



**Sacramento Regional County  
Sanitation District**

**Consolidated Ordinance**

Version 1.02

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# Chapter 1

## General Provisions

### **1.01 Consolidated Ordinance Adopted--Effective Date**

This Consolidated Ordinance, as compiled from the ordinances of the Sacramento Regional County Sanitation District, is the official document containing all current ordinances of the District. This Consolidated Ordinance shall take effect at 12:01 a.m., PST, on February 27, 2010, at which time this Consolidated Ordinance shall be applicable and controlling with respect to all subjects included in this ordinance in lieu of all previous ordinances which are superseded and replaced by this Consolidated Ordinance.

### **1.02 Title--Citation—Reference**

This ordinance shall be known as the “Consolidated Ordinance” of the Sacramento Regional County Sanitation District. It shall be sufficient to refer to this document as the "Consolidated Ordinance" or “District Consolidated Ordinance” in any prosecution for violation of any provision of this Ordinance in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of this Consolidated Ordinance as an addition to, amendment to, correction of, or repeal of the "Consolidated Ordinance" of the Sacramento Regional County Sanitation District. References to this Consolidated Ordinance may be to the titles, chapters, sections and subsections "" and such references shall apply to that numbered title, chapter, section or subsection as it appears in this Consolidated Ordinance.

### **1.03 Definitions and Construction**

Unless the context otherwise requires the following words and phrases where used in this Consolidated Ordinance shall have the meaning and construction given in this section:

1. ACRE: An area of 43,560 sq ft. The acreage of a parcel includes the entire area of the parcel less any public Rights-of-way (Streets, flood control channels, etc).
2. ADMINISTRATOR: means the District Engineer or his designee.
3. ADMINISTRATIVE COMPLAINT: A formal complaint issued by the District to any Person who violates any provision of this Consolidated Ordinance. The complaint shall allege the act or failure to act that constitutes the violation of the District’s requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
4. ADMINISTRATIVE ORDER: An enforcement document which directs industrial users to implement corrective or remedial measures.
5. AFFORDABLE HOUSING COST: refers to the definition contained in Health & Safety Code section 50052.5, including but not limited to cost limits for low and very low households in owner-occupied housing, as further defined in Title 25 of the California Code of Regulations.

6. AFFORDABLE RENT: refers to the definition contained in Health & Safety Code section 50053, including but not limited to cost limits for low and very low households in rental housing, as further defined in Title 25 of the California Code of Regulations.
7. AND/OR: And, or, or both.
8. APPLICANT: means the owner or owners of record of the real property for which a fee deferral is sought pursuant to this Consolidated Ordinance.
9. BIOCHEMICAL OXYGEN DEMAND or BOD: The quantity of dissolved oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty (20) degrees centigrade.
10. CATEGORICAL STANDARDS, OR CATEGORICAL PRETREATMENT STANDARDS: Any regulation containing Pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 - 471.
11. CATEGORICAL USER: Any User subject to a Categorical Pretreatment Standard or Categorical Standard.
12. CEASE AND DESIST ORDER: An Administrative Order issued by the District requiring a discharger to halt the discharge of Wastewater in violation of the Sewer Use provisions.
13. CERTIFICATION LETTER: means a written certification from the Sacramento Housing and Redevelopment Agency (hereinafter "SHRA") or the Housing Authority, Redevelopment Agency or other appropriate entity of the City of West Sacramento as so designated by the City of West Sacramento (hereinafter "West Sacramento Agency") that a project is a Qualified Residential Project.
14. CLASS I USER: A User requiring a Wastewater Discharge Permit that is classified as a Significant Industrial User or Non-Significant Categorical User.
15. CLASS II USER: A User requiring a Wastewater Discharge Permit which is not included within the definitions and parameters of Class I.
16. COLLECTION SYSTEM: The pipelines, pump stations, manholes and other similar facilities which are owned, and operated by any of the contributing agencies discharging to the District's interceptors and/or treatment plant.
17. COMBINED SEWER: A Sewer which serves the purpose of both a Sanitary Sewer and a Stormwater conveyance system.
18. COMMERCIAL USER: Any nonresidential User that the District Engineer determines does not meet the definition of a Class I or Class II User.
19. COMMUNITIES: Within the unincorporated areas, Communities are defined as those areas delineated in the Sacramento County Assessor's Database. Within the incorporated areas, Communities are determined by the respective local jurisdiction.
20. COMPLIANCE ORDER (CMO): An Administrative Order directing the User to achieve or restore compliance by a specified date. A CMO may include a compliance schedule with specific milestones for achieving steps toward compliance, for tracking progress, and for the User to report progress.
21. CONSENT ORDER (CO): An Administrative Order establishing an agreement with any User responsible for noncompliance, and specifying action to be taken by the User to correct the noncompliance within a time period also specified by the order.
22. CONTAMINATION: An impairment of the quality of the environment, including waters of the State, by Waste to a degree which creates a hazard to public health through the spread of disease or the creation of toxic conditions.
23. CONDOMINIUM: Any individually owned family dwelling unit co-located with one or more such units in the same structure.
24. CONTRIBUTING AGENCY: Any Public Agency, except for contracting agencies that

- contributes Wastewater from its system to the District Sewer system.
25. DISTRICT: Sacramento Regional County Sanitation District.
  26. DISTRICT BOARD: The Board of Directors of the Sacramento Regional County Sanitation District.
  27. DISTRICT ENGINEER: The Sanitation Districts Agency Administrator, or successor position.
  28. DISTRICT SEWER SYSTEM: All of the District's facilities used for collecting, conveying, pumping, treating and disposing of Wastewater and residuals.
  29. DOMESTIC WASTEWATER: Liquid, solid, and water-carried Waste originating from residential sources. Any Wastewater produced by ordinary living uses, including liquid Waste containing animal or vegetable matter in suspension or solution, or the water-carried Waste from the discharge of toilets, showers, washing machines, sinks, dishwashers, or other source of water-carried Wastes of human origin. This definition includes Wastewater from commercial and industrial sources which is of a similar source and quality to that produced by these same ordinary living uses.
  30. EASEMENT: An acquired legal right to the exclusive or joint use of a defined portion of land for construction and/or maintenance of Sewers.
  31. ENGINEERING NEW RECORD-CONSTRUCTION COST INDEX (ENR-CCI): An index used to determine construction costs, which is derived by using a formula that includes 200 hours of common labor, multiplied by a 20-city (plus San Francisco) average rate for wages and fringe benefits.
  32. EQUIVALENT SINGLE FAMILY DWELLING (ESD): A parameter used to identify the Sewage discharge from a single family detached residential dwelling. For purposes of calculating design Sewage discharges, one Single-Family Dwelling equals 310 gallons/day (9,300 gallons/month) and 180 mg/l of Biochemical Oxygen Demand (BOD) and 180 mg/l of Suspended Solids (SS) at average dry weather flow.
  33. ESD CREDIT: The number of ESD's, based upon usage, assigned to a property on July 1, 1975, or purchased since that time by the payment of Sewer Impact Fees or the predecessors of Sewer Impact Fees.
  34. FEDERAL ACT, ACT: The Federal Water Pollution Control Act, also known as the Clean Water Act as amended in 33 U.S.C. 1251.
  35. FEDERAL PRETREATMENT REGULATIONS: Any regulations promulgated by EPA in accordance with Sections 307(b) and (c) and 402(b) (8) of the Act (33 U.S.C. 1317) for the implementation, administration, and enforcement of pretreatment standards.
  36. FISCAL YEAR: The year beginning July 1 and ending June 30.
  37. FIXTURE UNIT: The unit equivalent of plumbing fixtures as defined in the most recent edition of the Uniform Plumbing Code under the public use category. For purposes of determining Sewer use charges, there are 23 Fixture Units/ESD, which is rounded to 0.04 ESD/Fixture Unit.
  38. GARBAGE: Solid Wastes from preparing, cooking, and dispensing food, and from handling, storing and selling food products.
  39. HAZARDOUS MATERIALS: Any substance, or combination of substances that is classified as hazardous under State (Health and Safety Code, Section 25501 (o)) or federal regulations, is included on the federal list of toxic Pollutants as specified in 40 CFR 403, or is included in the list of hazardous substances as specified in 40 CFR 116. As used herein, hazardous material shall also include any substance, Waste or material which meets any of the following criteria: (1) Toxic - capable of producing injury, illness or damage to humans, livestock or wildlife through ingestion, inhalation or absorption through any body surface; (2) Corrosive- capable of destroying by chemical action living tissue through contact; (3) Irritants - capable of causing a local inflammatory reaction; (4) Strong sensitizers - capable of causing allergic or hypersensitive reactions or (5)

Flammable - capable of burning during normal handling and which may produce harmful gas or particles.

40. **HAZARDOUS WASTE:** Any Waste classified as Hazardous Waste under 40 CFR 261 or as otherwise defined by State statute or regulation.
41. **INCREMENTAL SEWER IMPACT FEE:** A fee calculated to finance planning, design, construction, inspection, administrative, debt service, debt covenant, and other related costs for Wastewater conveyance, treatment, and disposal facilities for Regional System expansion required for expanding Residential, Commercial and Qualifying Industrial Users.
42. **INDUSTRIAL USER:** Any User, which meets one or more of the following:
- (1) Discharges 25,000 gallons or more of Wastewater per day (excluding the domestic portion of the discharge), or
  - (2) 37.5 pounds or more of biochemical oxygen demand (BOD) or 25,000 gallons with a concentration of 180 milligrams per liter (mg/l) of Suspended Solids(SS) per day, or
  - (3) Discharges Wastewater to a Publicly Owned Treatment Works (POTW) that contains Hazardous materials in sufficient quantity either singly or by interaction with other Wastes, to constitute a potential hazard to humans or animals, to potentially cause Interference or create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the POTW, or
  - (4) Is subject to Environmental Protection Agency (EPA) Categorical Pretreatment Standards or any Pretreatment Standards set by the State of California, or
  - (5) Is required to obtain a Wastewater Discharge Permit in accordance with the Sacramento Regional County Sanitation District Sewer Use provisions.
43. **INFILL COMMUNITIES:** Are one of the following:
- (1) Communities or portions of Communities within the 1975 SRCSD service boundary will be considered “infill” if the percentage of connected ESD’s or percentage of connected acreage is 70% or above. These percentages will be reviewed annually.
  - (2) Communities or portions of Communities that are outside the 1975 SRCSD service boundary will be considered “infill” if the percentage of connected ESD’s is 70% or above. These percentages will be reviewed in the year 2012.

For purposes of calculating impact fees for development within the City of West Sacramento, the area north of the Barge Canal is defined as “infill Communities” development.

44. **INFLOW & INFILTRATION (I & I):** Any water entering and/or discharging into collector Sewers, Trunk Sewers or service connections from such sources as, but not limited to roof leaders, cellars, yard and area drains, fountain drains, cooling water discharges, drains form springs and swampy areas, manhole covers, cross-connections from Storm Sewers and Combined Sewers, catch basins, storm waters, surface runoff, Street wash waters, Street wash drainage and any water entering a Collector Sewer, Trunk Sewer or service connections from the ground through means including but not limited to, defective pipes, pipe joints, connections, or manhole walls.
45. **INTERCEPTOR SEWER:** An existing Sewer (including pumping facilities and in-line treatment facilities belonging to that Sewer) described in the Master Interagency Agreement (MIA) and any future Sanitary Sewers that meet either of the following criteria: a) Any Sanitary Sewer designed to carry a peak wet weather flow (PWWF) of 10 million gallons per day (MGD) or greater, or b) Any Sanitary Sewer that has its upstream and downstream end adjacent and connected to an existing Interceptor Sewer

- described in the MIA.
46. INTERCEPTOR SYSTEM: The District pipelines, pump stations, manholes, and other similar facilities which accept and convey Wastewater to the District treatment plant.
  47. INTERFERENCE: Any discharge which, alone or in conjunction with a discharge or discharges from other sources: 1) inhibits or disrupts the District's treatment processes or operations, or its biosolids processes, use or disposal; or 2) is a cause of a violation of the District's NPDES permit or of the prevention of biosolids use or disposal in compliance with any of the following statutory or regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.
  48. LOCAL LIMITS: Specific discharge limits developed and enforced by the District upon users to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
  49. LOW INCOME HOUSEHOLDS: Refers to the definition contained in Health & Safety Code section 50079.5, including but not limited to an income limit of 80 percent of area median income, adjusted for family size and revised annually.
  50. MAJOR TRANSPORTATION RELATED FACILITIES: Those properties used as freeways, railroad alignments and yards (excluding private spurs), and airport runways, taxiways and aprons within the air operations area (Primary Surface, Clear Zone, portions of the Transition Zone, etc.). These areas are not considered a part of the acreage of parcels for Sewer Impact Fee calculations.
  51. MASTER INTERAGENCY AGREEMENT (MIA): The agreement between the District and the County of Sacramento, Sacramento County Sanitation District No.1 ((CSD-1), now known as the Sacramento Area Sewer District), cities of Folsom and Sacramento, dated November 1, 1974, and as subsequently amended which defines the interrelationship of the District with the County of Sacramento, CSD-1 and cities of Folsom and Sacramento.
  52. MEDICAL WASTE: Solid Wastes from hospitals, clinics, offices of medical doctors, convalescent homes, medical laboratories or other medical facilities including, but not limited to, hypodermic needles, syringes, instruments, utensils or other paper and plastic items of a disposable nature.
  53. MG: Million gallons.
  54. MGD: Million gallons per day.
  55. MILLIGRAMS PER LITER (MG/L): One milligram in each liter of liquid, which is equal to one part per million.
  56. MMF: The maximum month Wastewater flow occurring during the preceding 12-month period.
  57. MOBILEHOME: A structure, transportable in one or more sections, and when in the traveling mode, is eight feet or more in width, or forty feet or more in length, or, when erected on site, the structure is at least three-hundred and twenty (320) square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
  58. MOBILEHOME PARK: Any parcel, area, or tract of land where two or more lots are rented, leased, or held out for rent or lease to accommodate mobile homes for human habitation.
  59. MULTIPLE-FAMILY DWELLING: Multiple-Family Dwellings include duplexes,

triplexes, quadplexes, apartments, mobile homes, condominiums, townhouses and individual dwelling units within a planned unit development in single-family areas. In cases where dwelling units which would normally be defined as Multiple-Family Dwellings contain the characteristics of Single-Family Dwellings, the District Engineer may define the units as Single-Family Dwellings for purposes of this Consolidated Ordinance. Includes duplexes, triplexes, quadplexes, apartments, mobile homes, condominiums and townhouses.

60. NATURAL OUTLET: Any Natural Outlet tributary to a watercourse, ditch, pond, lake, or other body of surface or groundwater.
61. NEW SOURCE or NEW USER: Any building, structure, facility, or installation from which there is or may be a discharge of Pollutants, the construction of which commences after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section. Specific location and construction criteria for determining a New Source are as defined in 40 CFR 403.3(k), as revised.
62. NONCOMPLIANCE: Any violation of any part of this Consolidated Ordinance, a Wastewater Discharge Permit or EPA Pretreatment Standards.
63. NONCOMPLIANCE COST (NCC): A cost issued to the noncompliant User to recover any costs incurred by the District as a result of noncompliance by the User.
64. NON-SIGNIFICANT CATEGORICAL USERS (NSCU): A User subject to a Categorical Pretreatment Standards or Categorical Standard that the District has determined never discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding domestic, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met: a) the User, prior to the District's finding has consistently complied with all applicable Categorical Pretreatment Standards and Requirements; b) the User annually submits the certification statement required in 40 CFR 403.12 (q), together with any additional information necessary to support the certification statement; and c) the User never discharges any untreated concentrated Wastewater.
65. NONDOMESTIC WASTEWATER: Any Wastewater that does not originate solely from humans and domestic activities and is not produced as Wastewater from restroom facilities, showers, or kitchens. Included in this definition are ground water, Stormwater, urban runoff and cooling water that are discharged to the Sewer. Any water-carried Wastes and Wastewaters, excluding domestic Wastewater, derived from any producing, manufacturing, processing, institutional, agricultural, or other operation.
66. NOTICE OF VIOLATION (NOV): An official communication from the District to a noncompliant User informing the User that a violation has occurred. The NOV can specify corrective measure to be implemented by the User.
67. NPDES PERMIT: (National Pollutant Discharge Elimination System Permit): The written requirements established by the State of California Central Valley Regional Water Quality Control Board (CVRWQCB) which govern the quality and quantity of Wastewater discharged from the District's treatment plant to Receiving Waters. Requirements for screenings and biosolids disposal are established in the associated Waste Discharge Requirements Order issued by the CVRWQCB.
68. NEW INDUSTRIAL USER: For the purposes of this Consolidated Ordinance, the term shall mean any Industrial User that has not previously been connected to the District's facilities or the facilities operated by a contributing agency, or any increases in flow, loading quantities discharged by an existing industry that exceed the quantities contained in the most recent Wastewater Discharge Permit on file with the District.
69. NEW COMMUNITIES: Are one of the following:
  - (1) Communities or portions of Communities within the 1975 SRCSD service

boundary will be considered “new growth” if either the percentage of connected ESD’s or percentage of connected acreage does not achieve a 70% development level. These percentages will be reviewed annually.

- (2) Communities or portions of Communities that are outside the 1975 SRCSD service boundary will be considered “new growth” if the percentage of connected ESD’s is below 70%. These percentages will be reviewed in the year 2012.

For purposes of calculating impact fees for development within the City of West Sacramento, the area south of the Barge Canal is defined as “new Communities” development.

