordance with the hourly rates as listed in Exhibit C of this ordinance.

3.1.5 Location of Facilities.

The extension or improvement of facilities shall be located only on land owned by the District in fee, in streets with an acceptable encroachment permit, existing public utility easements, or in an easement granted to the District. The location is subject to the District's approval of alignment, accessibility and safety of the facilities. The developer shall convey or grant to the District without cost such land and/or easements the District determines necessary for the facilities. The District may also require an easement for future extensions. Land shall be conveyed to the District, free and clear of liens or encumbrances except encumbrances of record that are acceptable to the District. Easements shall be granted in a form satisfactory to the District. The pipeline shall abut all parcels served. An easement shall be granted to the District along the entire length of the developer's parcel except in cul-de-sacs, dead-end roadways or other situations where the District determines that the pipeline may terminate and remote service be provided.

3.1.6 Payment of Administration, Plan Review, and Inspection Costs.

The developer shall pay the District's costs for projects as specified in Exhibit C attached hereto and describes as follows:

- a. Administration Charge. This is a one-time charge which shall be paid at the time of application and which shall be used to cover District staff time involving assistance to the applicant regarding District procedures, scheduling, public hearings, and accounting.
- b. Engineering Labor Charges. These charges shall be for engineering labor expended on CEQA review, plan and easement reviews and project management. A deposit shall be paid prior to District's review of construction plans.
- c. Inspection Charges. These charges shall be for the District's time expended on the construction site facility inspections. Inspection charge deposits will be paid prior to commencement of construction and credited to the actual charges incurred by District staff for inspections, camera-testing, pressure-testing, vacuum-testing, etc. In the event that actual costs exceed the deposit, charges will be billed monthly to the developer during the construction of the facilities. Any funds collected but not used will be refunded upon acceptance of the facilities by the District. Any amounts still owed to the District shall be paid in full prior to District acceptance of the improvements.

3.1.7 As-Built Drawings and Proof of Service Certification.

Upon completion and final inspection by the District, developer shall submit a complete set of as-built drawings of the facility acceptable to the District in hardcopy form together with an electronic file acceptable to the District. The requirement for electronic files may be waived with prior approval of the District. After all conditions for acceptance of the facility have

been met, the District will issue written certification of proof of service to the County Building Department.

3.1.8 First Year Warranty Responsibility.

For a period of one (1) year from the date of acceptance by the District, the developer shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, to be due to negligence in the manufacture and/or installation of the facilities, exclusive of negligence by the District or its agents, acts of a third party or acts of God. Failure by the developer to pay for any of the repairs described above after being billed by the District will result in a lien being placed against the property by the District.

The developer, or the developer's contractor, may be required to submit a one (1) year repair surety a bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an amount not less than ten percent (10%) of the construction costs of the facilities.

3.1.9 Documentation of Project Costs.

For all projects, the developer shall provide the District with a detailed statement of construction costs satisfactory to District.

3.1.10 Cost Reimbursed by the District.

Reimbursement of documented project costs to a developer for extension or improvement of permanent facilities, when other users later benefit from such facilities, shall be subject to a reimbursement agreement. It shall be the intent of this regulation to provide a fair and equitable return to the original developer provided others make use of the extended or improved facilities within a ten year period following completion of construction. The District will collect and disburse funds for repayment of verified project construction costs under the conditions set forth below.

- a. The District shall be under no obligation to make any reimbursement payment whatsoever, except as outlined in this section. All questions as to the meaning of any portion of this section or the reimbursement agreement shall be as interpreted by the District.
- b. Reimbursable facilities must be constructed in accordance with District's standard specifications from plans submitted and approved prior to construction, inspected by the District during and after construction and the costs must be documented to District's satisfaction. A detailed statement of construction costs must be submitted by the Developer to the District within 90 days of completion of the project, and failure to do so will result in nullification of the District's obligation to collect or administer reimbursement.
- c. Any applicant within the area of benefit who requires service through facilities or improvements constructed by others pursuant to a reimbursement agreement and who did not contribute to the cost of construction or required in-lieu fees, shall pay a pro rata reimbursement fee prior to service being supplied. An area of benefit which identifies parcels having access to the constructed facility or improvement shall be determined by District's Engineer and a map of the area shall be attached as an exhibit to the reimbursement agreement. In no case shall reimbursement exceed the documented cost of construction less the proportionate share of the project utilized by the original developer himself. Reimbursement payments required of future applicants for service within the area of benefit shall be based solely upon parcel area according to the following formula:

$$\begin{array}{l} \text{Applicant's} \\ \text{Payment} \\ \text{Obligation,} \\ \text{Dollars} \end{array} = \frac{\text{Verified Construction Cost, Dollars}}{\text{Total Area of Benefit, Acres}} \times \begin{array}{l} \text{Area of Applicant's} \\ \text{Parcel, Acres} \end{array}$$

Where extensions are constructed in subdivisions, reimbursement amounts may be based on the number of lots within the area of benefit instead of acreage as follows:

$$\begin{array}{l} \text{Applicant's} \\ \text{Payment} \\ \text{Obligation,} \\ \text{Dollars} \end{array} = \frac{\text{Verified Construction Cost, Dollars}}{\text{Total Number of Parcels in Area of Benefit}}$$

- d. District shall also collect an administration fee, in addition to the pro rata reimbursement fee, from each applicant for service under the terms of the reimbursement agreement. Such administration fee shall amount to three (3) percent of the reimbursement fee or two hundred fifty dollars (\$250), whichever is larger.
- e. On an annual date specified in the reimbursement agreement, the District will disburse collected reimbursement funds to the developer without interest. Developer shall keep the District informed of any change of mailing address. If the developer is an entity of more than one individual, District shall disburse funds to a designated escrow account and shall have no responsibility or liability for the further distribution of such funds.
- f. Developer's rights to reimbursement funds shall not be transferable or assignable without the express written consent of the District Board of Directors.
- g. Any expense for collection, enforcement, disbursement, litigation or any other reason connected with administration of a reimbursement agreement which exceeds the administration fee cited in paragraph four (4) above, may be deducted and retained by District from reimbursement funds collected by the District before disbursement of the remainder of such funds to the developer.
- h. The District will not administer reimbursement from the Developer's own existing or proposed parcels or parcels to be acquired by the Developer.
- i. Parcel owners within the area of benefit will not be required to connect to the Developer's extension if an alternate route is preferable in the sole opinion of the District.

3.1.11 Environmental Impact Report Charge.

Unless all such environmental processing has been done by the County or another agency, the District may determine that an environmental impact study or report is required for a proposed extension facility necessary to serve a developer's land. The developer shall be responsible for the costs of preparing such a study and/or report, including associated costs incurred by the District for overhead, preparation, and hearings.

3.1.12 Connections According to Design.

Notwithstanding requirements of preceding paragraphs in this section, all connections made to a main sewer line or lateral sewer line shall be constructed in compliance with existing District plans or designs, if any exist, featuring facilities applicable to service to the subject property. District's Engineer shall determine what constitutes existing plans or designs applicable to an applicant's parcel and shall also determine whether or not a developer's plans are in compliance with such existing plans.