- 70. NUISANCE: That which is injurious to health, or offensive to the senses, or an obstruction to the free use of property so as to interfere with comfortable enjoyment of life or property.
- 71. PASS THROUGH: A discharge that exits the District’s POTW into the waters of the State in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District’s NPDES Permit, including an increase in the magnitude or duration of a violation, or which causes water quality standards established by the State or EPA to be exceeded. Pass Through shall also include any discharge which exits the District’s POTW into the District’s land disposal system in quantities or concentrations, which alone or in conjunction with a discharge or discharges from other sources, causes the District to violate the requirements of the District’s CVRWQCB Waste Discharge Requirements for land disposal including an increase in the magnitude of the violation. A Pass Through is further defined as a discharge of Pollutants from a User that resulted in a measurable increase in quantities or concentrations in the District’s final discharge to receiving water or land disposal system.
- 72. PERMITTEE: The Person to whom a Wastewater Discharge Permit has been issued pursuant hereto.
- 73. PERSON: Any individual, firm, company, association society, partnership, corporation, organization, group, contributing agency or Public Agency, including the State of California and the United States of America. The singular shall include the plural.
- 74. pH: pH is an expression of the intensity of the alkaline or acidic strength of a liquid.
- 75. POLLUTANT: Any constituent or characteristic of Wastewaters which is prohibited or limited within this Consolidated Ordinance and where a discharge limit may be imposed either by the District or the regulatory bodies empowered to regulate the District. This may include, but not be limited to, dredged spoil, solid Waste, incinerator residue, filter backwash, Sewage, Garbage, Sewage sludge, munitions, Medical Waste, chemical Waste, biological Waste, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial Wastes, and certain characteristics of Wastewater (to include, but not limited to: pH, salinity, temperature, TSS, turbidity, color, BOD, toxicity, or odor).
- 76. POLLUTION: A condition in which elements or compounds are present at concentrations high enough above their normal ambient levels to produce a measurable effect on man, animals, vegetation, or materials.
- 77. PROJECT PROPONENT: Typically a developer or the developer’s representative.
- 78. PREMISES: A parcel of real property, or portion thereof, including any improvement thereon, which is determined by the District Engineer to be a single unit for purposes of receiving, using, and paying for Sewage disposal service. In making this determination, the District Engineer shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of service Sewers, and whether the unit is

- being used for a single activity and, if not, what the principal activity is for Sewage disposal services; but in any case, the District Engineer's determination shall be final.
79. **PRETREATMENT FACILITY:** Any works or device for treatment, control, or flow limitation of Wastewater, prior to discharge into a Public Sewer.
80. **PRETREATMENT REQUIREMENTS:** Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
81. **PRETREATMENT STANDARDS OR STANDARDS:** Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits. This term includes prohibitive discharge limits established pursuant to Title 40 CFR Section 403.5, or under the authority of this Consolidated Ordinance.
82. **PRETREATMENT DISCHARGE STANDARDS or PROHIBITED DISCHARGES:** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Chapter 2 of this Consolidated Ordinance.
83. **PUBLIC AGENCY:** The United States Government or any department or agency thereof; the State of California or any department or agency thereof; any city, county, town or any of their departments or agencies; or any other public district, entity or entities; or any combination of the foregoing.
84. **PUBLIC SEWER:** Any Sewer which carries domestic and/or Nondomestic Wastewater located within an easement or public right-of-way which is maintained by a Public Agency.
85. **PUBLICLY OWNED TREATMENT WORKS (POTW):** A treatment works as defined by Section 212 of the Federal Water Pollution Control Act that is owned by a State or municipality (as defined by Section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal Sewage or industrial Wastes of a liquid nature. It also includes Sewers, pipes and other conveyances only if they convey Wastewater to a POTW. The term also means the municipality as defined in Section 502(4) of the Act that has jurisdiction over indirect discharges to and the discharges from such a POTW.
86. **QUALIFIED RESIDENTIAL PROJECT**(for purposes of the Deferral of Sewer Impact Fees Ordinance Sections) means a residential development project which shall include:  
    (1) At least 10% of units with Affordable Rents or Affordable Housing Costs for Very Low Income Households; or  
    (2) At least 49% of units with Affordable Rents or Affordable Housing Costs for Low Income Households.
87. **QUALIFYING CUSTOMER:** Any Residential User that meets the requirements of the Sewer Lifeline Rate Assistance Program, as determined from time to time by the Board of Directors.
88. **QUALIFYING INDUSTRIAL USER:** Any Industrial User that participates in Waste Minimization Programs as provided for in this Consolidated Ordinance.
89. **RECEIVING WATERS:** Waters which are defined under 40 CFR 122 (NPDES System) as "Waters of the United States".
90. **REGIONAL SYSTEM:** All facilities for the conveyance, treatment, and discharge of Wastewater that are owned or operated by the Sacramento Regional County Sanitation District.
91. **RELEASE FROM SHRA:** Means a written release submitted from SHRA or West Sacramento Agency to the Administrator which (1) verifies that the buyer or renter has met the income qualifications as set forth in deferral/waiver chapter or (2) verifies a multi-family residential project has received a State of California Tax Credit Allocation Committee final cost certification or similar certification from another financing entity or that the renter has met the income qualifications as set forth in waiver/deferral chapter.
92. **RESIDENTIAL USER:** A User whose Premises are used solely for non-transient human

- habitation.
93. SACRAMENTO LOCAL AGENCY FORMATION COMMISSION (LAFCo): An agency responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers, and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.
94. SANITARY SEWER: A Sewer that carries Sewage or industrial Wastes.
95. SELF MONITORING: Wastewater sampling performed by a discharger, in accordance with the District's Pretreatment Program. Self-monitoring requirements will be specified in the User's Wastewater Discharge Permit.
96. SERVICE AREA: The geographical area served by the District's Sewerage System.
97. SEWAGE: Domestic or nondomestic Waste or both together with such ground, surface and storm waters as may be present.
98. SEWER: A pipe or conduit (including pumping facilities and in-line treatment and control facilities appurtenant thereto) which receives and carries Wastewater.
99. SEWER EASEMENT: An acquired legal right to the exclusive or joint use of a defined portion of land for construction or maintenance of Sewers.
100. SEWERAGE SYSTEM: All facilities for collecting, pumping, conveying, controlling, treating, storing and disposing of Wastewater.
101. SEWER IMPACT FEE: A fee calculated for the purpose of financing the planning, design, construction, inspection, administrative, debt service, debt covenant, and other related costs for Wastewater conveyance, treatment, and disposal facilities for Regional System expansion.
102. SHOW CAUSE ORDER (SCO): An order requiring a User to appear before the District Engineer to explain any Noncompliance and why specified enforcement actions should not be taken. The District may designate a hearing officer to hear testimony for the hearing.
103. SIGNIFICANT INDUSTRIAL USER (SIU): In accordance with 40 CFR 403.3(t), a significant industrial user is:
- a) Any User subject to Categorical Pretreatment Standards;
  - b) Any other User that discharges 25,000 gallons per day or more of process Wastewater (excluding domestic wastewater) to the District sewerage system, or that contributes a process wastewater which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the District's treatment plant; or
  - c) Any user that is designated as such by the District on the basis that the industrial user has a reasonable potential to adversely affect the POTW's operation or to violate a Pretreatment Standard or Requirement.
104. SIGNIFICANT NONCOMPLIANCE: A User is in Significant Noncompliance if its violations meet one or more of the following criteria: 1) Chronic violations of Wastewater Discharge Permit limits defined here as those in which 66 percent or more of all of all the measurements taken during a 6-month period exceed by any magnitude a numeric Pretreatment Standard or Requirement, including instantaneous limits; 2) Technical review criteria (TRC) violations defined here as 33 percent or more of all of the measurements for each Pollutant parameter taken during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits multiplied by the applicable criteria [1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other Pollutants except pH]; 3) Any other violation of a Pretreatment Standard or Requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, Interference or Pass Through, including

endangering the health of the District personnel or the general); 4) Any discharge of a Pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the District's exercise of emergency authority to halt or prevent such a discharge; 5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance; 6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standards deadlines, periodic Self Monitoring reports, and reports on compliance with compliance schedules; 7) Failure to accurately report Noncompliance or provide compliance data; or 8) Any other violation(s), which may include a violation of Best Management Practices, which the District determines will adversely affect the operation or implementation of the local pretreatment program.

105. SINGLE-FAMILY DWELLING: Any detached residential premise designed to house one family.
106. SLUG: Any discharge of Waste which in flow rate or concentration or quantities of any given constituent could cause a violation of the prohibitions in the Sewer Use Chapter; or any discharge of a non-routine episodic nature, including but not limited to an accidental spill or non-customary batch discharge.
107. SQ.FT: Square Feet:
108. STANDARD SINGLE-FAMILY RESIDENTIAL DENSITY: Six (6) single-family detached dwelling units per gross acre.
109. STATE: The State of California.
110. STORM SEWER: A Sewer that carries storm water and surface water, Street wash and other wash waters, or drainage, but excludes Sewage and industrial Wastes.
111. STORMWATER: Any flow occurring during or following any form of natural precipitation and resulting therefrom.
112. STREET: Any public highway, road, Street, avenue, way, alley or right-of-way.
113. SUSPENDED SOLIDS (SS): Suspended matter that floats on the surface of, or in, water, Wastewater, or other liquids, and which is removable by laboratory filtering.
114. TERRITORIAL JURISDICTION: That area of land encompassed within the exterior boundary or boundaries of the District or a Contributing Agency, whichever is applicable in the context used, excluding in the case of Sacramento City and Folsom City the portions of said cities that are within the local Service Area of any other Contributing Agency.
115. TRADE SECRETS: Information on production rates or a secret method or process, not patented, but known only to certain individuals using it in compounding some article of trade having a commercial value.
116. TREATMENT CAPACITY BUY-BACK PROGRAM: A program designed by the District to recover surplus treatment capacity from Industrial Users. The provisions and requirements of this program, as amended from time to time, will be developed and maintained by the District Engineer.
117. TRUNK SEWER: A Sanitary Sewer other than an Interceptor Sewer (including pumping facilities and in-line facilities belonging to that Sewer) that is designed to carry between 1 MGD and 10 MGD peak wet weather flow (PWWF) and receiving Wastewater from two or more different users.
118. USER: Any Person who discharges, causes or allows the discharge of Waste directly or indirectly to the Sewer system. This term specifically includes any Categorical Users in the District Service Area whether or not they discharge process Wastewater.

- 119. VERY LOW INCOME HOUSEHOLDS: refers to the definition contained in Health & Safety Code section 50105, including but not limited to an income limit of 50 percent of area median income, adjusted for family size and revised annually.
- 120. WASTE: Includes Sewage and any and all other Waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any commercial, producing, manufacturing, or processing operation of whatever nature.
- 121. WASTE HAULER: Any Person carrying on or engaging in vehicular transport of Waste as part of, or incidental to, any business for the purpose of discharging said Waste into the District Sewer system.
- 122. WASTE MINIMIZATION PROGRAM: A program designed by the District and implemented by Industrial Users which results in a permanent reduction in permitted discharge of Wastewater to the District's Sewerage System. The provisions and requirements of this program, as amended from time to time, will be developed and maintained by the District Engineer.
- 123. WASTEWATER. The liquid and water-carried industrial or domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the District's facilities.
- 124. WASTEWATER DISCHARGE PERMIT: A control mechanism issued to any Person discharging to the Sewer system that the District Engineer determines needs a permit, to regulate its discharge of toxic, organic, or hydraulic loading to the District Sewer system.
- 125. WATER QUALITY REQUIREMENTS: Requirements for District's treatment plant effluent, or for Receiving Waters, established by law, or by State or federal regulatory agencies, for the protection of receiving water quality.
- 126. WORKING DAY: Monday, Tuesday, Wednesday, Thursday or Friday, excluding federal or California State holidays.

#### **1.04 Consolidation – Repeal of Existing Ordinances**

All ordinances of the Sacramento Regional County Sanitation District not included in this Consolidated Ordinance are hereby repealed as of the effective date of this ordinance.

#### **1.05 Continuity of Provisions**

The provisions of this Consolidated Ordinance , insofar as they are substantially the same as previously existing ordinance provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

#### **1.06 Actions and Proceedings Continued**

No actions or proceeding commenced before this Consolidated Ordinance takes effect, and no right accrued, is affected by the provisions of this Consolidated Ordinance , but all procedure thereafter taken shall conform to the provisions of this Consolidated Ordinance so far as possible.

## **1.07 Powers of Officers**

Whenever, by this Consolidated Ordinance, a power is granted to an officer or employee of the District or a duty is imposed upon such officer or employee, the power may be exercised or the duty performed by a deputy of the officer or employee or by a person authorized pursuant to law by the officer.

## **1.08 Liberal Construction**

The provisions of the Consolidated Ordinance shall be liberally construed to obtain its purposes and objects.

## **1.09 Applicability of Chapter**

Unless the provision or the context otherwise requires, the general provisions, rules of construction, and definitions set forth in this chapter shall govern the construction of this Consolidated Ordinance.

## **1.10 Title, Chapter and Section Headings**

Title, chapter, and section headings do not govern, limit, modify or in any way affect the scope, meaning, or intent of the provisions of any title, chapter or section.

## **1.11 Use of English Language Required**

Whenever any notice, report, statement, or record is required by this Consolidated Ordinance, it shall be made in the English language.

## **1.12 Severability**

If any provision of this Consolidated Ordinance or the application thereof to any Person or circumstances, is held invalid, the remainder of the Consolidated Ordinance, or the application of such provisions to other Persons or circumstances shall not be affected thereby.

## **1.13 Time of Day**

Whenever a certain hour or time of day is specified in this Consolidated Ordinance such hour or time shall be standard time or daylight saving time, whichever is in current use in the County of Sacramento, California.

## **1.14 Liability**

No provision of this Consolidated Ordinance shall be construed as imposing upon the District any liability or responsibility for personal injury or property damage resulting from any activity or condition, which arises or exists by virtue of any provision or requirement of this Consolidated Ordinance, including construction, installation, or repair of any facility; equipment or property, or from any defect

therein; nor shall the District or any officer or employee thereof be held as assuming any liability or responsibility by reason or any inspection authorized herein.

## **Chapter 2**

### **Sewer Use**

#### **2.01 General Provisions**

##### **2.01.01 Title**

This Chapter shall be known as the Sacramento Regional County Sanitation District's "Sewer Use Chapter."

##### **2.01.02 Purpose**

This Chapter sets forth uniform requirements for users of the Wastewater collection and treatment system of the Sacramento Regional County Sanitation District (hereafter District) and enables the District to protect its interceptors, treatment, pumping, and disposal systems and to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403).

The objectives of this Chapter are:

1. To protect the health and safety of the people and enhance the environmental quality of the District and its surroundings;
2. To comply with the laws of the State of California and of the United States relating to the protection of the environment, control of water pollution, pretreatment of industrial discharges, and the disposal of Hazardous Wastes to the District treatment works;
3. To prevent the introduction of Pollutants into the District Sewerage System that will interfere with the operation of the District Sewerage System;
4. To prevent the introduction of Pollutants into the District Sewerage System which will pass through the District Sewerage System, inadequately treated, into Receiving Waters, or the atmosphere, or otherwise be incompatible with the overall operation of the District Sewerage System;
5. To ensure that the quality of the Wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
6. To protect District personnel who may be affected by Wastewater and sludge in the course of their employment and to protect the general public;
7. To provide, in conjunction with the Sewer Rate Chapter, for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works(POTW);

8. To prevent the introduction of Wastes to Sewers connected to the District Sewerage System that could result in the District being classified as a Hazardous Waste treatment, storage, or disposal facility under the laws of the State of California or the United States;
9. To provide for source monitoring and control of quantity, quality, and rate of flow of residential, commercial, and industrial Wastes entering the public Sewerage System; and
10. To establish enforcement procedures and penalties for violations.

### **2.01.03 Applicability of the Sewer Use Chapter**

The requirements of this Sewer Use Chapter are applicable to all Persons within the District and to all Persons outside the District who are, by contract, agreement or action, users of the District Sewerage System; including any and all new and prospective users and any and all existing users.

Except as otherwise provided herein, the District Engineer of the Sacramento Regional County Sanitation District (District Engineer) shall administer, implement, and enforce the provisions of this Sewer Use Chapter. Any powers granted to or duties imposed upon the District Engineer except imposition of fines, penalties, or termination of service, may be delegated by the District Engineer to other County personnel.

### **2.01.04 Implementation**

To assure that the purposes of this Chapter are carried out, the specific provisions of the Chapter will be supplemented by additional requirements and policies established by the District Engineer and separate Ordinances establishing charges for use of District Sewerage facilities. The District Engineer shall promulgate such detailed regulations and standards including drawings, specifications, and other requirements as are necessary to fully implement this Consolidated Ordinance.

## **2.02 Authorities and Responsibilities**

### **2.02.01 Authority of the District Engineer**

The District Engineer shall have the authority, in addition to such other authority as may be provided in this Chapter or by other means, to do all of the following:

1. Inspect the Premises of any person discharging Waste to the District Sewerage System, including but not limited to, any areas or points of sampling, discharge, process, storage, or any other areas as deemed reasonable and necessary by the District Engineer to document the Person's compliance with the requirements of this Sewer Use Chapter or a Wastewater Discharge Permit. The authority to inspect includes the authority to collect samples of any Wastes either being discharged, or having the potential to be discharged to the District Sewerage System, and to require the User to collect, have analyzed, and report the results of analyses of any Wastes either being discharged or having the potential to be discharged to the Sewerage System.
2. Witness any sampling and sampling procedures as required of any User as part of a self-monitoring program, or under the terms of this Sewer Use Chapter or Wastewater Discharge Permit.

3. Terminate service of and disconnect from the District Sewerage System any Person who does not comply with the requirements of this Sewer Use Chapter or that Person's Wastewater Discharge Permit.
4. Obtain copies of any monitoring and sampling records as necessary to establish compliance or non-compliance with the objectives of this Chapter or a Wastewater Discharge Permit, and if necessary, remove those records from the premises for copying purposes. These records include, but are not limited to, records required to be kept under 40 CFR 403.12.
5. In order to demonstrate compliance with this Chapter, Wastewater Discharge Permit requirements, and 40 CFR 403.12, require submission of all notices and self-monitoring reports from any Industrial User as required by this Sewer Use Chapter, the User's Wastewater Discharge Permit, or any appropriate State or federal law or regulation including, but not limited to, the reports required in 40 CFR 403.12. Industrial User reports shall be signed as required by 40 CFR 403.12(1).
6. Require any industrial Waste discharger to install and operate pretreatment facilities as deemed reasonable and necessary by the District Engineer to meet all National Pretreatment Standards, all provisions of the Wastewater Discharge Permit, and all requirements of this Chapter.
7. Specify and require any User to develop a compliance schedule to meet all applicable National Pretreatment Standards, all provisions of the Wastewater Discharge Permit, and all requirements of this Chapter and to require compliance reports on meeting scheduled milestones.
8. Inspect all areas and processes of any facility and the installation and operation of any pretreatment equipment.
9. Specify and require users to install, operate, and maintain a sampling facility for the purpose of obtaining representative Wastewater samples, a metering facility and instrumentation for the purpose of accurately quantifying discharge flows, and other continuous recording devices (pH, temperature, conductivity, or other specific Wastewater constituents) for the purpose of characterizing the Wastewater discharge. The District Engineer shall have the right to install, maintain, and operate where necessary District sampling and measuring equipment on the Premises of the discharger.
10. Issue any Administrative Order, including a Consent Order, Show Cause Order, Cease and Desist Order, and Compliance Order to any Person discharging to the Sewerage System.
11. Issue an Administrative Complaint proposing an Administrative civil penalty to any Person violating any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
12. Seek injunctive relief for violations of any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
13. Seek the imposition of civil penalties for violations of any National pretreatment standard, any provision of a Wastewater Discharge Permit, or any requirement of this Chapter.
14. Halt or suspend a discharge in the event of an actual or threatened discharge which is in violation of this Sewer Use Chapter, a Wastewater Discharge Permit, or the regulatory conditions of 40 CFR 403.8(f)(1)(vi)(B), or in the event of an emergency, or a condition in which the safety of humans or the environment is threatened. The District Engineer has the authority to require spill containment where deemed necessary by the District Engineer.

15. Require Waste minimization, source control evaluations, or plans to conserve water, or any combination thereof. Require investigation of new product or chemical agent substitution, implementation of inventory control procedures, implementation of employee education, conductance of internal audits, and implementing steps as necessary to minimize Waste produced.

## **2.03 Regulations**

### **2.03.01 Permissible Discharges**

Wastewater may be discharged into Public Sewers for conveyance, treatment, and disposal by the District, provided that such Wastewater discharge is in compliance with this Chapter and the conditions of any Wastewater Discharge Permit; and further provided that the User pays all applicable District Sewer connection and use charges, including any penalties or charges assessed under this Chapter. Notwithstanding any provision within this Chapter, no User shall obtain or otherwise acquire a right to continued discharge to the system, whether or not such User has obtained a Wastewater Discharge Permit pursuant to the terms of this Chapter. The District retains the authority to, at any time, modify the terms of this Chapter and/or any Wastewater Discharge Permit issued pursuant hereto, if such is required in the discretion of the District, in order to carry out the objectives of this Chapter.

### **2.03.02 General Prohibition**

No Person shall discharge, or cause to be discharged, Wastewater into a Public Sewer which will result in Nuisance, Contamination, or pollution in Receiving Waters or groundwaters. Further, no Person shall discharge Wastewater in excess of any applicable federal or State discharge regulations, or provision of this Chapter. These general prohibitions apply to all users of the Sewerage System whether or not they are subject to Categorical Pretreatment Standards or any other national, State, or local Pretreatment Standards or requirements.

### **2.03.03 Prohibited Effects**

No Person shall discharge, or cause to be discharged, Wastewater into a Public Sewer if it contains substances or has characteristics which, as determined by the District Engineer, alone or by interaction with other Wastewaters, cause or threaten to cause:

1. Damage to District Sewerage System.
2. Pass Through, Interference with, or impairment of the operation or maintenance of District Sewerage System.
3. Obstruction of flow in District Sewerage System.
4. Danger to life or safety of any person.
5. Interference with or overloading of treatment or disposal processes.
6. Flammable or explosive conditions in the Sewerage System.

7. The District's effluent or any other product of the treatment process, residues, sludges or scums, to be unsuitable for reclamation, reuse, or disposal, or to interfere with any processes for reclamation.
8. Noxious or malodorous gases or odors.
9. Discoloration or any other condition which affects the quality of the District's treatment plant influent or effluent in such a manner that inhibits the District's ability to meet receiving water quality, sludge quality, or air quality requirements established by regulatory agencies.
10. Conditions which violate any statute, or any rule, regulation, code or Ordinance of any Public Agency or regulatory agency having jurisdiction over the operation of or discharge of Wastewater through the Sewerage facilities.
11. Contamination of groundwater by penetration of the Sewer line.

#### **2.03.04 Prohibited Substances or Characteristics.**

No Person shall discharge, or cause to be discharged, the following to a Public Sewer:

1. Any unpolluted Stormwater, surface water, swimming pool water, groundwater, roof runoff, or subsurface drainage.
2. Any water or Waste having a pH lower than 5.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the District.
3. Any solid or viscous substance in amounts which may cause or threaten to cause obstruction to flow in Sewers or other Interference with proper operation or maintenance of the Sewerage System.
4. Any Wastewater containing Pollutants, including oxygen demanding Pollutants (BOD, etc.), released in a discharge at a flow rate and/or Pollutant concentration which alone or in combination with other Pollutants, will cause Interference or Pass Through, or will constitute a hazard to humans or animals.
5. Any substance in violation of any pretreatment standards, nor shall any Person increase the use of process water or dilute a discharge in any way as a partial or complete substitute for adequate treatment to comply with categorical or other pretreatment standards.
6. Any Wastewater which creates a fire or explosion hazard including, but not limited to, Wastestreams with a closed-cup flashpoint of less than sixty degrees centigrade (60°C), (140°F), using the test method specified in 40 CFR 261.21.
7. Any discharge which results in the presence of toxic gases, vapors, or fumes in a quantity that may cause acute worker health and safety problems within any part of the District Sewerage System.
8. Any Wastewater containing hazardous Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or interfere with any Wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the State, or to exceed the limitations set forth in a National Pretreatment Standard.
9. Any Wastewater containing any substance that is defined as a Hazardous Waste by the State or federal regulatory agencies.

10. Any Slug discharges of restricted materials or other substances regulated by this Chapter.
11. Any noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the Sewers for maintenance and repair.
12. Any Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye Wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the District's NPDES Permit.
13. Any Wastewater containing any radioactive Wastes or isotopes unless the Waste is discharged in strict conformance with current California Radiation Control Regulations (California Code of Regulations, Title 17).
14. Any Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in Interference or Pass Through, but in no case Wastewater which causes the temperature at the treatment plant to exceed forty degrees centigrade (40°C) (104°F).
15. Any trucked or hauled Wastes not in accordance with the Sewer Use Chapter.
16. Any Medical Wastes, except where prior written approval for such discharges is given by the Engineer.
17. Any Wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the District Sewerage System.
18. Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.

#### **2.03.05 Prohibited Discharge Locations.**

No Person shall discharge any Wastewater or any other substance directly into a manhole or other opening in the District Sewerage System other than in accordance with requirements established by this Chapter and through service Sewers approved by the District Engineer except that the District Engineer may grant permission and establish requirements and policies for such direct discharges.

#### **2.03.06 Regulated Discharges**

No Person shall discharge, or cause to be discharged, to the District Sewerage System any of the following without first applying for and receiving a Wastewater Discharge Permit or specific approval from the District Engineer:

1. Any discharge over a 24-hour period in excess of 25,000 gallons (excluding the domestic portion of said discharge) or containing the pounds of BOD or TSS equivalent to the poundage contained in 25,000 gallons per day of domestic Sewage containing 180 mg/l of BOD or TSS (37.5 pounds/day).
2. Any discharge which contains more than 300 mg/l of oil and grease of animal or vegetable origin, or more than 100 mg/l of oil and grease of petroleum origin.
3. Any waters or Wastes having a pH between 5.0 and 6.0 or higher than 9.5.

4. Any discharge which contains any of the following substances in excess of limits or conditions established by the District Engineer.
  - a. Metals, including but not limited to arsenic, cadmium, copper, lead, mercury, nickel, silver, chromium, and zinc.
  - b. Metal pickling Wastes or plating solutions.
  - c. Phenols or taste or odor-producing substances.
  - d. Soaps or detergents.
  - e. Organic solvents.
5. Any discharge with a temperature exceeding 160°F for a period greater than five consecutive minutes, or exceeding 120°F average, for any 8 hour period.
6. Any Stormwater, surface water swimming pool water, ground water, roof runoff, subsurface drainage, cooling water, or industrial process water which the District Engineer has determined to be polluted or otherwise unacceptable for discharge into a storm water drain system, or a Natural Outlet.
7. Garbage, except ground Garbage from residential and commercial Premises where food is prepared and consumed. Garbage shall be shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than 1/4-inch in any dimension.
8. Any radioactive Wastes discharged by a Person authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and discharged in strict conformity with current California Radiation Control Regulations (California Code of Regulations, Title 17) for safe disposal.
9. Materials which cause unusual concentrations of inert Suspended Solids (such as, but not limited to, soil solids, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate) in Sanitary Sewers, Sewage treatment plant, or Receiving Waters.
10. Any trucked, hauled, or holding tank Waste, unless discharged into a District approved facility designed to receive such Waste in accordance with the terms of a valid Waste Hauler Wastewater Discharge Permit.
11. Discharges regulated by Federal Pretreatment Regulations promulgated under the Federal Act.
12. Any discharge of ground water. Such discharges must be in accordance with policies established by the District Engineer.
13. Discharges to the District Sewer that contain materials defined herein as Hazardous materials.
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

#### **2.03.07 National Pretreatment Standards**

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 - 471 are hereby incorporated. Upon promulgation of the Federal General and Categorical Pretreatment Standards, the Federal Standards, if more stringent than limitations imposed under the Chapter for

dischargers, shall supersede the limitations imposed under this Chapter. The District Engineer shall notify all affected users of the applicable reporting requirements under Section 5 of this Chapter.

### **2.03.08 Specific Pollutant Limitations**

No Person shall discharge Wastewater to the District Sewerage System which exhibits any characteristic which is specifically prohibited by an action of the District Board, or any Wastewater containing constituents in excess of any specific constituent level limitations as may be set by the District Board pursuant to 40 CFR 403.5 (b) (c) and (d). Specific Pollutant limitations regarding Waste characteristics and constituent limits may be adopted by resolution. The District may also incorporate Maximum Allowable Headworks Loadings (MAHLs) on a User-specified basis into Wastewater Discharge Permits where necessary.

Any violation of a specific Pollutant limitation as may be set forth in a District resolution shall subject the User to the same administrative actions, penalties, and enforcement actions as would be available for any other violation of this Chapter. The term "Chapter" as used elsewhere within this Sewer Use Chapter, shall be read to include the specific Pollutant limitations as may be set forth by resolution.

### **2.03.09 Pretreatment Facilities**

Users shall provide necessary Wastewater treatment as required to comply with this Chapter and shall achieve compliance with all National Pretreatment Standards within the time limitations as specified by the Federal regulations, or this Chapter or the Wastewater Discharge Permit, whichever is earliest. Any facilities required to pretreat Wastewater to a level acceptable to the District shall be provided, operated, maintained and modified as necessary 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 Chapter, the Wastewater Discharge Permit, or the National Pretreatment Standards all as currently enacted or as later amended or modified. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

Pretreatment facilities shall be maintained continuously in satisfactory and effective operation by the User at User's expense, to the satisfaction of the District.

### **2.03.10 Additional Pretreatment Measures**

Whenever deemed necessary, the District Engineer may require users to restrict their discharge during peak flow or loading periods, designate that certain Wastewater be discharged only into specific Sewers, relocate or consolidate points of discharge, separate domestic Sewage Wastestreams from industrial Wastestreams, and such other conditions as may be necessary to protect the Sewerage System and determine the User's compliance with the requirements of this Chapter.

The District Engineer may require any User to install and maintain, on the User's property and at the User's expense, a suitable storage and flow control facility to ensure equalization of flow.

Any User with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **2.03.11 Spill Containment and Slug Control Plan**

All users shall provide spill containment for protection against discharge of prohibited materials or other Wastes regulated by this Chapter. Such protection shall be designed to secure the discharges and to prevent them from entering into the system in accordance with reasonable engineering standards. Such facilities shall be provided and maintained at the User's expense.

The District Engineer may require any User to develop a discharge/Slug control plan that outlines discharge practices, including nonroutine batch discharges, describes stored chemicals, and contains procedures both to notify the District immediately of Slug discharges and to prevent adverse impacts from any accidental spills, and submit for approval and implement such a plan. Alternatively, the District Engineer may develop such a plan for any User.

### **2.03.12 Grease, Oil and Sand**

Pretreatment by means of grease, oil, or sand intercepting devices shall be provided when, in the opinion of the District Engineer, it is necessary for proper handling of liquid Wastes, except that such devices shall not be required for Residential Users. Restaurant food processing discharges are subject to the requirements of this Section and restaurant process drains may be required to be connected to an intercepting device deemed sufficient by the District Engineer.

All intercepting devices shall be of a type and capacity approved by the District Engineer and shall be located so as to be readily and easily accessible for inspection and cleaning. All such devices shall be available for inspection by the District Engineer at all reasonable times. All grease, oil, and sand intercepting devices shall be maintained in continuously efficient operation at all times by the User.

### **2.03.13 District's Right of Revision**

The District reserves the right to establish by ordinance or resolution more stringent limitations or requirements on discharges to the District Sewerage System if deemed necessary to comply with the objectives presented in this Chapter. No revision of limitations or requirements hereunder shall subject the District to civil liability or penalty for interference with a right, vested or otherwise, of any User.

### **2.03.14 Special Agreement**

The District may enter into special agreements with Industrial Users setting out special terms under which such users may discharge to the District Sewerage System. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the Industrial User may request, and if appropriate, receive a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. An Industrial User may also request a variance from the Categorical Pretreatment Standards from EPA. Such a request will be approved, if at all, only if the Industrial User can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An Industrial User requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

### **2.03.15 Dilution**

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a

discharge limitation. The District Engineer may impose mass limitations on Industrial Users to prevent dilution to meet applicable Pretreatment Standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## **2.04 Administration**

### **2.04.01 Classification of Users**

The District Engineer will classify all users for Wastewater disposal purposes in accordance with the principal activity conducted upon the Premises. The purpose of classification is to facilitate regulation of discharge to the District Sewerage System on the basis of each User's Waste characteristics and flow; to provide an effective means of industrial and commercial Waste source control; and to establish a system of Sewer use charges based upon flow and Waste strength which will insure equitable recovery of District capital and operating costs. As defined in Chapter 1, these users are:

1. Industrial
  - a. Class I User
  - b. Class II User
2. Commercial User
3. Residential User

All users are subject to the prohibitions set forth in this Chapter, with such federal and State statutes and regulations as may apply, and the specific Pollutant limitations as may be promulgated by the District Board either by ordinance or resolution.

### **2.04.02 Classification Questionnaire/Declaration of Wastes**

A User classified pursuant to Section 2.04.01 of this Chapter as an industrial or commercial User shall not discharge Wastewater to the Public Sewer system without first filing a Wastewater Discharge Permit Classification Questionnaire (Questionnaire), provided by the District. Proposed new users shall file a Questionnaire at least sixty (60) days prior to connecting to the Collection System of a contributing agency and/or contributing to the District's Facilities. Industrial or commercial users shall provide all information required by the Questionnaire, and such additional information as the District Engineer may require. The District Engineer shall review such information and notify the User of acceptance or rejection thereof, and shall determine whether or not the User will be required to file a Wastewater Discharge Permit Application Form.

The User shall be responsible for furnishing an updated Wastewater Discharge Permit Classification Questionnaire prior to occurrence of any of the following events:

1. There is an addition to the User's Wastewater discharge stream which has not previously been declared; and/or
2. Activities at the User's facilities change such that the quantity of the hazardous material stored, handled or produced at any one time exceeds 55 gallons of liquid, 500 pounds of solids, or 200 cubic feet of gas; or Hazardous materials not previously declared are stored, handled or produced.

The District Engineer may from time to time request that a new Wastewater Discharge Permit Classification Questionnaire be completed, and the User shall comply within 30 days following the date of written notice thereof, whether or not the User's Wastestream or activities shall have changed since the completion of any previous Wastewater Discharge Permit Classification Questionnaire.

When requested by the District Engineer, a User must submit information on the nature and characteristics of its Wastewater. This may include the specific requirement to provide Wastewater analysis results. Such testing will be at the User's expense.

#### **2.04.03 Wastewater Discharge Permit Application**

Users required, or who may be required, by the District Engineer to obtain a Wastewater Discharge Permit shall complete and file with the District a Wastewater Discharge Permit Application on a form provided by the District. A new Wastewater Discharge Permit fee, payable prior to discharge, may be assessed at the time of the application.

Proposed new users shall apply at least 60 days prior to connecting to or contributing to the Collection System of a contributing agency and/or connecting to or contributing to the District's Facilities. In support of the application, the User shall submit, in units and terms appropriate for evaluation, all information as may be deemed by the District Engineer to be necessary to evaluate the Wastewater Discharge Permit Application. This information includes but is not limited to: identifying information; flow rates; Wastewater constituents and characteristics; time and duration of discharge; peak discharge amounts; locations of all discharge points; pretreatment facilities; sampling and monitoring equipment and points; description of activities, facilities, and plant processes, including raw materials, processes and types of materials which are or could be produced, by type; number of employees; site diagrams; and flow schematics. Specific information required for application evaluation will be identified in the District's Wastewater Discharge Permit Application package.

#### **2.04.04 Wastewater Discharge Permit Application Evaluation**

Upon request, New Industrial Users shall submit to the District, within ninety (90) days after commencement of discharge to the District's facilities, an analysis of said discharge delineating Wastewater constituents and characteristics including, but not limited to, those mentioned in 2.03 of this Chapter.

The District Engineer will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the District Engineer may determine that no Wastewater Discharge Permit is required. If the District Engineer determines that a Wastewater Discharge Permit is required, the District Engineer may issue a Wastewater Discharge Permit subject to the terms and conditions provided in this Chapter.

#### **2.04.05 Wastewater Discharge Permit Conditions**

Wastewater Discharge Permits shall require the User to comply with all terms and conditions of this Chapter and all appropriate State and federal laws and regulations and may contain provisions, requirements and standards appropriate to carry out the Objectives of this Chapter, including but not limited to, the following:

1. Limits on the average and maximum Wastewater discharge constituents and characteristics. These limits may be based on Pollutant concentration and/or mass and may include prohibitions on discharge of said Pollutants.