3.2 Wastewater Discharge Permits.

3.2.1 Mandatory Permits.

All critical users proposing to connect or to discharge into the District's sewer system must obtain a Wastewater Discharge Permit before connecting to or discharging into a community sewer. All existing critical users connected to or discharging into a community sewer must obtain a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance.

Any applicant for sewer service may be required to obtain a wastewater discharge permit if contemplated discharge is found by the Manager to have significant impact, either singly or in combination with other contributing discharges, on the treatment or collection system.

3.2.2 Permit Application.

Users seeking a Wastewater Discharge Permit shall complete and file with the Manager, an application in the form prescribed by the Manager, accompanied by the applicable fees, and signed by the applicant. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- a. Name, address and SIC number of applicant;
- b. Volume of Wastewater to discharge;
- c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a laboratory approved by the District.
- d. Time and duration of discharge;
- e. Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- g. Description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged.
- h. Each product produced by type, amount, and rate of production;
- i. Hours of work;
- j. 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 Wastewater Discharge Permit, subject to terms and conditions provided herein.

3.2.3 Duration of Permits.

Permits may be issued for a specified time period. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the District thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, if any wastewater constituent limitations or requirements as identified in this Ordinance are modified, changed or made more stringent. The user shall be informed of any proposed changes in his 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 as established by the District.

3.2.4 Transfer of a Permit.

Wastewater Discharge Permits may be issued for a specific operation on a specific premise. Such wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, or a new user without the expressed written consent of the District.

3.2.5 Changes in Operation or Discharge.

A user to whom a permit has been issued shall promptly report in writing to the Manager any changes in his operations or wastewater constituents or characteristics that are significantly different from that provided in his permit application.

3.2.6 Revocation of Permit.

Any user who violates this Ordinance or applicable State and Federal regulations, or any of the following, is subject to having their permit revoked:

- a. Failure of a user to accurately report the wastewater constituents and characteristics of

his discharge;

- b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
- c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- d. Any of conditions of the permit.

3.3 Discharge Reports.

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

3.4 Monitoring Facilities.

The District may require any user to construct, at his own expense, monitoring facilities to allow inspection, sampling and flow measurements of the building sewer or internal drainage systems, including grease traps and grease interceptors, and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises, but the District may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area under an encroachment permit of the governing agency and located so that it will not be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the District requirements and all applicable local agency construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District, unless a time extension is otherwise granted by the District.

3.5 Inspection and Sampling.

The District may inspect the facilities of any user to ascertain whether any purposes of this Ordinance are 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. 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 purpose of performing their specific responsibilities.

3.6 Pretreatment.

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. 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 the District

before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and must be acceptable to the District.

3.7 Protection from Accidental Discharge.

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility.

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

3.8 Approval of Plans for Sewerage Construction.

No person, other than employees of the District or persons contracting to do work for the District, shall construct or cause to be constructed, or alter or cause to be altered, any public sewer, lateral sewer, house connection or industrial connection, sewage pumping plant, pollution control plant, grease interceptor, or other sewerage facility within the District where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the District without first obtaining approval of sewerage construction plans from the District.

The applicant shall submit to the District for approval, construction plans and such specifications and other details as required to describe fully the proposed sewerage facility. The plans shall have been prepared under the supervision of and shall be signed by an engineer of suitable training registered in the State of California.

Plans for sewerage construction shall not be approved by the District for any facility which will convey industrial wastewater until the District has determined if a Wastewater Discharge Permit is required for the facility.

Plans for sewerage construction shall meet all design requirements of the District.

An approval of plans for sewerage construction shall expire one year after date of approval unless construction has been initiated.

3.9 Inspection of Construction.

All sewer construction, including on-site grease interceptor facilities, shall be inspected by personnel of the District during construction. In making a connection to a trunk sewer, no physical alterations of the District's facilities shall commence until an inspector is present.

Sewerage facilities which will be connected to a District sewer, will be inspected routinely by the District during construction. Upon completion of construction and prior to removal of the downstream bulkhead and upon receiving 48 hours' notice, the District will inspect the work to determine if it has been constructed in a satisfactory manner and to determine if all facilities are cleaned of construction debris that could be flushed into the District's sewers.

3.10 Plan Approval Not Transferable.

Approval of plans for sewerage construction and connections to trunk sewers is not transferable from one person to another person or from one location to another location without written consent of the District.

3.11 Manhole Reconstruction Notification.

The work of adjusting manholes on District's sewers to new grades will be performed by personnel of the District in cooperation with the contractor and in accordance with established procedures of the District. The person proposing to perform work necessitating the adjustment of manholes on District's sewers to a new grade shall be responsible for notifying the District in advance of the work.

3.12 Temporary Service.

Temporary wastewater discharge permits shall be limited to one year, and thereafter renewable at the discretion of the District Manager. Service charges shall be determined at rates established by this ordinance.

3.13 Special Agreements.

Special agreements and arrangements between the District and any persons or agencies may be established when in the option of the District unusual or extraordinary circumstances compel special terms and conditions.

CHAPTER 4. CLASSIFICATION OF USERS, DEMAND FLOW, CHARGES AND FEES

4.1 Classification of Users.

The District hereby establishes the user classifications attached hereto as Exhibit A, to which each user shall be assigned, according to the principal activity conducted on the user's premises and the typical quantities of wastewater volume discharge demand, constituents and characteristics. The purpose of such classification is to facilitate the regulation of wastewater discharges, provide an effective means of source control and to provide a basis for the fixing and levying of charges and fees for services on an equitable basis to all users. All classifications not specifically listed in Exhibit A will be determined by the District from the most similar classification listed or from usage records of a similar establishment.

4.2 Determination of Wastewater Volume Discharge Demand and Characteristics by User Classification.

4.2.1 Normal Determination.

The District hereby determines the quantities of wastewater volume discharge demand, constituents and characteristics for each user classification based upon an estimate for the typical user within each classification shown in Exhibit A. The estimate is determined by the District to be reasonable and is based upon such factors as the number of fixtures, seating capacity, population equivalent, number of employees, water usage, or such other factors relating to an equitable determination within and between user classifications. For the purpose of setting charges and for the determination of quantities of wastewater volume discharge demand, constituents and characteristics may be expressed in "demand flow" weighted for wastewater constituents and characteristics in excess of the typical average strength of domestic wastewater.

4.2.2 Uniformity of Determination.

The demand flow measured in residential equivalents for each user within a user classification is assumed for purposes of this Ordinance to be uniform. Flow monitoring devices such as sewage or water meters are not a feasible, practical or acceptable means of determining demand flow for individual users.

4.3 Establishment and Purposes of Service and Connection Charges and Fees.

The District hereby establishes the schedule of charges and fees attached hereto as Exhibit B to pay for the cost of sewer service provided, to insure an equitable recovery of the District's cost of providing such services, and to provide capital reserve funds as needed to provide for replacement and expansion of the sewer facilities as needed.