2. Limits on average and maximum rate and time of discharge or requirements for flow regulation and/or equalization.
3. Specific maximum flow and loading rates, in accordance with the applicable fee paid when filing for Sewerage service or increasing said service, pursuant to the applicable Connection Fee Chapter.
4. Requirements for installation and maintenance of sampling and flow metering facilities.
5. Requirements for monitoring programs which may include flow metering, sampling locations, methods of sampling, frequency of sampling, detection and reporting limits, number, types and standards for tests and reporting schedule.
6. Compliance schedules.
7. Requirements for submission of technical reports or periodic compliance reports.
8. Requirements for record-keeping and provisions for allowing the District the right to inspect and copy all such records.
9. Requirements for notification of the District of the introduction of new or increased Pollutants or any change in plant processes or in the volume or character of the Wastewater constituents being introduced into the District's Sewerage System.
10. Requirements for prompt notification of Slug discharges, spills, discharges that would violate limitations, or any discharges that would violate a specific prohibition under 40 CFR 403.5 (b), with procedures for follow-up written notification within a specified time period.
11. Requirements for providing the District with a Slug control plan that outlines discharge practices, including nonroutine batch dischargers, describes stored chemicals, and contains procedures both to notify the District immediately of Slug discharges and to prevent adverse impacts from any accidental spills.
12. Requirements for providing the District with design and construction plans and specifications of the Wastewater Pretreatment Facility whether proposed or in existence.
13. Requirements for providing the District with plans and specifications of the discharger's industrial or commercial operation and/or processes, including such other information as the District Engineer may reasonably request that pertains to the industrial User's operation.
14. Requirements for notification of any planned alteration of the proposed or existing Wastewater pretreatment system.
15. Requirements for the notification of the District of planned alterations of the operations or processes of the industrial User, which could result in an alteration of the User's process discharge or the potential for an accidental spill or Slug discharge.
16. Requirement that the discharger notify the District prior to any proposed bypass other than due to accident or emergency.
17. Requirements to have emergency spill plans on file with the District.

18. Requirements to certify that the industrial User has not discharged Hazardous materials to the Sewerage System without a Wastewater Discharge Permit, and has not discharged substances which have been stored or used in the User's process and which the User contends will not, in the ordinary course of the User's operation, enter the Sewerage System.
19. Requirements, in accordance with 40 CFR 403.12 (g) for re-sampling following a discharge violation and the submittal of reports explaining the cause of the violation and the steps that have been or will be taken to prevent a recurrence of the violation.
20. Requirements for providing access to District personnel at all reasonable times to conduct sampling and/or inspection of any and all processes which can contribute to Wastestream, including the actual Wastewater discharge.
21. Requirements for providing the District with operation and maintenance records for the Wastewater Pretreatment Facility, including periodic updates, as appropriate.
22. Requirements for segregation of domestic Sewage and industrial or commercial Wastewater upstream of the Public Sewer.
23. The prohibition of dilution of regulated discharges as partial or complete substitute for adequate treatment to achieve compliance with Wastewater Discharge Permit conditions.
24. Signatory requirements specifying the responsible corporate officer for the User.
25. Other conditions as deemed appropriate by the District Engineer to ensure compliance with this Chapter.
26. Technical provisions or requirements related to the Wastewater Pretreatment Facility which, in the opinion of the District Engineer, may be necessary to insure the adequacy and reliability of the Wastewater pretreatment system. These technical conditions may include, among others, conditions requiring continuous monitoring, training personnel, alarm systems, automated shutoff, flow through monitoring, and/or provisions for discharges in batch amounts only subsequent to sample testing.
27. Provisions for a zero discharge limitation which specifically prohibits the discharge of any process Wastewater or specific constituents contained therein.

#### **2.04.06 Changed Conditions**

Pursuant to the applicable District Connection Fee Chapter, no industrial User shall discharge new or increased Pollutants, or make changes in the nature of its Pollutants without applying for and receiving a modification to its Wastewater Discharge Permit.

#### **2.04.07 Wastewater Discharge Permit Duration**

Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for Wastewater Discharge Permit reissuance a minimum of 120 days prior to the expiration of the User's existing Wastewater Discharge Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the District during the term of the Wastewater Discharge Permit as limitations or requirements are modified or other just cause exists. The User shall be informed of any

proposed changes in his Wastewater Discharge Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

#### **2.04.08 Wastewater Discharge Permit Modifications**

##### **1. Promulgation of a National Pretreatment Standard.**

Upon the promulgation of a National Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

- a. Where a User, subject to a National Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 2.04 of this Chapter, the User shall apply for a Wastewater Discharge Permit within one hundred twenty (120) days after the promulgation of the applicable National Pretreatment Standard.
- b. Users with existing Wastewater Discharge Permits shall submit to the District Engineer within one hundred twenty (120) days after the promulgation of an applicable Federal Pretreatment Standard the information required by Section 2.04.03.

##### **2. Imposition of More Stringent Requirements.**

In the event the District determines (for reasons other than issuance of a new National Pretreatment Standard) that it is necessary, in order to comply with the objectives of the Chapter, to impose more stringent limitations or requirements on discharges to the Wastewater disposal system than are set forth in an existing Wastewater Discharge Permit, the District shall have the authority to require modifications of an existing Wastewater Discharge Permit to incorporate such limitations or requirements.

After consultations with the User regarding such Wastewater Discharge Permit modification, a compliance schedule shall be issued which shall set forth a schedule for the User to make such modifications to its processes or procedures as may be required to meet the more stringent limitations and requirements. If the Wastewater Discharge Permit modification will require construction or acquisition of equipment related to pretreatment, the compliance schedule shall provide for up to one hundred eighty (180) days to comply; however, this period may be extended for a period not to exceed an additional one hundred eighty (180) days upon determination by the District Engineer that good cause exists for an additional period. During the period of the compliance schedule, to the extent that the User remains in compliance with the Wastewater Discharge Permit conditions in effect prior to amendment and is complying with the terms of the compliance schedule, the User shall not be liable pursuant to the terms of this Chapter for noncompliance with the more stringent standards or requirements.

#### **2.04.09 Wastewater Discharge Permit Transfer**

Wastewater Discharge Wastewater Discharge Permits are issued to a specific User for a specific location and operation. A Wastewater Discharge Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different Premises, or a new or changed operation without the prior approval of the District Engineer. However, nothing in this section shall be construed to prevent the application of the terms and conditions of this Chapter, including enforcement penalties, from

applying to a succeeding owner, successor in interest, or other assigns of an existing Wastewater Discharge Permit holder.

#### **2.04.10 Wastewater Discharge Permit Revocation, Suspension or Restrictions**

A Wastewater Discharge Permit may be revoked or suspended, or restrictions may be imposed, by the District Engineer for failure of the permittee to comply with conditions of the Wastewater Discharge Permit or failure of the Permittee to pay when due any charges.

When the District Engineer has reason to believe that grounds exist for Wastewater Discharge Permit suspension, revocation or restrictions, he shall give written notice thereof by personal service or by registered or certified mail to the Permittee setting forth a statement of the facts and grounds deemed to exist, together with the time and place where the charges shall be heard by the District Engineer. The hearing date shall be not less than fifteen (15) calendar days after the mailing of such notice.

At the hearing, the Permittee shall have an opportunity to respond to the allegations set forth in the notice by presenting written and oral evidence. After the conclusion of the hearing, the District Engineer shall make his determination. The written decision and order of the District Engineer shall be sent by registered or certified mail to the Permittee or its representative at the Permittee's or representative's business address. In making the determination, the District Engineer shall consider the significance of the violation in terms of the ability of the POTW to meet its requirements, with the following exception: when the Permittee is in violation of Federal, State, or local laws or regulations, the Wastewater Discharge Permit may be revoked without considering whether the POTW is meeting its requirements.

Unless directed otherwise in the order of revocation or suspension of Wastewater Discharge Permit, the Permittee shall cease discharging into the Public Sewer at the effective time of said revocation or suspension, or shall conform with all restrictions, conditions, or limitations in the order at the effective time of such requirements.

Any further application for a Wastewater Discharge Permit at any location within the District by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Wastewater Discharge Permit, which records may be the basis for denial of a new Wastewater Discharge Permit.

A Wastewater Discharge Permit may be temporarily suspended by the District Engineer at any time if continued discharge of the Permittees' Wastewater into the District Sewerage System would, whether or not combined with other discharges, jeopardize ability of the treatment system to meet Water Quality Requirements or threaten damage to the Sewerage System or cause a Nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the District Engineer may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made thereunder as is deemed necessary to safely assure that Water Quality Requirements will not be violated, or to alleviate the unsafe condition. The District Engineer shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the Permittee's discharge is in violation of Federal, State, or local laws or regulations.

Notice of temporary suspension or imposition of temporary restrictions, conditions, or limitations shall ordinarily be given in writing by the District Engineer or his agent to the Permittee at least 48 hours prior to the time such suspension, restrictions, conditions, or limitations are to become effective. In the event that such notice is given after 1:00 p.m. on the last Working Day of any week, such effective time shall not be sooner than 10:00 a.m. of the second following Working Day. Delivery of said notice shall be made to the manager of the Permittee's place of business within the District; in the event the manager

shall be unavailable to receive such notice, then delivery to a person in apparent responsible charge shall constitute adequate notice. If the District Engineer determines that an emergency exists involving public health or safety or significant impairment of the treatment process, an immediate notice with an immediate effective time of such suspension, restrictions, conditions or limitations may occur.

#### **2.04.11 Signatory Requirements**

Where specified by the District Engineer, all applications, reports or other information submitted to the District must contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." (40 CFR 403.6(a)(2)(ii)).

This statement shall be signed by an authorized representative of the industrial User as defined in 40 CFR 403.12 (1) (1-4).

#### **2.04.12 Publication of Users in Significant Noncompliance**

Pursuant to federal requirements, the District shall annually publish in the largest daily newspaper published in the Service Area a list of the users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Requirements or Standards.

#### **2.04.13 Records Retention**

All records relating to compliance with Pretreatment Requirements and Standards shall be made available to officials of the EPA, State and District, or their authorized representatives. These records shall be retained for a minimum of three (3) years from the date of the compliance report to which these records are applicable or three (3) years from the date any investigation or enforcement action undertaken by the District, State, or EPA has been concluded, whichever occurs later. This period shall be automatically extended for the duration of any litigation concerning compliance with this Chapter, or where the User has been notified by the District Engineer of a longer retention period.

#### **2.04.14 Confidentiality of Information**

Information and data on a User obtained from reports, questionnaires, Wastewater Discharge Permit applications, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without notification unless the User specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as Trade Secrets of the User.

When requested by a User furnishing information to the District, the portions of that information which might disclose Trade Secrets or secret processes shall not be made available for inspection by the public but shall be made available to the District and other governmental agencies for uses related to this Chapter, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in

judicial review or enforcement proceedings involving the User furnishing the information. Wastewater constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restriction.

Information and data requested from a User which the User believes to be proprietary and the release of which to the public would substantially impair the operations of the User, may alternatively be provided to the District for its review at the facility of the User rather than provided to the District for its keeping, at the discretion of the District. The burden will be on the User to demonstrate to the satisfaction of the District that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this Chapter. The EPA and State Agencies shall have the same right as the District as to onsite review of proprietary information.

In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or State laws, the District shall have the option, in its sole discretion, of defending itself in such action or requiring the User to provide a defense. If the District makes written tender upon a User to defend such an action and such User does not appear in and assume the defense of such action within the time specified in the tender, the District shall be free to disclose the information to the party making request therefore. In any event, the User shall be liable to the District in defending such action and for any judgment rendered against the District in such action. Payment of all such amounts shall be made by the User within 30 days of billing by the District.

## **2.05 Reporting Requirements**

### **2.05.01 Notification of Slug Load, or Inconsistent Discharge or Spill**

It is the responsibility of every User to immediately telephone and notify the District at the telephone number provided therefore in the case of any Slug load or discharge or spill not entirely consistent with the terms and conditions of a Wastewater Discharge Permit. Notification shall include location of discharge, type of Waste, concentration and volume and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by the District Engineer, submit a detailed written report describing the cause(s) of the incident and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of disruption or damage to the District Sewerage System, or damage to natural resources, or to person or property, or incurred in an attempt to avoid such disruption or damages; nor shall notification relieve the User of any fines, penalties, or other liability which may be imposed by this Chapter or other applicable law.

Users who are employers shall permanently post a notice on their bulletin board or other prominent place advising employees whom to call in the event of such a discharge. The User shall ensure that all employees who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

Failure to notify the District of potential problem discharges shall be deemed a separate violation of this Chapter.

### **2.05.02 Baseline Monitoring Reports**

Within either 180 days after the effective date of a Categorical Pretreatment Standards, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such Categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the District Sewerage System, shall be required to submit to the District a baseline monitoring report which contains the information listed in 40 CFR 403.12(b)(1)-(7).

At least ninety (90) days prior to commencement of discharge to the District's Sewerage System, each new source, and each source that becomes an industrial User subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the District a baseline monitoring report which contains the information listed in 40 CFR 403.12(b)(1)-(5). Each New Source shall also report the method of pretreatment it intends to use to meet applicable pretreatment standards. Each New Source shall give estimates of the information requested in paragraphs 40 CFR 403.12(b)(4) and (5) (anticipated flow and quantity of Pollutants discharged).

All baseline monitoring reports shall be signed and certified in accordance with Section 2.04.11 of this Chapter.

### **2.05.03 Compliance Schedule Progress Report**

All Persons found to be in violation of this Sewer Use Chapter, a Wastewater Discharge Permit, or any State or Federal regulation prohibiting or limiting Waste discharge, may be required to prepare a schedule of actions to bring the discharge into compliance under the direction of the District Engineer. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the User to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). The industrial User shall submit a progress report to the District no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for any delay, (and, if appropriate) the steps being taken by the industrial User to return to the established schedule. All compliance schedule progress reports must be signed and certified in accordance with Section 2.04.11 of this Chapter.

### **2.05.04 Report on Compliance with Categorical Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable Categorical Standards, or in the case of a New Source following commencement of the introduction of Wastewater into the District Sewerage System, each industrial User subject to such Pretreatment Standards and requirements shall submit to the District a report indicating the nature and concentration of all Pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and requirements, the average and maximum daily flow for these process units, and the actual average production rate for these process units (information described in 40 CFR 403.12(b)(4)-(6)). The report shall state whether the applicable Pretreatment Standards or requirements are being met on a consistent basis and, if not, what additional operational and maintenance changes and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or requirements. For industrial users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial User's long term production rate. For all other Industrial Users subject to Categorical Standards expressed in terms of allowable Pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial

User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 2.04.11 of the Chapter.

#### **2.05.05 Periodic Compliance Reports**

Any User subject to a pretreatment standard and specified by the District to conduct self-monitoring shall, at a frequency determined by the District Engineer or his agent but in no case less than twice per year (during the months of June and December unless the months are altered, as allowed in 40 CFR 403.12(e)), submit to the District a report indicating the nature and concentration of Pollutants in the discharge which are limited by such Pretreatment Standards and a record of the measured or estimated average and maximum daily flows for the reporting period. Periodic compliance reports must be submitted within forty-five (45) days of collection of the Wastewater samples. All periodic compliance reports must be signed and certified in accordance with Section 2.04.11 of this Chapter.

If any industrial User monitors, at the point of compliance, any Pollutant more frequently than required by the District, the results of this monitoring shall be included in a periodic compliance report.

All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

#### **2.05.06 Report of Changed Conditions**

Each Industrial User is required to notify the District of any planned significant changes to the Industrial User's operations or system which might alter the nature, quality or volume of its Wastewater at least ninety (90) days before the change.

The District Engineer may require the User to submit such information as may be deemed necessary so evaluate the changed conditions, including the submission of a Wastewater Discharge Permit Application.

The District Engineer may issue a Wastewater Discharge Permit or modify an existing Wastewater Discharge Permit in response to changed conditions or anticipated changed conditions.

#### **2.05.07 Discharge Reports from User**

In addition to any other reports required by this Chapter, the District Engineer may require discharge reports, including, but not limited to questionnaires, technical reports, sampling reports, test analyses, and periodic reports of Wastewater discharge. This includes users not required to obtain a Wastewater Discharge Permit. The discharge report may include, but is not necessarily limited to, nature of the process, volume and rates of Wastewater flow, elements, constituents, and characteristics of the Wastewater, together with any information required in an application for a Wastewater Discharge Permit. The report shall be signed and certified in accordance with Section 2.04.11 of this Chapter.

When a report filed by a User pursuant to this Section 2.05 is not adequate in the judgment of the District Engineer, the District Engineer may require such User to supply such additional information as the District Engineer deems necessary. The District Engineer may install, maintain and operate sampling and flow monitoring devices for the purpose of evaluating the User's Wastewater discharge. All cost incurred by the District will be at the User's expense.

#### **2.05.08 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the District Engineer within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling and analysis and submit the results of the repeat analysis to the District Engineer within thirty (30) days after becoming aware of the violation. The User is not required to resample if the District monitors at the User's facility at least once a month or if the District samples between the User's initial sampling and when the User receives the results of this sampling.

#### **2.05.09 Record Keeping**

All Persons subject to the reporting requirements of this Sewer Use Chapter and 40 CFR 403.12 shall maintain and retain, and make available for inspection and copying by EPA officials and District personnel or agents, all records and information required to be retained under this Chapter. These records shall remain available in accordance with Section 2.04.13.

### **2.06 Inspection and Monitoring**

#### **2.06.01 Rights of Entry**

The District shall have the right to enter the facilities of any Industrial User to ascertain whether the purpose of this Chapter, and any Wastewater Discharge Permit or order issued hereunder, is being met and whether the Industrial User is complying with all requirements thereof. Users shall allow the District Engineer, as well as representatives of the State and EPA, ready access to all parts of the Premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

The District, State, and EPA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

Unreasonable delays in allowing District personnel access to the User's premises shall be a violation of this Chapter.

#### **2.06.02 Inspection Warrants**

Inspections shall ordinarily be made with the consent of the owner or possessor of such facilities. However, if such consent is refused to the District, the State, or the EPA, an administrative inspection warrant issued pursuant to the procedures set forth in Title 13 (commencing with 1822.50) of Part 3 of the Code of Civil Procedure, may be obtained.

To the extent that the owner or possessor of the premises requires that a warrant be sought, the District may, in its discretion, suspend the Wastewater Discharge Permit and/or any other right to discharge, to the sanitary facilities immediately, and such suspension may be continued until such time as a warrant has been received and the inspection has been completed. If no violation of this Chapter, Wastewater

Discharge Permit, or other applicable Federal or State regulation or law dealing with sanitation or hazardous substances is found, the suspension shall be lifted upon conclusion of the service of the administrative inspection warrant. In the event that a violation of this Chapter, Wastewater Discharge Permit, or other applicable Federal or State laws or regulations dealing with sanitation is found, the suspension may, in the discretion of the District, be continued or terminated, or other enforcement remedies may be sought.

### **2.06.03 Monitoring Facilities**

The District Engineer may require any Industrial User to construct, at the User's own expense, a sampling and monitoring facility and/or control structure (including an approved type flume) together with necessary monitoring (which can include pH) and sampling equipment, in accordance with District construction standards and specifications. The sampling facility and/or control structure shall be constructed at a location approved by the District Engineer which will allow access by the District Engineer to the facility at all times. Construction shall be completed within a reasonable period after written notification from the District Engineer.

The District Engineer may require the User to install as many such sampling facilities and/or control structures as required to adequately monitor all discharge to the Sewerage System.

When required by the District Engineer an Industrial User shall install and maintain, at User's expense, an approved flow recording device for continuous measurement of the flow rate and volume of Waste discharged to the Public Sewer. The flow measuring station and records therefrom shall be accessible at all reasonable times to the District Engineer and copies of flow measurements shall be furnished the District Engineer as required. The District Engineer may utilize metering of the User's water supply instead of, or in addition to, District metering of the Wastewater discharge.

Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the Industrial User at the written or verbal request of the District Engineer or his agent and shall not be replaced. The costs of clearing such access shall be borne by the Industrial User.

### **2.06.04 Self-Monitoring**

The District may require any Waste discharger to monitor its discharge to the District Sewerage System and report the results of the monitoring to the District periodically. These monitoring and reporting requirements are specific to the discharger, and will be listed in the Wastewater Discharge Permit. The District Engineer may require additional monitoring and reporting to document compliance.

### **2.06.05 Sampling**

The discharger shall sample its discharge to the Sewerage System at the frequency provided in the Wastewater Discharge Permit or as deemed reasonable and necessary by the District Engineer to demonstrate compliance. The District Engineer, at his or her discretion, may require sampling to be conducted by nonpermitted dischargers.

The discharger's sampling equipment and methods shall be observed by the District Engineer upon his request. Before conducting initial sampling, the discharger shall notify the District three days in advance and schedule a time for the District personnel to be present to observe the sampling procedure. All sampling, including installation of equipment and collection and analysis of sampling, required by the Wastewater Discharge Permit, this Sewer Use Chapter, or the District is at the expense of the discharger.

No person shall tamper with a sampling procedure or misrepresent a sampling analysis required by this Chapter.

#### **2.06.06 Analytical Procedures**

All samples shall be taken, preserved, and analyzed in accordance with the procedures presented in the Code of Federal Regulations, Title 40, Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants). Where no test procedure is specified by federal regulations, the procedure shall be such as is approved by the EPA. Unless approved otherwise by the District, all analyses shall be performed by a laboratory(s) certified by the State for the specific Pollutants and matrix to be analyzed.

#### **2.06.07 Sampling Records**

For each sampling event the User shall record and maintain the following information:

1. The date, exact place, method, and time of sampling and the names of the person or persons taking the samples.
2. Sample preservation used.
3. The dates analyses were performed.
4. Chain of custody of sample.
5. Who performed the analyses.
6. The analytical techniques and methods used, including detection limits.
7. The results of such analyses.
8. Any unusual observations or conditions (equipment or sample) noted during acquisition or analysis.

### **2.07 Enforcement**

#### **2.07.01 Enforcement Mechanisms**

It is the intent of this Enforcement Section to provide adequate mechanisms to achieve a maximum degree of compliance with this Chapter by all users. These enforcement provisions apply to all classes of users, including Waste Haulers, to the extent such User violates any provision of this Chapter or Administrative Order of the District pursuant to this Chapter. To achieve compliance, the District will use a variety of enforcement mechanisms. The enforcement mechanisms set forth range from informal administrative action to formal criminal prosecution. The District may, in its discretion, implement the use of any mechanism or the concurrent use of several mechanisms in order to enforce the provisions of this Chapter. The enforcement mechanisms provided herein may be cumulative in respect to such other enforcement mechanisms or civil and criminal penalties as may be otherwise available under the laws of the State of California and the United States of America. Nothing in this Chapter is intended to prevent State and/or federal regulatory agencies from undertaking enforcement actions as may otherwise be available due to a violation of this Chapter which also constitutes a violation of federal or State statutes and regulations such as: 1) the Clean Water Act (33 U.S.C.A. § 1251, et seq.); 2) the California Porter-

Cologne Water Quality Act (California Water Code § 13000, et seq.); 3) the California Hazardous Waste Control Law (California Health and Safety Code §25100 - §25250); 4) the Resource Conservation and Recovery Act (42 U.S.C.A. 6901, et seq.) ; and 5) California Government Code §54739 - §54740.6. The referenced State and federal laws, along with other pertinent laws, provide authority for the District's enforcement mechanisms.

### **2.07.02 Notice of Violation**

Whenever the District Engineer finds that any User has violated or is violating this Chapter, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment requirement, the District Engineer may serve, by personal service, or by registered or certified mail, upon said User a written notice of violation (NOV) Within thirty (30) days of the receipt of this notice, or such shorter period as may be prescribed in the NOV an explanation of the violation and a plan for the satisfactory correction and prevention thereof to include specific required actions, shall be submitted by the User to the District Engineer. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation, or before expiration of the response period.

### **2.07.03 Consent Orders**

The District Engineer is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the Administrative Orders issued pursuant to Sections 2.07.05 and 2.07.06 below and shall be judicially enforceable.

### **2.07.04 Show Cause Hearing**

The District Engineer may order any User which causes or contributes to any violation of this Chapter, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the District Engineer and show cause why a proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the User show cause why this proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. Whether or not the User appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the User.

### **2.07.05 Compliance Orders and Compliance Schedules**

Upon determination by the District Engineer that a User has violated or continues to violate the Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment standard or requirement, the District Engineer may issue an order to the User responsible for the discharge directing that the User come into compliance within a time period specified by the District Engineer. If the User does not come into compliance within the period so specified, Sewer service shall be discontinued until such time as the User comes into compliance.

Upon determination by the District Engineer that a User has violated or continues to violate the Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment standard or requirement, and needs to construct and/or acquire and install equipment related to pretreatment, the District Engineer may issue a compliance schedule which will, upon the effective date of the compliance schedule, amend the User's Wastewater Discharge Permit. The compliance schedule may contain terms and conditions by which a User must operate during its term and may provide specific dates for achieving compliance with each term and condition for construction and/or acquisition and installation of required equipment related to pretreatment.

Compliance orders and compliance schedules may also contain other requirements to address the noncompliance, including additional self-monitoring, submittal of drawings or reports, audit of Waste minimization practices, or other provisions to ensure compliance with this Chapter. Compliance orders and compliance schedules may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor do they release the User of liability for any violation, including any continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other action against the User.

#### **2.07.06 Cease and Desist Orders**

When the District Engineer finds that a User is violating this Chapter, the User's Wastewater Discharge Permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the District Engineer may issue an order to the User directing it to cease and desist all such violations and direct the User to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the User.

#### **2.07.07 Administrative Complaints**

The District may issue an Administrative Complaint to any Person who violates any provisions of this Chapter. The Administrative Complaint shall allege the act or failure to act that constitutes the violation of the District's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed administrative civil penalty.

The Administrative Complaint shall be served by personal delivery or certified mail on the Person subject to the District's discharge requirements, and shall inform the Person served that a hearing shall be conducted within 60 days after the Person has been served. The hearing shall be before a hearing officer designated by the governing board of the District. The Person who has been issued an Administrative Complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A Person dissatisfied with the decision of the hearing officer may appeal to the governing board of the District within 30 days of notice of the hearing officer's decision.

If after the hearing, or appeal, if any, it is found that the Person has violated reporting or discharge requirements, the hearing officer or board may assess an administrative civil penalty against that Person. In determining the amount of the administrative civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the

violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

These Administrative civil penalties shall be as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any Waste discharge limitation, Wastewater Discharge Permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any administrative penalties imposed under this section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the County recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 688.220, inclusive, of the Code of Civil Procedure.

All monies collected under this section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges in the District's sanitation or Sewer system or for other mitigation measures.

Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days.

District Counsel, or other special counsel designated by the District Board, shall institute appropriate court actions authorized by the above referenced sections to effect statutorily authorized remedies, upon order of the Board.

### **2.07.08 Emergency Suspensions**

The District Engineer may immediately suspend a User's discharge whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent and substantial endangerment to the environment, or to the health or safety of persons, or that threatens to interfere with the operation of the District Sewerage System.

1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Engineer shall take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the District Sewerage System, its receiving stream, or endangerment to any individuals. The District Engineer shall allow the User to

recommence its discharge when the User has demonstrated to the satisfaction of the District Engineer that the period of endangerment has passed, unless the termination proceedings set forth in Section 2.07.09 are initiated against the User.

2. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence to the District Engineer, prior to the date of any show cause or termination hearing under Sections 2.07.03-2.07.07 and 2.07.09. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this action.

### **2.07.09 Termination of Discharge**

In addition to those provisions in Section 2.04.10 of this Chapter, any User which violates the following conditions of this Chapter, a Wastewater Discharge Permit, or an order issued hereunder, is subject to discharge termination. Termination may include immediate disconnection or obstruction of the building or service Sewer so as to prevent discharge into the public main from such User. Discharge may include domestic, toilet and sink Waste.

1. Violation of Wastewater Discharge Permit conditions.
2. Failure to accurately report the Wastewater constituents and characteristics of its discharge.
3. Failure to report significant changes in operations or Wastewater volume, constituents and characteristics prior to discharge.
4. Refusal of reasonable access to the User's Premises for the purpose of inspection, monitoring or sampling.
5. Violation of the Pretreatment Standards in Section 2.03 of this Chapter.
6. Failure to pay service charges.

Such User will be notified of the proposed termination of its discharge and a hearing on an order to show cause under Section 7.03.04 of this Chapter why the proposed action should not be taken.

### **2.07.10 Injunctive Relief**

Whenever a User has violated a pretreatment standard or requirement or continues to violate the provisions of this Chapter, a Wastewater Discharge Permit or an order issued hereunder, or any other pretreatment requirement, the District Engineer may petition the Superior Court for the issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the performance by the User of such acts as will bring the User into compliance with the Wastewater Discharge Permit, order, or other requirement imposed by this Chapter. Such other action as is appropriate for legal and/or equitable relief may also be sought by the District. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

### **2.07.11 Civil Penalties**

Any User who violates any provision of this Chapter, a Wastewater discharge Wastewater Discharge Permit, an order of the District or District Engineer, or a pretreatment standard or requirement relating to:

1. Pretreatment of any industrial Wastewater (including any Wastewater from Class I or II users);
2. The prevention of the entry of such industrial Waste into the District's Sewerage System;

may be civilly liable to the District in a sum not to exceed \$25,000 per day for each day and each event in which such violation occurs.

The District may petition the superior court to impose, assess, and recover the sums provided for above pursuant to Section 54740 of the California Government Code.

Remedies under this section are in addition to and do not supersede or limit any other remedy, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 2.07.07.

Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

#### **2.07.12 Criminal Prosecution**

Any Person who willfully or negligently violates any provision of this Chapter, any order or Wastewater Discharge Permit issued hereunder, or any other pretreatment requirement shall upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) per violation per day or imprisonment for not more than thirty (30) days in County jail, or both.

Any Person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this Chapter, Wastewater Discharge Permit or order, or who falsifies, tamper: with or knowingly renders inaccurate any monitoring device or method required under this Chapter shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000) per violation per day or imprisonment for not more than thirty (30) days, or both. Each separate act of falsification, tampering, or knowingly rendering inaccurate shall constitute a new and separate offence and shall be subject to the penalties contained herein.

#### **2.07.13 Liability for Certain Costs Incurred by the District**

Any User causing expense, loss, damage or other liability to the District as a result of any discharge as set forth in Section 2.05.01 shall be liable to the District for such expense, loss, damage or other liability and shall pay the same to the District within thirty (30) days of billing by the District Engineer.

#### **2.07.14 Remedies Nonexclusive**

The provisions in Section 2.07 are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the District's enforcement response plan. However, the District

reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant User.

## **2.08 Waste Hauler Program**

### **2.08.01 Permissible Waste Hauler Discharge**

It is the intent of the District that the treatment facility shall only be used for the disposal of Wastes which are compatible with the treatment plant process and the continued operation of the treatment plant as a nonhazardous Waste disposal facility. Therefore, it is the intent of this Chapter to prohibit the discharge from Waste Haulers of any Hazardous Waste as may be defined by either federal or State statute and regulation, whichever is more stringent and, further, to prohibit all such Wastes as are prohibited within Sections 2.03.02-2.03.04 of this Chapter, when such Wastes are trucked to the District's Sewerage System and discharged pursuant to the District's Waste Hauler Program.

### **2.08.02 Waste Hauler Discharge Permit**

No Person shall discharge trucked-in Waste to any part of the District's Sewerage System or Wastewater treatment plants unless and until such Person has complied with all of the requirements of this Section, and has received a valid Waste Hauler Discharge Permit.

1. Waste Hauler Discharge Permit Term. The District Engineer may issue Waste Hauler discharge permits for a period of one (1) year, with such permits being renewable on further application from the permittee for additional one-year periods.
2. Waste Hauler Discharge Permit Conditions. The District may prescribe such requirements as may be reasonable to ensure the carrying out of the purpose and policies of this Chapter, as well as the stated purpose of the Waste Hauler Program as set forth herein. The conditions upon which a Waste Hauler's Discharge Permit will be issued may include, but are not limited to, the following:
  - a. Proof of a Sacramento County Environmental Management Department, Environmental Health Division, Waste Hauler Registration;
  - b. Provision of a list with license numbers of each vehicle which the Waste Hauler proposes to use for discharge of Waste at the District's Sewerage System;
  - c. Certification that the Waste Hauler has in place, and will maintain, vehicle insurance coverage which insures the Waste Hauler and the District against claims of personal injury and property damage (said minimum limits and coverage requirements may from time to time be set forth by the District);
  - d. The furnishing of a cash deposit or other security acceptable to the District Engineer; and
  - e. The payment of all such fees as may be prescribed from time to time by the District Board.

### **2.08.03 Cash Deposit - Security**

To ensure compliance of each Waste Hauler with the provisions of this Chapter, and to further ensure payment of fees and charges for the discharge of trucked-in Waste, a cash deposit, or other security acceptable to the District, shall be required of each permittee. The cash deposit shall be in an amount of one thousand dollars (\$1,000.00). However, if the District Engineer determines the cash deposit should be increased in order to protect the interest of the District based on the nature of the current operations of a permittee or the prior history of compliance with the Waste Hauler program requirements, then the District Engineer may increase such cash deposit or security to an amount sufficient to protect the interests of the District. The security amount shall not exceed five thousand dollars (\$5,000.00), without prior Board approval of said security amount.

1. Time for Payment. The cash deposit or acceptable security shall be posted prior to the issuance of the Waste Hauler Discharge Permit. To the extent the District draws on such cash deposit or security for costs, fees, payments or penalties, as authorized hereunder, the permittee shall deposit with the District such additional funds as may be required to bring its cash deposit or security up to the total amount required under the Waste Hauler Discharge Permit prior to the continued discharge of Waste. If the permittee fails to maintain a sufficient deposit with the District to meet its Waste Hauler Discharge Permit conditions, the District may suspend the Wastewater Discharge Permit (and permission to discharge) until such time as a sufficient deposit or security has been tendered and accepted.
2. Forfeiture of Deposit. All or a portion of the cash deposit or acceptable security may be forfeited to the District if any of the following actions occur:
  - a. The permittee knowingly provides false information on any application, Wastewater Discharge Permit, or manifest form;
  - b. The permittee discharges a non-domestic Waste which does not comply with this Chapter, including the provisions of Local Limits and the general and specific prohibitions contained herein;
  - c. The permittee disposes of a Waste regulated under this Chapter in an unlawful manner in any location within the District's Service Area;
  - d. The permittee becomes delinquent in making payment of applicable charges and fees for discharge of Waste; and/or
  - e. The permittee otherwise fails to comply with provisions contained in this Chapter.

#### **2.08.04 Waste Hauler Discharge Permit Revocation, Suspension or Restriction**

A Waste Hauler Discharge Permit may be revoked by the District Engineer or his agent for failure of the permittee to comply with conditions of the Waste Hauler Discharge Permit or failure of the permittee to pay when due any charges.

When the District Engineer has reason to believe that grounds exist for Waste Hauler Discharge Permit suspension, revocation or restrictions, he shall give written notice thereof by registered or certified mail or by personal service to the permittee setting forth a statement of the facts and grounds deemed to exist.

Unless directed otherwise on the notice of revocation or suspension of Waste Hauler Discharge Permit, the permittee shall cease discharging into the Public Sewer at the effective time of said revocation or

suspension, or shall conform with temporary restrictions, conditions, or limitations at the effective time of such requirements.

Any further application for a Waste Hauler Discharge Permit by any Person subject to an order of revocation will be considered by the District after fully reviewing the records of the revoked Waste Hauler Discharge Permit, which records may be the basis for denial of a new Waste Hauler Discharge Permit.

A Waste Hauler Discharge Permit may be temporarily suspended by the District Engineer at any time if continued discharge of the permittee's Wastewater into the District Sewerage System would, whether or not combined with other discharges, jeopardize ability of the treatment system to meet Water Quality Requirements or threaten damage to the Sewerage System or cause a Nuisance or an unsafe condition to occur. In lieu of temporary suspension of permits, the District Engineer may impose such temporary restrictions, conditions, or limitations upon quantities, qualities, and rates of discharge made thereunder as is deemed necessary to safely assure that Water Quality Requirements will not be violated, or to alleviate the unsafe condition. The District Engineer shall consider the significance of the conditions in terms of the ability of the system as a whole to meet its requirements, except in those instances where the permittee's discharge is in violation of federal, State, or local laws or regulations.