The sewer service charges are to recover the actual costs of operating and maintaining the various elements of the District operated collection systems and the various components of the Tuolumne Wastewater Treatment Plant, as indicated on the exhibits attached hereto. The Connection and Capital Facilities Fees are to provide funds for replacement and expansion of capital improvements necessary to provide and maintain service to all customers within the District's sewer service areas, and for special reimbursement or other purposes, as more particularly indicated in the exhibits attached hereto.

4.4 Other Charges and Fees.

The District may at any time establish a schedule of charges and fees to pay for the costs of other services provided, to insure an equitable recovery of the District's cost of providing sewer service, including but not limited to:

4.4.1 Monitoring Service. The cost of monitoring wastewater volume discharge demand, constituents or characteristics.

4.4.2 Application Fees. The cost of administration, engineering or other related or required costs to process permit application.

4.4.3 Appeal Fees. The cost of administration, engineering, legal or other related costs to process appeals.

4.4.4 Service Availability Charges. The cost of maintaining system capacity in a readiness to serve status for the benefit of unimproved parcels of land.

4.5 Basis of Charges and Fees.

The basis for the allocation of the cost of providing a service shall be "demand flow", per occurrence, per connection or other basis related to the nature of the cost of service provided. Service connection fees and service or user charges shall be based on "demand flow" units, or per occurrence, or per connection as set forth in the exhibits attached hereto.

4.6 Payment of Administration, Plan Review and Inspection Costs.

All applicants requesting a line extension or other system improvements specifically intended to serve the wastewater discharge demand of the applicant shall be charged the Administration, Plan Review and Inspection Costs as specified in Exhibit C, Fee Schedule. The cost of project development and/or construction plan review and other professional services commissioned by the District for services related to new development, shall be paid to the District by the applicant. The District shall charge only the invoice cost of such third party services.

4.7 Service Availability Charges

Following adoption of this Ordinance, Service Availability Charges shall be levied on all vacant parcels of land in accordance with the following:

4.7.1 Newly created vacant parcels - Approval of providing service to any new land subdivision shall be conditioned upon the agreement to pay Service Availability Charges. A Service Availability Charge shall be applicable to all parcels in any new land subdivision. The purpose of the Service Availability Charge is to make or hold system capacity available to provide the property immediate service, and to ensure that all vacant parcels pay their proportional share of the cost of system maintenance, replacement and/or improvement to meet regulatory requirements and to ensure that the system is capable of providing service to the property upon approved service application and payment of Connection and/or Capacity Fees.

Unless such Service Availability Charges are specifically provided for otherwise by a recorded agreement with the developer prior to the sale of the parcels in the subdivision, the District shall direct the preparation of any necessary administrative paperwork, processes and reports as required for creation of the fee or assessment in accordance with the applicable provisions of state law. All costs associated with the creation and approval of the Service Availability Charges, including legal costs, financial evaluation and report preparation, election and other reasonable District administrative expenses, shall be paid by the project developer. The terms and conditions of the Service Availability Charge will be detailed in the Agreement between the Developer and the District. Service Availability Charges shall terminate for each parcel upon application for wastewater service and payment of applicable connection fees and charges.

4.7.2 Termination of active service on existing vacant parcels – Vacant parcels existing at the time of adoption of this Ordinance may request termination of active service and elimination of payment of monthly service fees, conditioned on the following:

- a. Completion of an application requesting termination of active service, and
- b. Verification by the District that no habitable structures or other active sewage generating fixtures exist on the vacant parcel, and
- c. No sewage generating fixtures are expected to be installed on the property within a two year period of application for termination of active service, and
- d. The property owner agrees to payment of District Service Availability Charges and to pay the difference between the cost of the connection and capacity fees applicable at the time active service is reestablished on the property and the amount of the total connection and capacity fees in effect at the time of termination of the active service.

CHAPTER 5. BILLING POLICY, ADMINISTRATION, COLLECTION AND DISPUTES

5.1 Service Connections.

5.1.1 Application for Service.

Each person applying for a service connection must complete an application in a manner and on a form prescribed by the Manager prior to making connection. The application form shall include as a minimum the following information:

- a. Name and mailing address of the owner of the premises.
- b. Assessor's parcel number of the premises.
- c. Service address.
- d. Name and mailing address of the parcel owner to be billed for user charges.
- e. Type of service requested.
- f. Date service is required.
- g. Date of application.
- h. Signature of Applicant.

The applicant will be notified if the application is approved or disapproved.

5.1.2 Payment of Connection and Capital Facilities Fees for Individual Connections.

- a. All applications for sewer service must be accompanied by a valid building permit issued by the Tuolumne County Community Development Department before the District can accept the application and the connection and facilities fees. Sewer service and charges shall commence and be payable upon acceptance of the service application and related fees by the District, and the regular billing for which shall begin at time in which the applicable monthly fees are placed for collection in the Tuolumne County Tax Rolls as detailed herein.
- b. The District shall determine the amount of service connection and Capital Facilities fees payable in accordance with the provisions of applicable exhibits of this Ordinance using rates in effect at the time service is applied for. All such fees must be paid before a service connection is completed and activated.
- c. Service accounts for wastewater discharge permits that may be temporary, such as for groundwater remediation projects may be paid over a ten year period. In such cases, the connection fee will be divided into 120 equal payments, due each month, and added to the monthly service billing charges. If service is no longer needed and inactivated prior to the end of the ten year period, the remaining portion of unpaid connection fees will be waived.

5.1.3 Payment of Connection and Capital Facilities Fees for New Development.

- a. The District shall determine the amount of service connection and Capital Facilities fees payable based on the project's wastewater service needs in accordance with the provisions of applicable exhibits of this Ordinance using rates in effect at the time service is applied for. All such fees must be paid before a service connection will be allowed.
- b. If capacity exists within the wastewater system adequate to serve the peak demand

of the proposed project, capacity related connection fees as detailed in Exhibit B may be paid at the time of application for sewer service for individual lots or businesses. If wastewater system capacity to serve the project's peak demand does not exist, the District may require the payment of all applicable connection and capacity fees in advance of providing any active service to the project.

- c. Payment of fees when system capacity exists - All applicable Capital Facilities charges for the project will be paid to the District by the service applicant before service will be provided.
- d. Payment of fees when inadequate system capacity exists – All capacity related connection fees shall be paid by the project developer, as calculated by the District, in advance of the discharge of any wastewater by the project. The District will make no agreements with developers, or amendments to agreements with developers to allow deferment of payment of the applicable capacity charges or payment by installments or otherwise. This shall not apply to other connection charges payable for actual hook-up of individual units in such development, which must be paid by the service applicant before the individual connections for service are provided. Capital Facilities charges for sewer service must be paid to the District before District acceptance of developer-constructed facilities for the development and before any proof of service or other documentation is given by the District indicating that such facilities are accepted or that service shall be provided.