#### **2.08.05 Manifest and Reporting Procedures**

Any Waste Hauler who is discharging at a District facility shall be required to comply with the manifesting and reporting requirements established by the District Engineer. Each discharger shall be required to provide a manifest document which shall indicate the source of all Wastes contained within the Waste load to be discharged. The District Engineer may promulgate such other requirements with regard to manifesting as are in the determination of the District Engineer necessary to properly carry out the objectives of this Chapter and the intent of the Waste Hauler Program.

#### **2.08.06 Regulation of Procedures**

The District Engineer shall adopt such procedures as may be appropriate for the implementation of the Waste Hauler Program. These procedures may include, but are not limited to, regulation of the times for discharge, the amounts of discharge and manner of discharge. The procedures may also include requirements such as laboratory testing of samples of the Waste prior to discharge, and reporting of the ultimate disposal location for Wastes which are not accepted at a District facility on the basis of analytical results.

## **Chapter 3**

### **Sewer Rates**

#### **3.01 General Provisions**

##### **3.01.01 Purpose**

The purpose of this Chapter is to prescribe charges for the use of District Sewerage facilities.

#### **3.02 Sewer Use Charges**

##### **3.02.01 General**

All users of District Sewerage facilities must pay Sewer Use Charges to the District, in accordance with the "Schedule of Rates" in this Section.

##### **3.02.02 Billing For District Sewer Use Charges**

Each Contributing Agency must establish and maintain a billing system for the collection of District Sewer Use Charges, which conforms to the classification and categorization of User rates established and adopted by the District. Except as provided in Section 3.02.18 of this Chapter, the billing period established by the Contributing Agency will be no less frequent than bi-monthly. Not later than sixty (60) days following the date of each regular periodic billing by a Contributing Agency, that Contributing Agency will pay to the District a sum that equals the total of all District charges that were included, or should have been included in the billing.

##### **3.02.03 Billing Period**

Residential and Commercial Users will be billed no less frequent than bi-monthly. Bills issued on a bi-monthly billing cycle are due and payable upon presentation and become delinquent forty-five (45) days after the date of billing. Bills issued on a monthly billing cycle are due and payable upon presentation and become delinquent twenty-one (21) days after the date of billing.

Industrial Users will be billed monthly (one month in arrears) based upon charges computed by the District Engineer for the previous month. Bills are due and payable upon presentation and become delinquent thirty (30) days after the date of billing.

##### **3.02.04 Billing Basis**

Billing will be based on the Wastewater characteristics of the User as determined by the District Engineer.

##### **3.02.05 Initial Bill**

Billing will begin on the date the Premises are suitable for occupancy, which is normally considered to be 90 days after the Premises are connected to the Public Sewer system. However, the District Engineer is empowered to vary the date that the Premises are considered suitable for occupancy, based on a reasonable interpretation of information obtained from public records or field inspections. The District Engineer may also initiate billing based upon a request for other utility services to the Premises or notification from owners or occupants that the structure is completed. In all cases, initial bills will be to the property owner of record as of the date the property is considered suitable for occupancy.

### **3.02.06 Adjustments**

Charges may be adjusted at each billing, when appropriate. Any amount paid in excess of the actual computed charge will be credited against the charge for the next billing period. Any deficiency in the amount paid and the actual computed charge will be added to the charge for the following billing period. No deficiencies or credits will be made for a period more than three (3) years prior to the date the District Engineer determines that a billing discrepancy exists, except as authorized in Section 3.02.04.

Adjustments of Sewer Use Charges requested and documented will be made to the Contributing Agency as appropriate. Any amounts paid by the Contributing Agency in excess of actual computed charges will be credited against the amount to be paid to the District by the Contributing Agency for the ensuing billing period. Any deficiency between the amount paid by the Contributing Agency and the actual computed charges will be added to the amount to be paid to District for the next billing period. No deficiencies or credits will be made for a period exceeding three (3) years prior to the date the District Engineer determines that a billing discrepancy exists, except as authorized in Section 3.02.04.

Adjustments to Industrial Users billed directly by the District will be made in the same manner as for Residential and Commercial Users, except that credits will be granted, or deficiencies charged, directly to the billed customer.

### **3.02.07 Reasons for Adjustments**

The District Engineer may adjust billing or grant refunds for the following reasons:

1. Upon change of use or User,
2. When there is a dispute to a charge, or
3. When a structure is no longer suitable for occupancy.

Users requesting a billing adjustment must state the justification in writing to the District Engineer.

### **3.02.08 Vacancy Credits**

Apartments, Mobilehome Parks and others may be eligible to receive vacancy credits under certain circumstances specified below.

### **3.02.09 Apartments**

Apartments will only be eligible to receive vacancy credits during construction and the first two-years of occupancy, or until the apartments reach full occupancy, whichever occurs first. The first year of occupancy is considered to begin when the last dwelling unit has been completed and is considered suitable for occupancy. Vacancy credits for apartments will be issued as follows:

1. During the construction phase and/or first year of occupancy, apartments suitable for occupancy will receive a fifty percent (50%) vacancy credit. However, if occupancy becomes greater than 50% during this period, then the vacancy credit will be reduced by an equal percentage.
2. During the second year of occupancy, apartments will receive a twenty-five percent (25%) vacancy credit. However, if occupancy becomes greater than 75% during this period, then the vacancy credit will be reduced by an equal percentage.

If vacancy varies extensively from that indicated above, the District Engineer in accordance with Section 3.02.06 may make an adjustment reflecting a billing credit or deficiency. Under no circumstances will vacancy credits be greater than the amount granted during the previous billing period.

### **3.02.10 Mobilehome Parks**

1. New Construction - Mobilehome Parks may be eligible to receive vacancy credits each Fiscal Year until occupancy reaches eighty-five percent (85%) or more. The eligible amount of vacancy credits will be based on the percentage of occupied Mobilehome spaces/lots at the start of each Fiscal Year and will be determined as shown in Table 2.1. In order for a Mobilehome space/lot to be considered occupied, the space must contain a Mobilehome structure that is suitable for occupancy. In addition, under no circumstances will vacancy credits be greater than the amount granted during the previous billing period.

<b><u>Table 2.1 – Mobilehome Parks</u></b>	
<b><u>Occupancy at Start of Fiscal Year</u></b>	<b>Credit</b>
0-9 %	90 %
10-24 %	75 %
25-39 %	60 %
40-54 %	45 %
55-69 %	30 %
70-84 %	15 %
85-100 %	0 %

2. Existing – Existing Mobilehome Parks may be eligible to receive a vacancy credit for each space/lot that is not occupied by a structure suitable for occupancy.

### **3.02.11 Structures Unsuitable for Occupancy**

The District Engineer may grant vacancy credit for periods in which a building previously determined suitable for occupancy loses that status due to fire, damage or other causes. In addition, the structure must be unoccupied as a result of this change in status.

### **3.02.12 Unit of Billing**

Each parcel of real property will be issued one bill for Sewage disposal services provided by the District. In no case will a parcel of real property be divided into smaller units for purposes of such billing, unless a separately metered industrial use is present, or upon the approval of the District Engineer.

### **3.02.13 Billing to Owner**

All Sewer Use Charges will be billed to the property owner of record as of the date the Premises are deemed suitable for occupancy, to the successor in interest to such Person, or to such Person's single designee. All requests to bill a party other than the property owner of record must be made in writing to the District Engineer by the party to be billed. The District Engineer will notify the property owner of record when the billing is changed to comply with such a request. However, no such billing change or request will remove the responsibility from the property owner of record.

### **3.02.14 Delinquency Penalty**

Any Sewer Use Charge that becomes delinquent as designated in Section 3.02.03 of this Chapter, may have added to that Sewer Use Charge, a delinquency penalty charge established by the collecting agency

(contributing agencies) to recover additional expense incurred as a result of the delinquent account. Collected funds will be retained by the collecting agency to the degree that it absorbs billing and collecting costs. Any such delinquency penalty will not exceed any delinquency penalty assessed by the contributing agencies with respect to the Sewer use billing of the contributing agencies.

### **3.02.15 Disconnection for Failure to Pay**

Failure to pay the Sewer Use Charge within thirty (30) days after it becomes delinquent will make the Premises subject to disconnection from the Public Sewer. However, any disconnection will not be made less than ten (10) days after mailing a written notice by registered mail to the property owner and Contributing Agency within whose Territorial Jurisdiction the User is located. In the event a disconnection is made, the property owner will pay the actual costs for reconnection specified by the Contributing Agency.

### **3.02.16 Lien**

The District may place a lien against any property served, which fails to pay any Sewer Use Charges or penalties levied in accordance with this Chapter. Any proceedings authorized by law to enforce payment of such lien may be taken by the District to enforce the payment of such charge. Authorization is hereby granted to each Contributing Agency collecting Sewer Use Charges for the District to adopt and to take any proceedings authorized by law to enforce payment of the District's Sewer Use Charges. However, such proceedings will not relieve the Contributing Agency from making the full payments to the District specified in Section 3.02.02.

### **3.02.17 Schedule of Rates**

#### **Three Year Monthly Rate Plan Per Equivalent Single-Family Dwelling (ESD) Unit**

Effective October 1, 2011:	\$22.00 per ESD
Effective July 1, 2012:	\$24.00 per ESD**
Effective July 1, 2013:	\$26.00 per ESD**

b. Multiple-Family Dwelling (75% of the single-family dwelling rate):

#### **Three Year Monthly Rate Plan Per Multi-Family Dwelling**

Effective October 1, 2011:	\$16.50 per ESD
Effective July 1, 2012:	\$18.00 per ESD**
Effective July 1, 2013:	\$19.50 per ESD**

\*\* This is the maximum monthly charge that could occur in each designated year.

The District Engineer may define Multiple-Family Dwellings as Single-Family Dwellings, when the dwelling units contain Single-Family Dwelling characteristics.

(3.02.17 amended by the Sacramento Regional County Sanitation District Board of Directors on June 22, 2011 by Ordinance Number SRSD – 0111)

### **3.02.18 Billing Procedures Adopted by Contributing Agencies**

A Contributing Agency may adopt and maintain a billing procedure that varies from the minimum billing frequency specified in Section 3.02.02, provided that the full payments specified therein are made to the District and the alternative billing frequency provides for the separate stating of all District Sewer Use Charges.

### **3.03 Enforcement**

#### **3.03.01 Enforcement**

The District Engineer is hereby charged with enforcement of the provisions of this Chapter and with coordination among all officials and departments of the Contributing Agencies, the County of Sacramento and the District in order to achieve its purpose.

If the District Engineer determines that a customer has failed to notify the District or the Contributing Agency that bills the District's Sewer Use Charges that a building is receiving Sewer service, or that a period of vacancy credit has been authorized based upon statements from the owner found subsequently to be misleading, or if the owner fails to notify the District or the appropriate Contributing Agency when such condition has terminated, then the District may directly back-charge the property at its fully authorized rate for the entire period during which the vacancy credit was authorized.

Any Sewer Use Charges and penalties deemed to be owed pursuant to this Section is hereby made a lien upon the property served and any such proceedings specified in Section 3.02.16 may be taken by the District to enforce payment of such charges.

### **3.04 Sewer Lifeline Rate Assistance Program**

Upon approval of application, a Qualifying Customer may receive a one-time rebate or periodic adjustment of charges paid. Application procedures and rebate will be as determined by the District Engineer, as amended from time to time.

### **3.05 Commercial Users**

The monthly Sewer Use Charge for Commercial Users will be the total of charges prescribed for a Single-Family Dwelling in section 3.02.17(a) multiplied by the corresponding factor shown in Table 2.2.

**Table 2.2 – Commercial Users**

<b><u>Enterprise/Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Auto Dealerships	0.2 ESD/1000 sq. ft. of gross floor area
Bakeries	1.9 ESD/1000 sq. ft. of gross floor area
Banks and Financial Institutions	0.3 ESD/1000 sq. ft. of gross floor area
Barber and Beauty Shops	0.1 ESD/barber or beautician chair
Bars	0.7 ESD/1000 sq. ft. of gross floor area
Bowling Alleys	0.4 ESD/bowling lane
Car Washes – Full-Serve	1.0 ESD/9300 gallons of water used each month
Car Washes – Self-Serve	0.7 ESD/washing stall
Car Washes – Self-Serve – Automatic	1.4 ESD/washing stall
Dry Cleaners	1.7 ESD/1000 sq. ft. of gross floor area
Fire Stations	1.0 ESD/station
Garages	0.1 ESD/1000 sq. ft. of gross floor area
Gyms, Health Clubs, Tanning Salons	0.3 ESD/1000 sq. ft. of gross floor area
Halls, Lodges, Auditoriums	0.3 ESD/1000 sq. ft. of gross floor area
Hospitals	1.0 ESD/9300 gallons of water used each month (1.1 ESD/bed*)
Hotels and Motels	0.4 ESD/sleeping room
Laundries – Self-Serve	0.5 ESD/laundry machine
Laundries – Commercial	2.4 ESD/9300 gallons of water used each month
Markets – High Impact	1.7 ESD/1000 sq. ft. of gross floor area

**Table 2.2 – Commercial Users (Continued)**

<b><u>Enterprise/Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Markets – Low Impact	0.2 ESD/1000 sq. ft. of gross floor area
Medical, Dental, Massage Therapy Offices	0.4 ESD/1000 sq. ft. of gross floor area
Mini-Storage Facilities – One single-Family Residence w/ Public Restrooms	1.0 ESD/single-family residence, plus 0.04 ESD/Fixture Unit in public restrooms
Mortuaries	1.8 ESD/slumber room
Office Buildings – Less than 200,000 sq. ft. (public & private)	0.2 ESD/1000 sq. ft. of gross floor area
Office Buildings – 200,000 sq. ft. and above (public & private)	1.0 ESD/9300 gallons of water used each month (0.3 ESD/1000 sq. ft. gross floor area*)
Parks – public, private & community	0.04 ESD/Fixture Unit
Places of Worship	0.2 ESD/1000 sq. ft. of gross floor area
Rest Homes, Convalescent Homes, Boarding Houses, Fraternities, Sororities, Convents, Dormitories, etc.	0.4 ESD/bed
Restaurants – Dine-In	5.1 ESD/1000 sq. ft. of gross floor area
Restaurants – Outside Service Area	2.6 ESD/1000 sq. ft. of gross floor area
Restaurants – Take-Out	4.2 ESD/1000 sq. ft. of gross floor area
Restaurants – Dine-In & Take-Out w/ Seating	4.7 ESD/1000 sq. ft. of gross floor area
Retail Stores – Less than 100,000 sq.ft.	0.1 ESD/1000 sq. ft. of gross floor area
Retail Stores – 100,000 sq. ft. and above	1.0 ESD/9300 gallons of water used each month (0.2 ESD/1000 sq. ft. of gross floor area*)
Schools – Elementary schools, Day Cares, Preschools and Nursery Schools	1.0 ESD/100 average daily attendance (ADA)
Schools – Middle Schools, Junior Highs and High Schools	2.5 ESD/100 average daily attendance (ADA)

**Table 2.2 – Commercial Users (Continued)**

<b><u>Enterprise/Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Schools – Colleges & Universities	1.0 ESD/9300 gallons of water used each month (2.2 ESD/100 full time equivalent students*)

Service Stations	0.1 ESD/gas pump
Theaters	0.3 ESD/100 seats
Used Car Lots	0.2 ESD/10 Fixture Units
Warehouses – Less than 50,000 sq.ft.	0.1 ESD/1000 sq. ft. of gross floor area
Warehouses – 50,000 sq.ft. and above	1.0 ESD/9300 gallons of water used each month (5.0 ESD/parcel*)
Non-defined Commercial	1.0 ESD/9300 gallons of water used each month

Note: *Factors delineated by the asterisk (\*) will only be used when the Sewer User is unable to supply the water usage data upon which the monthly charge should be based.*

- A.01 Application of Categories - The District Engineer will determine which Enterprise/Use Category will be applied to a Commercial User not adequately identified in Table 2.2.
- A.02 Rates Related to Water Use - Will be based on accurate metered water usage data supplied by the Sewer User. Adjustments may be made for consumptive water use when deemed appropriate by the District Engineer. Where a water meter exists and the Sewer User fails to submit the water usage data as required, the District may read the meter and add a minimum of a \$25.00 special service charge to the Sewer Use Charge.
- A.03 Enterprise/Use Categories with multiple functions will pay according to the factors shown for each applicable category, with the following exceptions:
  - A.03.01 Bowling alleys will not be charged separately for eating areas and bar areas that only serve bowlers. Eating areas and bar areas within bowling alleys will be considered to only “serve bowlers”, if those areas are located within the bowling alley and do not contain separate public entrances from the facility’s exterior.
  - A.03.02 Fire stations, medical offices, dental offices, massage therapy offices, office buildings, schools and public agencies will not be charged separately for eating facilities that are only for employee/student use. However, any restaurants at these facilities that are open to the public will be separated out and charged accordingly.

A.03.03 Warehouses will not be charged separately for minor office space on the Premises.

A.04 At a minimum, Commercial Users (vacant or not) will be billed a monthly Sewer Use Charge equal to one (1) Single-Family Dwelling.

**3.06 Special Provision – City of West Sacramento Metered Commercial Users**

a) The monthly Sewer Use Charge for commercial users that have metered water usage in the City of West Sacramento will be calculated as follows:

(Line A) x (Line B) x (Line C) = West Sacramento Commercial SRCSD Monthly Rate

Where:

Line A = The charge prescribed for a Single-Family Dwelling in 3.02.17.

Line B = The User’s most recent average of January and February water usage (or other flow data as deemed appropriate by the District Engineer), divided by 12.43 Ccf\*

Line C = The corresponding loading factor shown in Table 2.2b

\* Where 12.43 Ccf, equals one ESD and one Ccf means “one hundred cubic feet.”

<b><u>Table 2.2b – Special Provision – City of West Sacramento Commercial Users</u></b>	
<b><u>Customer Class</u></b>	<b><u>Loading Factor</u></b>
<b>General Service, Office, Commercial Buildings</b>	.79
<b>Service Stations</b>	1.14
<b>Restaurants</b>	2.72
<b>Hotels/Motels/Campgrounds</b>	2.03
<b>Rest Homes</b>	.99
<b>Grocery Stores/Supermarkets</b>	2.72
<b>Laundromats</b>	.86

b) Application of Categories - The District Engineer will determine which Customer Class Category will be applied to a Commercial User not adequately identified in Table 2.2b.

### 3.07 Industrial Users

The monthly Sewer Use Charge for Industrial Users will be the sum of the loadings (i.e., Volume, BOD, SS), monitoring, and industrial pretreatment charges prescribed in Table 2.3.

<b><u>Table 2.3 –Industrial Users</u></b>	
<b><u>Category</u></b>	<b><u>Unit Charges</u></b>
<b>Volume/1,000,000 gallons (MG)</b>	\$318.46
Biochemical Oxygen Demand(BOD)/1,000 pounds	\$191.89
Suspended Solids(SS)/1,000 pounds	\$110.87
Monitoring	*
Industrial Pretreatment	*

(\*) = Actual cost(s) in accordance with a schedule of monitoring and industrial pretreatment costs established by the District Engineer.

Initial bills for Industrial Users will be based on estimated flow and expected Waste characteristics, past experience with the type of Waste involved, information supplied on the Wastewater Discharge Permit Application, as well as additional information that may be available to the District Engineer.

### 3.08 Users Outside the District

Sewer Use Charges for users located outside the District boundaries will be determined in accordance with Sections 3.02.17 and 3.05 - .07 multiplied by a factor equal to one (1) plus the ratio of the total budgeted annual revenues from ad valorem taxes divided by the total budgeted annual revenue from User charges, or in accordance with charges established by separate agreement. The District Engineer will review adequacy of the factor annually, and revise as appropriate.

## **Chapter 4**

### **Sewer Impact Fees**

#### **4.01 General Provisions**

##### **4.01.01 Purpose**

The purpose of this Chapter is to prescribe fees for connecting to or expanding the use of any Sanitary Sewer tributary to Sewerage facilities owned, maintained, or operated by the Sacramento Regional County Sanitation District, and for annexation to the District.

##### **4.01.02 Fees**

Except as otherwise provided, all properties shall be subject to prescribed fees for connecting to Sewer Collection Systems discharging into the District's Sewerage System.

If users connecting to or expanding their use of a Sanitary Sewer shall pay an appropriate amount for their share of the capital investment in the Regional System as determined by the District Engineer. These amounts shall be included in the Sewer Impact Fee, the Incremental Sewer Impact Fee or such other fees as are required.

Adjustments for fee discrepancies will be provided in accordance with the California Code of Civil Procedure Section 338.

#### **4.02 Residential and Commercial Users**

##### **4.02.01 Residential and Commercial Users**

All properties within the Territorial Jurisdiction of the District or having applied for annexation thereto shall pay a rate per ESD as follows:

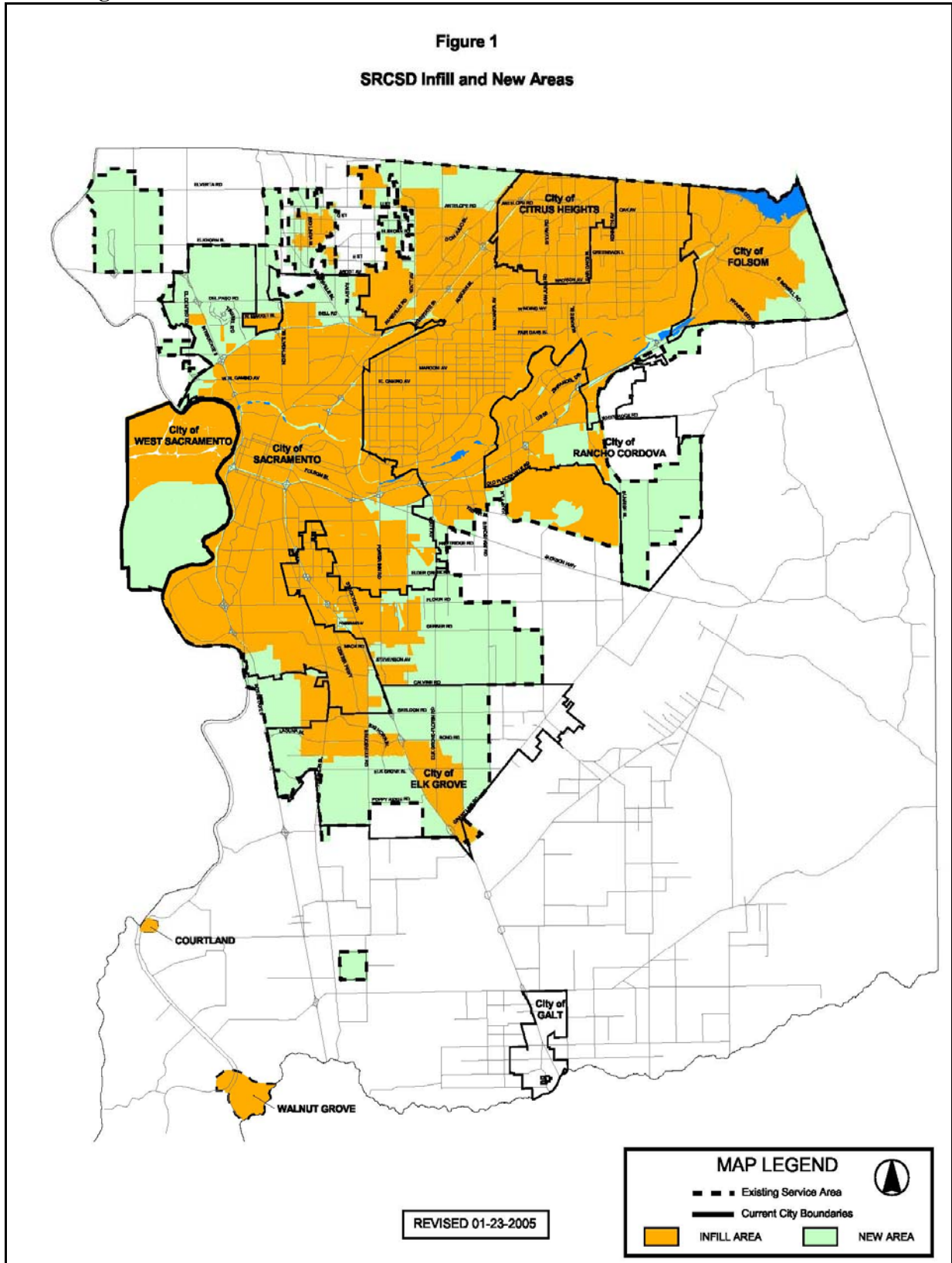
- \$2,800.00 per ESD for Communities defined as “Infill Communities”;
- \$7,450.00 per ESD for Communities defined “New Communities”.

In no event shall the Sewer Impact Fee for any residential or commercial parcel be less than that charged for one ESD.

##### **4.02.02 Residential Users**

For the purpose of determining Sewer Impact Fees for Residential Users, each detached Single-Family Dwelling shall be assigned 1.0 ESD and each individual Multiple-Family Dwelling unit shall be assigned 0.75 ESD. The Sewer Impact Fee shall be the rate per ESD as prescribed in Section 4.02.01, multiplied by the total number of ESDs.

Fig 1 SRCSD Infill & New Areas



### 4.02.03 Commercial Users

The Sewer Impact Fee for commercial users shall be the rate per ESD as prescribed in Section 4.02.01 multiplied by the corresponding ESD equivalent factor shown in **Table 4.1**. A business with various operations shall pay according to the factors shown for **each** applicable use category.

<b>Table 4.1 – Commercial Users</b>	
<b><u>Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Auto Dealerships	0.2 ESD/1000 square feet of gross floor area
Bakeries	0.5 ESD/1000 square feet of gross floor area
Banks and Financial Institutions	0.3 ESD/1000 square feet of gross floor area
Barber and Beauty Shops	0.1 ESD/each barber or beautician chair
Bars	0.7 ESD/1000 square feet of gross floor area
Bowling Alleys (includes eating facilities)	0.4 ESD/each bowling lane
Car Washes – Automatic	1.0 ESD/9,300 gallons of water used each month
Car Washes – Self-Serve	0.7 ESD/each washing stall
Dry Cleaners	1.7 ESD/1000 square feet of gross floor area
Fire Stations (includes eating facilities)	1.0 ESD/station
Garages	0.1 ESD/1000 square feet of gross floor area
Gyms, Health Clubs, Tanning Salons	0.3 ESD/1000 square feet of gross floor area
Halls, Lodges, Auditoriums	0.3 ESD/1000 square feet of gross floor area
Hospitals	1.0 ESD/9,300 gallons of water used each month (or 1.1 ESD/bed**)
Hotel and Motels	0.4 ESD/sleeping room
Laundries – Self-Serve	0.5 ESD/washing machine
Laundry – Commercial	1.0 ESD/9,300 gallons of water used each month
Markets – High Impact	0.6 ESD/1000 square feet of gross floor area

**Table 4.1 – Commercial Users (Continued)**

<b><u>Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Markets – Low Impact	0.1 ESD/1000 square feet of gross floor area
Medical, Dental and Massage Therapy Offices (includes eating facilities)	0.4 ESD/1000 square feet of gross floor area
Mini-Storage Facilities – One Single Family Residence - No Public Restrooms	1.0 ESD
Mini-Storage Facilities – One Single Family Residence - With Public Restrooms	1.0 ESD plus 0.04 ESD/Fixture Unit in public restroom
Mortuaries	0.8 ESD/slumber room
Office Buildings – Under 200,000 Square Feet (public & private, includes eating facilities)	0.2 ESD/1000 square feet of gross floor area
Office Buildings – 200,000 Square Feet and above (public & private, includes eating facilities)	1.0 ESD/9,300 gallons of water used each month (or 0.3 ESD/1000 square feet of gross floor area**)
Parks – Public, Private & Community (includes eating facilities)	0.04 ESD/Fixture Unit (as defined in the Uniform Plumbing Code – see definition)
Places of Worship (including residences)	0.2 ESD/1000 square feet of gross floor area
Rest Homes, Convalescent Homes, Boarding Houses, Fraternities, Sororities, Convents, Dormitories, etc.	0.4 ESD/each bed
Restaurants – Dine-In	2.0 ESD/1000 square feet of gross floor area
Restaurants – Dine-In Patio Area	1.0 ESD/1000 square feet of gross floor area
Restaurants – Dine-In and Take-Out	1.9 ESD/1000 square feet of gross floor area
Restaurants – Take-Out	1.7 ESD/1000 square feet of gross floor area
Retail Stores – Under 100,000 Square Feet	0.1 ESD/1000 square feet of gross floor area
Retail Stores – 100,000 Square Feet and above	1.0 ESD/9,300 gallons of water used each month (or 0.2 ESD/1000 square feet of gross floor area**)

**Table 4.1 – Commercial Users (Continued)**

<b><u>Use Categories</u></b>	<b><u>ESD Equivalent Factors</u></b>
Schools – Day-Care, Pre-School, and Primary (includes eating facilities)	1.0 ESD/100 Average Daily Attendance
Schools – Secondary (includes eating facilities)	2.5 ESD/100 Average Daily Attendance
Schools – Colleges & Universities (includes eating facilities)	1.0 ESD/9,300 gallons of water used each month (or 2.2 ESD/100 Full Time Equivalent Students**)
Service Stations	0.1 ESD/pump
Theatres	0.3 ESD/100 seats
Used Car Lots	0.2 ESD/10 Fixture Units
Warehouses – Under 50,000 Square Feet	0.1 ESD/1000 square feet of gross floor area
Warehouses – 50,000 Square Feet and above	1.0 ESD/9,300 gallons of water used each month (or 5.0 ESD/50,000 square feet of gross floor area**)
Non-Defined Commercial	1.0 ESD/9,300 gallons of water used each month

4.02.03A – *\*\*Factors delineated by the asterisks shall only be used when the Sewer User is unable to supply the water usage data upon which the monthly charge should be based.*

4.02.03B – When a commercial User does not conform with the categories listed in Table 4.1; the District Engineer shall establish an equitable ESD ratio for determination of a Sewer Impact Fee.

4.02.03C – Where new technology or operating condition will result in significant water conservation the District Engineer shall account for this water savings in determining the ESD Ratio.

4.02.03D – Parking Lots shall **not** be assessed a separate Sewer Impact Fee, unless there are Fixture Units present or there are connections which allow flow directly into the Sanitary Sewer system.

Sewer Impact Fees for commercial users contributing in excess of 55,800 gallons per acre per month (6 ESDs) will be based on an estimate furnished by applicant. If no estimate is furnished by the applicant the District Engineer may use the factor shown in the District's most recent "Sewer Rate Chapter" to determine flows for calculating Sewer Impact Fee. After the end of the first two years of operation, the District Engineer will adjust such fees to reflect actual flows experienced during the first two years of operation, occupancy, or discharge. Any additional fee assessed will be paid in accordance with the payment schedule in effect at the time the original Sewer Impact Fees were paid. Any reduction in fee based upon usage will be returned in a lump sum.

In the event a change in use occurs on a commercial property that has been connected to the District's Sewerage System, or the Sewerage System of one of its Contributing Agencies that results in Incremental Sewer Impact Fees being due as defined under Payment of Sewer Impact Fee, payment of the Incremental Sewer Impact Fees due shall be made in accordance with the payment schedules set forth in Section 4.02.04.

#### **4.02.04 Payment and Financing of Residential and Commercial Sewer Impact Fees**

Sewer Impact Fees and Incremental Sewer Impact Fees due under Sections 4.02.02 and 4.02.03 above are due and payable in full at the time of application for use of the Regional System in the manner prescribed by the District. However, the User may apply to the District for approval of an extended payment plan which will pro-rate the amount due over a period of up to two calendar years. If the extended payment plan is approved, invoices for any fees due plus interest will be included and separately identified with the service charges billed to the User.

#### **4.02.05 Reimbursements of Residential and Commercial Sewer Impact Fees**

Any property for which a Sewer Impact Fee was paid according to the New Communities rate and later determined to be located within an Infill Communities area at the time of payment, will be entitled to a partial reimbursement of the Sewer Impact Fees paid on the property. The District will reimburse the difference between the New Communities Sewer Impact Fee and the Infill Communities Sewer Impact Fee in effect at the time of payment.

Reimbursements will be paid to the property owner of record at the time of payment and will be made in such time as may be, in its sole and absolute discretion, administratively practicable for the District. No reimbursements will be due for any other changes in this Chapter, including changes in the definition of commercial factors or minimum acreage requirements.

### **4.03 Industrial Users**

#### **4.03.01 Industrial Users – Standard Fees**

The Sewer Impact Fees for all Industrial Users that have not been certified by the District Engineer to be participating in the District's Waste Minimization Program shall be as follows:

The sum of the products of Sewage flow (Q), Five Day Biochemical Oxygen Demand (BOD<sub>5</sub>), and Suspended Solids(SS), based upon the following discharge rates:

\$196.00 per 1,000 gallons (Q) per month, plus  
\$35,825.00 per 1,000 lbs. of BOD<sub>5</sub> per month, plus  
\$28,063.00 per 1,000 lbs. of SS per month.

ENR adjustments may occur (see Section 4.03.07). Visit the SRCSD.com for the most up-to-date Industrial Fees.

#### **4.03.02 Incentive Fees**

The District has implemented a Waste Minimization Program which will require Qualifying Industrial Users to modify processes, install equipment or change production methods in order to permanently reduce the permitted discharge of Wastewater to the District's Sewer system or achieve a reduction in Wastewater flow and/or loadings above the standard for their industry.

The Sewer Impact Fees for all Industrial Users that have been certified by the District Engineer to be participating in the District's Waste Minimization Program shall be as follows:

The sum of the products of Sewage flow (Q), Five Day Biochemical Oxygen Demand (BOD<sub>5</sub>), Suspended Solids(SS), based upon the following discharge rates:

\$49.00 per 1,000 gallons (Q) per month, plus  
\$20,827.00 per 1,000 lbs. of BOD<sub>5</sub> per month, plus  
\$20,035.00 per 1,000 lbs. of SS per month.

ENR adjustments may occur (see Section 4.03.07). Visit the District website for the most up-to-date Industrial Fees.

#### **4.03.03 Industrial User Sewer Impact Fee Components**

##### **4.03.03.01 Basis for Determination of Fees**

The flow (Q) and loading quantities (BOD<sub>5</sub> & SS) on the average day of the maximum month of discharge shall be the basis for calculation of the Sewer Impact Fee, except that no Sewer Impact Fee calculated under the criteria contained in this section shall be less than the minimum Sewer Impact Fee paid for a residential/commercial ESD.

The flow and loading quantities used to determine the Sewer Impact Fee will be those contained in the Wastewater Discharge Permit Application submitted to the District Engineer. No Sewer connection permit application will be issued to a New Industrial User until this permit has been submitted and the quantities contained thereon accepted by the District Engineer.

##### **4.03.03.02 Wastewater Discharge Permit**

Each discharger covered by this section of the Chapter will be required to submit a Wastewater Discharge Permit application containing the estimated maximum monthly quantities for Q, BOD, and SS. The resultant Wastewater Discharge Permit shall contain provisions for annual reviews and revisions.

Sewer Impact Fees for Industrial Users determined as defined herein will be based upon estimates furnished by the applicant and upon payment will be incorporated into the Wastewater Discharge Permit.

##### **4.03.03.01 Review of Flow and Loading Rates and Adjustment of Sewer Impact Fees**

Immediately after the first two years of operation, occupancy, or discharge, the District Engineer will review the flow and loadings experienced during this initial operating period, and will adjust the Sewer

Impact Fees to reflect the actual maximum monthly flows and loadings experienced.

In the event that flow and/or loading increases have occurred Incremental Sewer Impact Fees will be assessed. The basis for calculating the Incremental Sewer Impact Fees will be the discharge rates in effect at the time the initial Sewer Impact Fee calculation was made multiplied by the differences between the maximum monthly flows and loads experienced and the permitted flows and loads contained in the Wastewater Discharge Permit.