5.1.4 Inspection of Service Connection.

The District shall have the right to physically inspect all service connections at the time such service connections are made. It is the responsibility of the applicant to pay for and normally perform all work required to make a service connection. The applicant must notify the District at least twenty-four (24) hours in advance of making the service connection. Such connections must be made during normal working hours of the District and a District inspector must be present. The applicant may be required to disconnect and reconnect the service connection for inspection purposes, if the District did not inspect the connection as required herein. If the service requires more than two inspections, the applicant will be charged additional fees for each subsequent inspection per Exhibit C.

5.1.5 Unauthorized Service Connections.

Construction of a service connection without District approval of an application, without inspection, or without paying all charges in accordance with this Ordinance is not permitted. Any person doing so may be prosecuted by the District in accordance with the California Health and Safety Code and other applicable laws and procedures. An unauthorized sewer connection, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized service connection was made and twice the connection fee currently in effect at the time of discovery. Such unauthorized connections may be disconnected by District until payments and penalties required by this ordinance are deposited with the District. The payments and penalties as provided herein shall be reduced to surcharge of twenty-five percent (25%) added to the retroactive service charges and current connection fee provided that the physical connection is inspected and approved and payment in whole is made to the District as billed within ten working days of written notification by certified mail.

Notwithstanding the provisions of this section, the Board of Directors shall have the right to alter or reduce the penalties and provisions herein in public session at a regularly scheduled Board meeting for good cause upon recommendation of the Manager or upon appeal by the penalized party.

NOTE: Effective January 1, 1987, a seller of real property must supply a buyer with a completed Real Estate Transfer Disclosure Statement in the form prescribed in Civil Code 1102.6. Failure to disclose unauthorized connection to the public sewer may constitute fraud.

5.1.6 Change of Use.

If an existing user modifies, changes or adds to the use made of the premises on a service connection, then a new application must be completed requiring approval by the District, and inspections, testing, repair and upgrading of the service laterals may be required at owner's expense, pursuant to Chapter 9 hereof. If the change of use results in a higher or lower Exhibit A demand flow classification, then a commensurate change shall be made in the monthly sewer service charge for the account, implemented when billing adjustments are made by the County on their Tax Rolls. If additional structures or facilities are constructed which may allow increased flows, additional connection fees must also be paid. Any raising of the monthly service charge shall be retroactive to the time at which increased usage was implemented on the premises.

Vacant parcels served by an active sewer connection and paying sewer service charges, may request that regular service and service charges be terminated. Approval for such service termination shall be granted only in the case where no habitable structure exists or is expected to exist for a minimum of two years; the owner agrees to terminate and not use said service and to pay applicable Service Availability Charges during the time in which the active service is terminated. To reestablish service, a new service application is required and the owner is required to pay the capacity and connection fees currently in effect at the time of such new service application. Capacity and connection fees verified to have been previously paid will be deducted from the total connection fees due at the time of new service application.

Connections serving all types of connections other than single family residential may request a reduction in monthly service charges when the use of the property changes and it is estimated that wastewater discharge from the connection will be reduced for a long period of time; typically one year or more. Any lowering of the monthly service charge shall be processed upon notification to the District of reduced usage and shall then be billed thereafter at the lower rate once processed by the County for placement on the Tax Roll at the lower rate. Customers submitting a request for reduction in monthly service charges must provide detailed evidence to the satisfaction of the District that the reduced wastewater generation on the property is not a temporary change and that the reduced wastewater generation has occurred for a significant period of time. Such evidence may be in the form of winter water usage records and reduction shall be limited to a period of twenty-four (24) months from the date of notification of reduced usage.

If metered water consumption data is not available for the premises, the user shall, at their expense, install a District-approved water meter on the plumbing system of the premises to enable the District to verify the claimed reduction of sewer discharge. The meter is there forward owned and operated by the property owner. The District shall have the right to access the meter during normal business hours to monitor the water usage of the premises. After a period of one year, if the water usage indicates a sewer discharge lower than the amount used to determine sewer billing, the District may, at its discretion, refund sewer billing retroactively to the date of the initial read of the meter by the District. The meter shall remain on the premises and be accessible to the District for continued monitoring of the usage. If subsequent readings indicate increased usage, the sewer billing will be adjusted accordingly.

Failure to report a change of use, when discovered by the District, may require payment equal to twice the avoided user charges in effect during the period of time since such unauthorized change of use was made and twice the additional connection fee currently in effect at the time of discovery. Premises with unauthorized changes in usage may be disconnected by District until payments and penalties required by this Ordinance are deposited with the District. The payments and penalties as provided herein may be reduced to a surcharge of twenty-five percent (25%) added to the retroactive service charges and the current additional connection fee provided the payment in whole is made to the District as billed within ten working days following notification by certified mail.

Notwithstanding the provisions of this section, the Board of Directors shall have the right to alter or reduce the penalties and provisions herein in public session at a regularly scheduled Board meeting for good cause upon recommendation of the Manager or upon appeal by the penalized party.

5.2 Backflow Prevention Devices.

Whenever necessary, an applicant shall install a backflow prevention device at the applicant's expense as an integral part of the private service connection to a community sewer. Protection of private property from damage caused by sewage backup through a sewer service lateral is the sole responsibility of the property owner, and shall not be compensated by the District.

5.3 Liability for Payment

5.3.1 Person Liable for Charges and Fees.

Wastewater service fees are calculated on a monthly basis, charged for a period of twelve months and collected semi-annually at the same time and on the same bill as the Ad Valorem Property Taxes for the premises. The owner of the premises shall in all cases be liable for charges and connection fees for services rendered to the premises.

5.3.2 Miscellaneous Charges.

There may be other charges levied to provide services or service associated cost reimbursement to the District which are not specified in this Ordinance. When such additional fees or charges are from time to time approved by the Board of Directors they shall constitute the same liability for payment upon the Applicant/user as any other specified charge or fee listed in this Ordinance.

5.4 Service or User Charges.

5.4.1 Billing Interval.

Bills for sewer service shall be submitted annually to the County of Tuolumne for collection in the same manner and on the same billing as the Ad Valorem Property Taxes.

5.5 Temporary Suspension of Service.

Upon written request and in consideration of exceptional circumstances beyond personal control of the owner/user which prevents habitation or use of the sewer structure for up to six (6) months, monthly sewer charges may be suspended and the amount of sewer service charges paid during the suspension period refunded or credited to the account of the owner. . An example of acceptable circumstances for suspension of monthly charges is loss of use of the building due to fire or flood; disallowing occupancy and requiring reconstruction without normal sewer use. Such suspension shall be dependent upon approval of District's Manager. Upon written request of the property owner and written agreement with the Manager, such suspension period may be extended on a month to month basis up to a total of three (3) additional months in the event of documentable delays in reconstruction of the structure with circumstances beyond the control of the property owner. District will be notified as early as possible when use is resumed and no later than fourteen (14) days before full service billing is to commence. If the sewer is found to be in use during such time as suspended service is in effect, user/owner will immediately become liable for two (2) times the normal full charges which would have been billed during suspension period.

5.6 Collection of Delinquent Accounts.

Delinquent accounts shall be collected by the County of Tuolumne in the manner allowed by law for the collection of utility service fees, contained on the property tax bill.

5.6.1 Establishment of Liens Against Property.

Delinquent sewer charges shall constitute a lien against the lot or parcel of land against which the charge is imposed if said charge remains delinquent, and the Manager may record a Notice of Lien as to any such parcels with the County Recorder of Tuolumne County, and the delinquent charges, together with penalties and interest thereon, shall become a lien upon all real property owned by such person(s) in accordance with Section 31701.7 of the Water Code. The Manager may further record a Notice of Release or Discharge of Lien upon the payment of

any such delinquent charges.

5.6.2 Placing Unpaid Charges on the County Tax Rolls.

The amount of any charges for sewer service requested in writing by the owner of the property that are delinquent and unpaid for sixty (60) days or more on or before July 1, shall upon notice being given to the owner thereof be added to and become a part of the annual taxes upon such property, and shall constitute a lien on that property as of the same time and in the same manner as general taxes upon such property, all as provided for in Sections 31701.5-31701.6 of the Water Code; provided that in such cases, the District Auditor/Controller shall furnish to the County Board of Supervisors and the County Auditor a statement of such delinquent and unpaid charges on or before August 10 of that year.

5.6.3 Payment of Connection Charges After Termination of Service.

In the event that service to property for which there are delinquent and unpaid sewer charges has been discontinued, and the property is foreclosed upon resulting in the extinguishment of any District's liens upon the property for such delinquent charges, service shall not be restored to the property until the District Connection and Capital Facilities charge set forth in Exhibit B for new services is paid, unless the applicant pays in lieu thereof all of the delinquent sewer charges on the property, penalties and costs of reconnection.

5.6.4 Collection by Legal Action.

The Manager is further authorized and directed to institute, or cause to be instituted, and to prosecute, in the name of the District, appropriate legal action for the collection of the delinquent sewer charges and penalties.

5.7 Restoration of Service Upon Payment of Charges.

Restoration of service to property which has been terminated requires a new service application and prior payment of charges, penalties and interest due, plus the actual cost of disconnection and reconnection as determined by the Manager.

5.8 Disputed Billings.

5.8.1 Review.

The Notice of Delinquency shall inform the user that any disputed portion of the billing may be reviewed with the Manager (or a designated management employee) within ten (10) days of the date of the Notice. The person requesting review shall send a written statement supporting the basis for dispute to the District Office, attention of the Manager. Any requested review shall also include consideration of whether the user shall be permitted to amortize the unpaid balance of the account over a reasonable period of time.

5.8.2 Review by Board.

If the Manager (or designated management employee) does not resolve the dispute to the user's satisfaction within five (5) working days, the user may request in writing that the dispute be scheduled with the Board of Directors at their next regular meeting at which the customer will be given an opportunity to be heard by the Board. No termination of service shall occur while such review is under consideration, providing provisions of this Section are complied with.

5.8.3 Payment to Avoid Discontinuance of Service.

To avoid discontinuance of service, full payment of the undisputed portion of the bill must accompany the written statement by the due date.

5.9 Direct Billing of Tenants.

Due to the method of billing and collection of service fees on the property tax rolls, owners that rent or lease the property with sewer service, may not have the service billing sent directly to the tenant or tenant's agent.

CHAPTER 6. ENFORCEMENT

6.1 Accidental Discharge.

6.1.1 Notification of Discharge.

A user shall notify the District immediately upon accidentally discharging wastes in violation of this ordinance, to enable countermeasures to be taken by the District to minimize damage to the community sewer, treatment facility, treatment processes and the receiving waters, if impacted.

This notification shall be followed within fifteen (15) days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the District on account thereof under Section 13350 of the California Water Code or for violations of Section 5650 of the California Fish and Game Code.

6.1.2 Notice to Employees.

In order that the employees of users be informed of the District's requirements, users shall make available to their employees copies of this ordinance and 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 ordinance.

6.2 Issuance of Cease and Desist Orders.

When the District finds that a discharge of wastewater has taken place, in violation of prohibitions or limitations of this ordinance, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist and direct that those persons violating or not complying with such prohibitions, limits, requirements, or provisions to:

6.2.1 Comply forthwith;

6.2.2 Comply in accordance with a time schedule set forth by the District; or

6.2.3 Take appropriate remedial or preventive action in the event of a threatened violation.

6.3 Submission of Time Schedule.

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

6.4 Appeals.

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

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. If the written appeal is not received within ten (10) days, then the Manager's ruling shall be final. If the written appeal is filed, it shall be heard by the Board within thirty (30) days from the date of filing. The

Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of consideration by the Board.

CHAPTER 7. ABATEMENT

7.1 Public Nuisance.

Discharges of wastewater in any manner in violation of this Ordinance or of any order issued by the Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance is guilty of a misdemeanor.

7.2 Injunction.

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

7.3 Damage to Facilities.

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

Tree roots originating from trees on private property or within a utility easement that penetrate the pipe and which appear to be a cause of obstruction or infiltration may be severed at the District's discretion. The District shall not be responsible for the corresponding impact to the tree, replacement of the tree, or for compensation to the owner.

7.4 Civil Damages and Penalties.

Any person who violates any provision of this Ordinance or permit condition or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be liable civilly for all damages incurred, and for a penalty not to exceed \$10,000 for each day in which such violation occurs. The attorney of the District, upon order of the District's Board of Directors, shall file an action in the Superior Court to determine, impose, assess, and recover such sums.

7.5 Criminal Penalties.

Any person who intentionally or negligently violates any provision of this Ordinance or permit condition or who discharges wastewater which causes pollution or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard shall be guilty of a misdemeanor.

7.6 Falsifying of Information.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with the District or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, is guilty of a misdemeanor.

7.7 Termination of Service.

The District may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated wastewater service to any premise if a violation of any provision of this Ordinance is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in this Ordinance. This provision is in addition to other statues, rules, or regulations, authorizing termination of service for delinquency in payment.

CHAPTER 8. MANDATORY HOOK-UP AND ABATEMENT OF PUBLIC NUISANCE

8.1 Mandatory Connection to Sewer by District at Owner's Expense.

If it is determined by the Tuolumne County Department of Environmental Health or other agency having jurisdiction that the use of a septic system tank or other local means of sewage disposal is contaminating any surface or underground water, or creating a public health hazard or is a public nuisance, the Manager shall report that fact and the evidence in support thereof to the Board. The Board may thereupon give written notice to the owner and occupants of such dwelling house that the Board will, not less than ten days after the giving of such notice, determine whether such condition has occurred or is occurring. Notice shall be given by mailing to the address of the owner as shown on the County Assessment roll, and to the occupants by mailing to the address of the premises, or by hand delivery to an adult person residing on the premises, or by posting at the entry or other conspicuous place on the premises. Any person interested may appear at said hearing and be heard on the matter. If the board finds, at the conclusion of said hearing that such condition is occurring or that it has occurred, the Board may order the owner of said premises to connect such dwelling house, together with all toilets, sinks and other plumbing therein, properly vented, and in a sanitary manner, with the nearest appropriate District sewer main, within a time to be specified by the Board. Upon the failure to do so, the Board shall order that said work be done, at a reasonable cost, by the District's own forces or by another person contracting with the District therefore. The District shall thereupon have a lien upon said property for all applicable connection fees or charges, and the District, or such other person doing such work at the District's request, shall thereupon have a lien upon said property for the work done and materials furnished, and such work and materials furnished shall be held to have been done and furnished at the insistence of the owner, and any persons claiming or having any interest in said real estate.

8.2 Enforcement of Lien.

The liens provided for herein shall be enforced in the same manner as those provided for in Title 15 (commencing with Section 3082), Part 4, Division 3 of the Civil Code.

8.3 Placing Forced-Connection Costs on County Tax Rolls.

Alternatively to the enforcement of the lien as provided above, the Board may in such cases declare that the amount of the costs of such work and the administrative expenses incurred by the Board, together with connection charges and other applicable charges, be transmitted to the County Assessor and Tax Collector, whereupon it shall be the duty of such officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

8.4 Lien on Property When Owner Requests Connection.

Any owner may request the Board to construct all necessary pipes and plumbing to connect his property to the District's sewer system. If the Board does such work or has such work done, the District or the person doing such work at the request of the Board shall have a like lien upon the property.

8.5 Authorization for this Chapter.

It is the intent of this Chapter that the Board shall have all of the powers and authority conferred upon District by Section 31103 of the Water Code (declaring the use of septic tanks to be a public nuisance), and under section 5463 and 5464 of the Health and Safety Code (relating to procedures upon refusal or failure to connect dwellings with sewers), but nothing herein shall preclude the District to utilize any other power or authority for violations or enforcement. "Owner" as used in this Chapter shall also mean and include reputed owner.

CHAPTER 9. PRIVATE SEWER LATERALS

The operation of the District's sanitary sewer system can be negatively impacted by excessive inflows during the wet seasons. As a result of infiltration and inflows into broken, cracked, and poorly maintained private sewer facilities, including private sewer laterals, flows occasionally overload the conveyance and treatment capacity of the District's Sewer System. In addition, plugging and blockage of private sanitary sewer pipelines caused by root intrusions, grease accumulation, offset joints, flat spots or bellies, can result in overflows, difficulties in operation, contamination of surface waters, and nuisances and endangerment to the public health, safety, and welfare. Therefore, in accordance with state permits and laws, it is hereby found and determined that the District must adopt an aggressive policy of inspection of such private sewer facilities that discharge wastewater into the District's sanitary sewer system and to require property owners to repair or replace defective private sewer facilities when such conditions are found to occur.

9.1 Owner Responsibility

The owner of a property served by the District's sanitary sewer system shall at all times maintain, at the owner's cost and expense, the private sanitary sewer facilities serving the property in a good condition and repair and which does not allow the infiltration, inflow or discharge of storm water, rainwater, groundwater, subsurface or street drainage into the District's sanitary sewer system. The owner shall be responsible for the operation, maintenance, and repair of such private sanitary sewer facilities, including pipelines and all devices or safeguards required by this section which are part of the such private sanitary sewer facilities serving said property (collectively, "private sanitary sewer facilities").

The owner's operation, maintenance, and repair responsibility is generally from the building to the connection at the District's sewer main. On properties where an approved cleanout was installed on the private sewer lateral at the owner's property line; the owner's responsibility is from the building to the property line cleanout, and the District is typically responsible for the sewer lateral from the property line cleanout to the District sewer main. Ownership of the various components of the Private Sanitary Sewer Facilities shall be determined by the District on a case by case basis and the District will perform a free site inspection for the purpose of determining and documenting such ownership responsibilities.

The owner's responsibility shall extend to and include the private sanitary sewer pipelines, manholes, equipment, pump stations, and related appurtenances serving the premises. The District shall not be responsible for any loss or damage caused by improper or defective installation of such private sanitary sewer facilities, whether inspected and/or approved by the District. All such installations of private sanitary sewer facilities shall conform to all federal, state, county, city, District and local laws, rules, regulations and ordinances.

9.2 Transfer of Ownership of Private Sanitary Sewer Facilities

It is understood that it can be very difficult and dangerous for individual sewer customers to own, operate and repair long private laterals crossing multiple properties, those located in public streets and in close proximity to other public utilities such as water, electrical, fiber optic lines, and other critical public infrastructure. Therefore, the District has established a system to allow for the improvement of the portion of the private sanitary sewer facilities from the property line to the District sewer main and dedication of that portion of the facilities to public (District) for ownership and operation. The following regulations and Section 2.13 of this Ordinance govern the process:

9.2.1 The property owner submits a Private Sanitary Sewer Facilities Acceptance application to the District requesting that the portion of the existing private sanitary sewer facilities located off of the owner's property be accepted by the District as part of its public sewer collection system. This request may be the result of a demand issued by the District for repair of the private sanitary sewer facilities, an inspection by the District or others mandating improvements, response to a service order, sewer system overflow, neighbor complaints, or other factors.

9.2.2 The District performs an inspection of the private sanitary sewer facilities on the property and develops a report on the condition of such facilities, their location and proposed conditions for acceptance by the District. The report shall be used to develop a Private Sanitary Sewer Facilities Acceptance Agreement between the District and Owner.

- a. A Property Line Cleanout is Required- The owner/user shall be responsible for installation of an acceptable cleanout or cleanouts on their private sewer lateral, near the property line in a location(s) directed by the District. This cleanout will be used to facilitate a thorough private system inspection.

- b. The District may enter into Agreement with the owner/user for the improvement and ultimate ownership, operation and maintenance of the portion of the lateral downstream of the cleanout in the public easement, road or right-of-way, to the District main. Under the District's direction, the owner/user shall be responsible for:
 - i. Acquiring any necessary easements including surveys, engineering, agreement preparation, legal and recording costs
 - ii. Paying the cost of improvement of the sanitary sewer facilities between the new cleanout and District's sewer main; constructed to District standards
 - iii. Completion of the improvements in accordance with schedule established by the District and in the manner addressed in the Agreement
 - iv. Paying District inspection costs and Private Sanitary Sewer Facilities Acquisition Surcharges - In certain cases where the cost of District administration of a Private Sanitary Sewer Facilities Acceptance Agreement or extensive time is required to complete the necessary improvements to the Private Sanitary Sewer Facilities; an annual surcharge may be charged to the Owner at the cost of the increased administrative or operations expense.

The agreement and any maps, easement or other pertinent documents shall be recorded on the property to ensure that future property owners are aware of the Private Sanitary Sewer Facilities Agreement and its conditions. Depending upon the circumstances such as risk to public health and safety, potential for property damage or state fines or other enforcement, the District may develop an Agreement that provides for immediate transfer of ownership, operation and maintenance of the portion of the Private Sanitary Sewer Facilities to become public; and the completion of improvements to said facilities in the future. In such a case, the District may apply operating surcharges, and require cash deposits, bonds or other assurances that the improvements will be completed according to the established schedule.

9.3 Damage to District Facilities

The owner of the property served by the District's sanitary sewer system shall be responsible and liable for all costs involved in the repair of all damages caused to the District's sanitary sewer system facilities by the owner or the owner's tenant, occupant, customer, or agent, including but not limited to sewer obstructions, wherever located, and including any costs incurred by the District resulting from such damage or repairing the same.

9.4 Repairs Required

All private sanitary sewer facilities found in need of repair as a result of testing procedures required by this chapter shall be repaired, upgraded and/or installed to the standards set forth in the District Standards at the owner's expense. If the repairs are not made promptly pursuant to notice being given and to the satisfaction of the District, the District may take any of the enforcement and abatement actions described in Chapters 6 and 7 of this Ordinance, including the termination of service to the premises. The District may also at its option cause the improvements or repairs to be made by the District at the owner's cost and to collect the same as a delinquent account by any of the procedures described in Chapter 5, including the establishment of a lien against the property.

The District may also notify the county or city building inspector, county health inspector, health officer, or other affected county or city office of any apparent violation of a city or county ordinance or state law related to sanitary sewers, or any contamination, pollution as nuisance relating thereto.

9.5 Notice

Any of the following shall constitute the giving of notice by the District under this section:

- Notice to both the owner and to any tenant, either by notice in person, by telephone, or by hand delivery of a notice, or
- Posting such notice in a conspicuous place on the premises and the expiration of 48 hours after posting, plus the mailing of notice by first class mail with postage prepaid in the U.S. mail to the owner and any such tenant and the expiration of 72 hours after such mailing.

9.6 Emergency Repairs

The District Manager is authorized in his/her discretion upon the request of any owner or tenant in writing to provide emergency repairs to any broken, plugged or inoperative private sewer lateral when assurance is given for the District to be reimbursed for the costs thereof. If the costs are not paid to the District pursuant to such assurances or within 30 days after such billing, the District may utilize any remedies for the collection thereof that are available for collection of unpaid sewer charges, including but not limited to terminating sewer services to the premises, collection on the tax roll and by establishing a lien against the property.

9.7 Testing Requirements

It is the intent of the District to test and as necessary, video inspect the private sewer laterals, pipelines, and connections of customers served by the District's sewer system on a rotating basis, at a frequency determined by the District, or when changes are made to the Owner's property or plumbing as described below, for the purposes of reducing sanitary sewer overflows and eliminating inflow and infiltration into the District's sewer system. Video inspection may be used to identify defects in the private sanitary sewer facilities including, but not limited to unacceptable construction materials, leaks, breaks, plugs, blockages, root intrusion, grease accumulation, offset joints, flat spots or bellies.

Owner, user or occupant of a house, building, or property connected to the District's sanitary sewer system shall maintain private sanitary sewer facilities in a condition such that the tests and inspections described herein can be successfully accomplished.

Testing will apply to all private sanitary sewer facilities, including those serving or intended to serve residential, multiple residential, commercial, and industrial users connected to the District's sanitary sewer system. Testing procedures are detailed in the District's current Standard Specifications and Details (collectively referred to herein as District Standards); which are incorporated herein.

Testing shall be conducted at the owner's expense when any of the following improvements or changes in property use occurs:

- Remodeling of the house, building, or property served to an extent of more than 25 percent of the square footage before improvements;
- Repair or replacement of all or part of the private sanitary sewer facilities, including sewer lateral(s), or private lift station components;
- Installation of an additional sewer lateral pipeline;
- Change of use of the house, building, or property serviced from residential to business or commercial, or from non-restaurant commercial to restaurant commercial;
- Addition of living quarters, such as guest cabins on the property served, or conversion of garages into living quarters with plumbing fixtures, or addition of structures on the parcel that may, as determined by the District, impact an existing sewer lateral or increase fixture units;
- When an inspection by the District indicates reasonable cause; or
- Upon determination of the District that testing or sanitary sewer facility replacement is required for the protection of the public health, safety, and welfare.

9.8 Testing Procedures

9.8.1 The owner of a house, building, or property connected to the District's sanitary sewer system shall conduct all private sanitary sewer facility upgrades and testing required pursuant to District Standards at the owner's sole expense and shall notify the District 48 hours prior to testing. Testing and repair or replacement shall be conducted by a contractor determined qualified by the District. All testing shall be witnessed by a qualified District employee (referred to herein as Inspector) and carried out in accordance with District Standards.

9.8.2 At new construction, the owner shall call the District during working hours at least forty-eight (48) hours in advance for sewer inspection as part of acceptance and occupancy. All underground piping, including the connection to the District sewer, shall be open for complete viewing and examination by the District Inspector.

For new construction: once the connection has been constructed to District standards, the sewer lateral shall be tested at the owner's expense per one of the methods described below and conducted in accordance with District Standards.

9.8.3 Sanitary Sewer Pipeline Testing

All sewer laterals and privately owned sewer pipelines shall be tested by either an air or water method, at the discretion of the District.

In the case of sewer laterals, the test section shall be from the building cleanout to the property line/easement cleanout. If such a cleanout does not exist, one will need to be installed per District standards before testing can proceed. The test section includes all private pipelines, including joint laterals, which provide sanitary sewer service to the parcel in question.

If a cleanout has not been installed at the easement/property line, a cleanout per District standards shall be installed prior to testing. If there is no cleanout located outside the building foundation (within two (2) feet of the foundation wall), then a cleanout per District standards shall be installed. A "popper" style backflow prevention device shall be installed, per District standards, on at least one cleanout. If the building lateral exits the foundation under an existing deck or concrete patio, the location of the building cleanout near the foundation may be modified on a case-by-case basis as determined by the District. The owner shall be responsible for proper cleanout installation.

In the event of a failed test, the Owner or the Owner's Contractor must do one of the following:

- Replace the entire sewer lateral from the building cleanout to the property line cleanout or;
- Arrange for a video inspection of the sewer lateral extending from the house to the property line cleanout in order to ascertain the location needing repair. A copy of the video inspection shall be furnished to the District for review. Following completion of a video inspection, the property owner may opt, with approval from the District, to undertake one of the following:
 - Dig and replace the entire sewer lateral from the building cleanout to the property line cleanout;
 - Dig and spot repair deficient sections of the lateral as identified in the video inspection. The method of repair must be approved by the District Inspector; or
 - Arrange for trenchless rehabilitation of the entire sewer lateral from the building cleanout to the property line cleanout. The method of rehabilitation must be approved by the District Inspector.

All permits including, but not limited to encroachment permits, building permits, etc.

necessary to complete the repair or replacement work will be the property owner's responsibility to obtain and said work shall be in compliance with the conditions of such permits.

9.9 Time Limits for Initial Testing

Initial testing shall be completed by the owner in a timely manner as follows:

Within thirty (30) days of written notification from the District of a defective sewer discovered by video inspection, service call, or maintenance records; or

Immediately if it is determined by the District that testing and repair are necessary to protect public health and the integrity of the sanitary sewer system.

Time extensions may be granted on a case-by-case basis by the District Manager.

Once the private sanitary sewer facilities have passed the required tests, the District Inspector shall notify the District office of its acceptance and written notice shall be provided to the property owner, city or county, as applicable.

9.10 Payment of Inspection Costs

No fee will be charged for the initial inspection to determine ownership of the various components of the private sanitary sewer facilities, or of a fully replaced private sewer lateral with a successful first test. A fee will be charged for each District inspection required by this section for re-inspections and District review of video inspections. The fee shall be the current per hour inspection rate listed in Exhibit C of this Wastewater Ordinance.

9.11 Time Limits for Repairs and Retesting

If a private sanitary sewer facility fails any of the above described tests, including defects discovered during video inspection, the owner shall cause corrective work and retesting to be performed within thirty (30) days from the date of written notification by the District. All repairs shall be inspected by the District.

Time extensions may be granted on a case-by-case basis from the District Manager. However, the maximum time extension shall be eight (8) months.

In the event that testing would be required during the period from October 15 to April 15 or during such other periods when such work may be impractical due to weather conditions, the District Manager or his/her designee may defer such requirements upon posting of a performance bond with and satisfactory to the District guaranteeing completion that is satisfactory to the District. The posting of the performance bond is intended to assure funds are available to conduct the testing, and to repair and/or replace the sanitary sewer facilities in question if needed when weather conditions permit. The amount of the performance bond shall be calculated by the District and based on estimated testing costs, the current local construction costs, the lineal footage of the building lateral, the number of cleanouts and other related appurtenances to be installed as well as the removal and replacement of existing physical obstacles and structures affected by the test.

Once the new or repaired sewer connection and lateral meet District standards and pass required tests, the District Inspector shall notify the District office of its acceptance and written notice shall be provided to the property owners, city or county, as applicable.

In the event that a private sanitary sewer facility has not been successfully repaired and tested within the required time period, the District may discontinue sewer service to the property pursuant to this Wastewater Ordinance.

9.12 Waiver of Testing Requirements

The Manager or his/her designee shall have the authority to waive testing requirements if:

The private sanitary sewer facility was newly installed and tested within a prior twenty (20) year period and there have been no substantial changes to the property including the addition of landscaping, property grading, decks or other improvements which may have damaged the sewer; or

The existing private sanitary sewer facility was tested within a prior ten (10) year period and, due to pipe material type and site conditions, there is good reason to believe that such testing is not necessary; or

The private sanitary sewer pipeline is of such a length that testing is not practical; or
The private sanitary sewer facilities are part of a central private sanitary sewer system and the District has an established written agreement concerning specific testing requirements.

CHAPTER 10. SEVERABILITY

If any provision of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of such provisions to other persons or other circumstances shall not be affected.

EXHIBIT A – USER CLASSIFICATION TABLE
 CLASSIFICATION OF USERS AND BASIS FOR DETERMINATION OF WASTEWATER
 VOLUME DISCHARGE DEMAND

<u>User Classification</u>	<u>Wastewater Volume Discharge Demand Factor</u>
Single Family Residence (Occupied or vacant)	1.0
Accessory dwelling to a single family residential	1.0
Apartment and Mobile Home Parks Each Unit	1.0
Motels and Hotels	0.25/Room
Rooming House	0.25/Room
Campgrounds	
Overnight & trailer w/central dump facilities	0.2/Space
RV w/individual hookup	0.5/Space
Barber Shops	1.0
Beauty Shops	2.0
Service Station	
With Public Restrooms	2.6
Self Service (no restroom)	1.0
Recreational Vehicle Dump Station	1.0/Dump Station
Automobile Repair Shops	1.0
Mortuary	1.0
Bakeries, Catering Service	1.0
Restaurants	
Walk-in	0.08/Seat
24 hour	0.19/Seat
w/banquet facilities	0.05/Seat
Drive-in, Short Order, kitchen only	1.0
Bars, Taverns	0.09/Seat
Bowling Alley	0.46/Alley
Theaters, indoor (Based on maximum seat capacity)	0.02/Seat
Laundries & Laundromats	0.5/Machine
Cleaners	0.7/Machine
Plant w/office	0.07/employee+ 1.62/Machine
Fire Station	1.0
Professional Offices	1.0
Physician or Dental Office or Clinic	1.0/office or M.D.

CLASSIFICATION OF USERS AND BASIS FOR DETERMINATION OF WASTEWATER VOLUME
DISCHARGE DEMAND

<u>User Classification</u>	<u>Wastewater Volume Discharge Demand Factor</u>
Retail Stores, Including:	2.0
Clothing	
Building Supply, Hardware, Appliance	
Furniture	
Real Estate	
Warehouse	
Drug Store	
Pet Shops	
Other Retail/Thrift Stores	
Public Swimming Pools	1.0
Car Wash, Self-Serve	2.8/Stall
Food Markets	2.0+
With Garbage Grinders	1.0/Grinder
Fairgrounds	4.0
Public Buildings and Facilities	1.0
Hospital	0.8/Bed
Schools	0.07 Per ADA
Meeting Halls and Churches	1.0
Public Restroom Buildings	1.16/Toilet
	0.47/Wash Basin
Long-term Care Facilities	0.42/Bed
Industrial Bldg., Assembly, etc.	0.7/Employee or Per Discharge Permit
Minimum Demand Flow For Non-Commercial Classifications	1.0
Minimum Demand Flow for Commercial Classifications	2.0

EXHIBIT B – SERVICE CHARGES AND CONNECTION FEES

Annual Sewer Service Charges

April 2015

Service Charges per year per EDU:	\$ 633.00	
Basis: units per EDU:	160 gpd	Peak Day Flow / No. of Connections
Biochemical Oxygen Demand (BOD – Wastewater Strength)	100 – 300 mg/L	

Connection Fees

1.	Collection	\$1,000.00
2.	Transport	\$500.00
3.	Treatment	\$1,000.00
4.	Disposal and Outfall	\$1,000.00
5.	Administration	\$500.00
6.	System Expansion Fund	\$3,200.00
TOTAL:		\$7,200.00

EXHIBIT C – FEE SCHEDULE

Service	Cost
Private lateral inspection (New Construction, Private System Repair/Replacement)	\$60 Flat Fee
Private lateral testing, video inspection, repair	\$60 per hour, per person
Administrative labor (billing rate for special and development agreement preparation, processing ordinance violations, annexation, Discharge Permit preparation, etc)	\$30 per hour
Discharge Permit - annual administration	\$90
Construction inspection – new construction (public or private systems)	\$60 Flat Fee
Construction labor (system damage repair, install cleanouts, repair private lateral, flagging, etc)	\$60 per hour, per person
Ordinance enforcement actions (field labor)	\$60 per hour, per person
Equipment (Billed in addition to labor)	
Flush/Vacuum Truck	\$50 per hour, two hour minimum
Service vehicle	\$20 per hour
Sewer camera	\$50 per hour
Contracted /Other Services	
Engineering	At cost billed to District
Legal Counsel	At cost billed to District
Annexation	At cost to District
Environmental Review	At cost to District