The Sewer Impact Fee for an Industrial User may be reduced after the first two years of operation, occupancy or discharge based upon two full years of District records supporting the reduction. The basis for calculating the Sewer Impact Fee reduction will be the discharge rates in effect on the date the User was initially issued a Wastewater Discharge. Any decreases in Sewer Impact Fee will be returned in a lump sum.

The User may at any time, prior to completion of the first two years of operation, request a reevaluation of the Sewer Impact Fees in accordance with the method described immediately above.

#### 4.03.03.02 Review of Flow and Loading Rates and Adjustment of Sewer Impact Fees After the First Two Years of Operation

If an Industrial User is planning to increase production, or make other operational changes which are expected to result in an increase in the maximum monthly flow and/or loading quantities to above the permitted quantities contained in the most recent Wastewater Discharge Permit (or any amendments thereto) accepted and on file with the District, or if a new inflow source is installed, the User shall notify the District of the anticipated increases prior to the first month that the increases are anticipated and shall request approval of an amendment to the existing Permit. If the amendment is accepted, the District Engineer will increase the Sewer Impact Fee to reflect the increase in maximum monthly flows and loadings and/or sources of inflow by application of the appropriate portions of the Sewer Impact Fee in effect on the date the increase(s) are requested.

The District will continually review the flow and loading quantities which occur for each industry following issuance of its Wastewater Discharge Permit, and if flow and/or loading quantities exceed "permitted" amounts contained in the most recent Wastewater Discharge Permit accepted and on file with the District, require payment of Incremental Sewer Impact Fees to reflect the increases. In the event that the District is not notified of a pending increase, the Incremental Sewer Fee will be based on the date the Industrial User is notified that it has exceeded the "permitted" amounts.

Note: Exceeding "permitted" flow and loading quantities is defined as an increase to any flow or loading quantity shown in the Permit for the maximum month by more than ten (10) percent for a single calendar month.

#### 4.03.03.03 Computation of Incremental Sewer Impact Fees

One of the following options will apply for computing the Incremental Sewer Impact Fees owed.

- a. The User may pay in full the Incremental Sewer Impact Fees calculated for the flow and/or loading quantity increases within ninety (90) calendar days of the date of notification of said flow and/or loading increase(s). The basis for calculating the additional Sewer Impact Fees will be the discharge rates in effect on the date of request for additional capacity. In the event an Industrial User pays and the District accepts the Sewer Impact Fees under this option, the Wastewater Discharge Permit will be modified to reflect the flow and/or loading increases and that User may

continue to discharge continuously into the District's facilities at the revised flow and loading rates.

- b. The District Engineer may agree to rent an increase in flow and loading quantities contained in the Wastewater Discharge Use Permit on an annual basis. An annual Sewer Impact Fee will be due under this alternative and will be computed by applying one tenth the cost of the Sewer Impact Fee calculated for the flow and/or loading quantity increases plus an administrative fee of \$500.

The basis for calculating the additional Sewer Impact Fees will be the discharge rates in effect on the date the modification (by letter agreement) to the Wastewater Discharge Permit is requested. For agreements of more than one year in duration, on each anniversary of the date the Wastewater Discharge Permit is modified, the same computation will be applied.

- c. The District Engineer may agree to an increase in flow and/or loading quantities contained in the Wastewater Discharge Permit on an interim basis. An interim Sewer Impact Fee will be due under this alternative. It will be computed as detailed in Alternative (b), above, for annual rental. The amount determined will be divided by twelve and multiplied by the number of consecutive months (not to exceed three) for the period requested. This option may only be used once in any calendar year.

In the event a User elects Alternative 4.03.03.01, .02 or .03 above for payment of Incremental Sewer Impact Fees, the right to discharge into the District's facilities at the increased quantities is only granted for the duration of the agreement. The User must apply for any increases above the permanent capacities contained in the most recently accepted Wastewater Discharge Permit at frequencies specified by the District Engineer under those alternatives.

In the event the discharge from an Industrial User violates the flow and loading parameters set forth in the Wastewater Discharge Permit and causes the District's Treatment Plant to violate the conditions of its NPDES permit, the discharger shall be liable for any fines paid by the District for said violation(s) plus a 20% penalty to cover the costs to the District for its defense.

#### 4.03.03.04 Schedule for Payment of Additional Sewer Impact Fees for Industrial Users

Additional Sewer Impact Fees due under paragraphs 4.03.03.01, .02 and .03, above will be due and payable within ninety (90) calendar days of the date notice is forwarded to the Industrial User by the District. However, the industry may apply to the Board of Directors for approval of an extended payment plan which will pro-rate the amount of additional Sewer Impact Fees due over a period of up to two calendar years.

If the extended payment plan is approved, invoices for the Incremental Sewer Impact Fees due will be included and separately identified with the service charges billed to the Industrial User.

If the full amount of the Incremental Sewer Impact Fees owed are not paid within ninety (90) calendar days from the date notice is forwarded to the Industrial User by the District, or if the approved payment plan becomes delinquent, the Industrial Users account will also be billed a delinquency charge established by the collecting agency to recover its additional expense incurred as result to the delinquency.

#### 4.03.03.05 Transfer of "Permitted" Flows and/or Loadings Capacities to a New Owner/User

In the event an existing Industrial User transfers ownership of a site to a new owner/User, the permitted flow and loading capacities will be transferred to the new ownership/User subject to the following conditions and limitations:

- a. That all Sewer Impact Fees for the flow and loading permitted have been paid in full; and,
- b. That a new Wastewater Discharge Permit shall be issued to the new owner/User reflecting the flow and loading transferred to the new owner/User; and,
- c. That if the maximum monthly flow and loading capacities transferred to the new owner/User are not utilized for a period of five (5) years after taking title to the site, then the flow and loading amounts for the site will be reduced to the maximum monthly amounts recorded during the five (5) year period immediately following the transfer of title or change in use and the excess amounts will revert to the District. A new Wastewater Discharge Permit will be issued to the new owner/User reflecting the new maximum monthly flow and loadings; and,
- d. That Incremental Sewer Impact Fees will be due and payable from the new owner/User for any flow and loading quantities which exceed the permitted amounts specified in the new owner/User's Wastewater Discharge Permit; and,
- e. Prior to transfer of title or use of an industrial site receiving Sewer services from the District, the existing owner/User shall be responsible for disclosure of the terms and conditions of the most recent Wastewater Discharge Permit for the site issued by the District to the prospective new owner/User.

#### 4.03.03.06 Transfers of Permitted Flows and/or Loadings to a New Site

An Industrial User discharging Wastewater to the District, or to a Contributing Agency thereof that ceases operation at an existing developed site and relocates to another site where Sanitary Sewer services will be provided by the District or an Industrial User who has operations at additional locations discharging Wastewater to the District may transfer flow and loadings to the new site or allocate to other sites so operated subject to the following conditions and limitations:

- a. That all Sewer Impact Fees for the permitted flow and loadings allocated to the site being vacated or being transferred have been paid in full; and
- b. That the Industrial User engage in activities at the new site which continue to be classified as industrial; and,
- c. That maximum monthly flow and loadings contained in the Industrial Sewer Use Permit accepted and on file with the District for the site being vacated exceed 55,800 gallons per gross acre per month of flow and 83 lbs. per gross acre per month for BOD or SS; and,
- d. That the maximum flow and loading quantities that can be transferred to the new site be limited to the maximum monthly flow and/or loading quantities for which full Sewer Impact Fees have been paid at the site being vacated, minus the minimum design flow and loading quantities shown in Section (c) above; and,
- e. That the Industrial User complies with the service requirements of the appropriate

Contributing Agency; and,

- f. That Wastewater discharges from the relocated site begin within five (5) years of the date that the Industrial User ceased Wastewater discharges from the vacated site and if the maximum monthly flow and loading amounts transferred to the new site are not utilized for a period of five (5) years after transfer, then the flow and loading amounts for the site will be reduced to the maximum monthly amounts recorded during the 5 year period immediately following the transfer and the excess flow and loading will revert to the District; and,
- g. That the maximum monthly flow rate to be transferred be further regulated by Section 4.07 of this Chapter; and,
- h. That the Industrial User shall cause notice of the maximum Wastewater discharge flows, BOD, and SS loadings, available to the owner/User of the vacated site to be duly recorded with the County Recorder of Sacramento County on a form approved by the District.

#### **4.03.03.07 Compensation for Permanent Reduction in Permitted Flow and Loadings**

An Industrial User may at any time petition the District for a permanent reduction in its permitted flows and/or loadings. In the event such a reduction in permitted flow and/or loadings is approved by the District Engineer, the Industrial User may be compensated at a rate and in the manner specified in the District's Treatment Capacity Buy-Back Program.

#### **4.03.03.08 Reallocation of Capacity**

A permitted Industrial User may petition the District to allow reallocation of flow, BOD or TSS capacity on an equivalent dollar for dollar basis. A reallocation of capacity may be allowed when a permitted User has determined that a surplus of capacity exists for any one or more parameter(s) (flow, BOD, TSS) and desires to transfer that capacity to another parameter(s). The User shall file a request with SRCSD stating which parameter(s) to reallocate. Upon agreement, the District will issue a Wastewater Discharge Permit containing the revised allocations.

#### **4.03.04 Payment of Sewer Impact Fee for Industrial Users**

Unless otherwise approved in accordance with the above stated provisions, Sewer Impact Fees are due and payable in full at the time of application for use of the Regional System in the manner prescribed by the District.

If the Wastewater discharge from an existing commercial or Industrial User is increased by one or more ESDs, fees based upon the increase in discharge shall be due and shall be paid within ninety (90) calendar days of the date the notice is forwarded to the users, unless the payment schedule shown under Section 4.03.03.04 is approved.

#### **4.03.05 Flow Attenuation Requirement**

In cases where a User expects to contribute a peak hourly flow rate that exceeds the average hourly flow rate on the average day of the maximum month by a factor greater than 4.2, the District Engineer may require the User to construct, at his own cost, peak flow attenuation facilities which will reduce the peak

hourly flow rate to not more than 4.2 times the average flow rate during said average day of the maximum month (See Section 4.07 for siting constraints).

#### **4.03.06 Credits Toward Annexation Fee Derived from Taxes on Improvements**

Certain parcels of land have paid the full District Annexation Fee in effect between August 12, 1983, and February 28, 1986. These parcels shall be exempted, or partially exempted from the portions of the Sewer Impact Fee imposed in lieu of taxes, as follows:

Lands that paid the full District Annexation Fee in effect between the above stated dates shall be credited with the present worth, based on the mid-point of that period, November 19, 1984, of the average component of the Fee that was assignable to improvements during that period (\$1,271 per gross acre). Credits due as calculated above shall be applied to the Sewer Impact Fees due at the time connection permits are obtained, subject to the following limitations:

1. Annexation Fee credits shall be limited to the fees paid on the acreage actually being improved at the time of permit applications; and,
2. There shall be no refund of Annexation Fees paid if the normal Sewer Impact Fee due for any development is less than the Annexation Fee paid.

#### **4.03.07 Provisions for Sewer Impact Fee Adjustment**

At a minimum, the Residential, Commercial and Industrial Sewer Impact Fees specified in Section 4.01.02 will be adjusted and become effective on the first day of April for each succeeding calendar year based upon the change in the Engineering News Record – Construction Cost Index (ENR-CCI) (average of 20 cities and San Francisco) for the prior calendar year. Adjusted fees will be reviewed every three years in relation to appropriate construction costs. Fee adjustments will be made as necessary and may occur after this Chapter was printed. Visit the District website for the most up-to-date Fees.

#### **4.03.08 Enforcement**

Each Sewer Impact Fee, and any penalties thereto, levied pursuant to this Chapter that remains uncollected, or without agreement to pay as specified herein for a period exceeding ninety (90) days after the date of notification that the Fee is due and payable is a delinquency and shall be subject to appropriate enforcement procedures. Nothing in this Section is intended to relieve any Contributing Agency from the provisions of the Master Interagency Agreement including those specifying interest owed to the District for failure to collect and transfer the District's Sewer Impact Fees. All expenses incurred by District to collect such owed Sewer Impact Fees shall be reimbursed by the Contributing Agency responsible for collecting the fee.

#### **4.03.09 Liens**

The District may file a lien upon the property connected to a Sewer of the District, or to the Sewer of a Contributing Agency that is a delinquency as described above in order to collect Sewer Impact Fees. Any proceedings authorized by law to enforce payment of such lien may be taken by the District regardless of location of the connected property within the Territorial Jurisdiction of the District. However, said proceedings will not be initiated until the Contributing Agency assigned the responsibility of collecting the Sewer Impact Fee has been given notice that the Sewer Impact Fee is owed and has made a diligent attempt to collect said Fee.

#### **4.03.10 Discontinuance of Service**

The District may disconnect a Sewer service from a property connected to a Sewer of the District, or to the Sewer of a Contributing Agency that is a delinquency as described above, regardless of its location within the Territorial Jurisdiction of the District, in order to prevent the use of those facilities prior to the payment of a Sewer Impact Fee. However, said proceedings will not be initiated until the Contributing Agency assigned the responsibility of collecting the Sewer Impact Fee has been given notice that the Sewer Impact Fee is owed and has made a diligent attempt to collect said Fee.

#### **4.03.11 Sewer Impact Fee Credits**

All residential and commercial users connected to the local Collection System of a Contributing Agency on July 1, 1975, as these records were finalized on December 31, 1976, were fully funded for only their existing uses (grandfathered) by a combination of local funds and State and federal grant funds. As such these users are subject to the payment of Incremental Sewer Impact Fees for any expansion beyond their 1975 usage. Their Incremental Sewer Impact Fee will be based upon the difference between their 1975 usage (credit) and the present usage Sewer Impact Fee required for a totally new development of their type.

Additionally, changes in types of commercial usage may also require the payment of Incremental Sewer Impact Fees whenever the new usage exceeds the ESD credit grandfathered or previously purchased. Changes in usage can involve more than one piece of property, if these properties can be legally merged, the property owner may redistribute, only within the project site, any ESD credit in excess of the minimum required for each of the individual parcels.

Any project must connect to and utilize the Sewerage System within one year of the payment of Sewer Impact Fees/Incremental Sewer Impact Fees or be subject to the payment of any annual adjustment in those Fees.

Additionally, all residential and commercial users that have been billed and paid for their connection and use to the Regional System on July 1, 2001, will be grandfathered as to their existing use as of that date. As such these users are subject to the payment of Incremental Sewer Impact Fees for any expansion beyond their July 1, 2001 usage. Their Incremental Sewer Impact Fee will be based upon the difference between their July 2001 usage (credit) and the present usage Sewer Impact Fee required for a totally new development of their type.

All credits are property based. As such they do not belong to a specific User but to the parcel. Credits may not be transferred unless parcels are adjacent and have the same property-owner.

#### **4.03.12 Sewer Impact Fee Deferral**

As a result of the District's enactment of the Chapter providing for deferral of Sewer Impact Fees, Sewer Impact Fees for Commercial and Industrial Users are eligible for deferral upon satisfaction of the conditions cited therein. Should that Chapter fail to be renewed beyond its expiration date or to be replaced by another Chapter providing for deferral of Sewer Impact Fees, the provisions of this subsection shall not apply.

## 4.04 Interceptor Sewers

### 4.04.01 District Financing of Interceptor Sewers

The District may require that the improvements necessary to develop property include the construction of Interceptor Sewer facilities as a condition of approval of the improvement plans. To promote uniform participation in the Interceptor Sewer system by all new users, capital costs related to the construction, reconstruction, enlargement, or rehabilitation of Interceptor Sewers will be financed, to the extent funds are available in the Sacramento Regional Expansion Capital Outlay Fund, by the District. Where Interceptor Sewer construction is deemed necessary as a condition of the approval of improvement plans and the Interceptor Sewer meets the criteria for District financing, a reimbursement agreement will be executed between the District and the Project Proponent. The reimbursement amount shall be governed by the conditions set forth in Section 4.04.02 of this Chapter. Criteria for District financing of Interceptor Sewers shall be as follows:

1. New Interceptor Sewers and relief Interceptor Sewers that are contained within the approved budget of the District shall be financed by the District to the extent funds are available in the Sacramento Regional Expansion Capital Outlay Fund.
2. If an Interceptor Sewer project is not budgeted, financing will be accomplished by one of the following means:
  - a. Interceptor Sewers may be financed by public improvement projects (e.g. assessment district or Mello Roos District proceedings). Interceptor Sewer assessments will be credited against Sewer Impact Fees which would be due for the construction of future improvements (up to 6 ESDs per acre). In the event Interceptor Sewer capital costs exceed the anticipated Sewer Impact Fees, computed on the basis of standard residential development density of six (6) units per acre, the Project Proponents shall finance the excess cost.

Where the Project Proponents must finance costs in excess of the Interceptor Sewer assessment by cash contribution, the District will provide a reimbursement agreement to repay the excess costs to the Project Proponents over a period not to exceed ten (10) years. The amount to be reimbursed will be for the actual capital cost in excess of anticipated Sewer Impact Fee revenues (as computed hereinabove).

- b. The Project Proponents may finance all Interceptor Sewer costs and obtain credit against future Sewer Impact Fees. When the capital costs of Interceptor Sewers exceeds the anticipated Sewer Impact Fee revenues, based upon a standard residential density of six (6) units per acre, the District will provide the Project Proponents a reimbursement agreement, as described in (a) above.

The District will annually update a needs survey (Sacramento Sewerage Expansion Study) to permit forward financial planning. If an Interceptor Sewer project is shown on the most recent update approved by the District Board, but is not within the currently approved budget, the proponent(s) may appeal to the District Board to provide District financing of Interceptor Sewers for their project. Availability of Interceptor Sewer funds, adherence to the County General Plan or the General Plan of a Contributing Agency, and other unbudgeted Interceptor Sewer needs will be considered by the Board in granting or denying District financing of these Interceptor Sewers.

#### **4.04.02 Approval for District Reimbursement for Interceptor Construction Costs**

In the event the District requires the construction of Interceptor Sewer facilities by a Project Proponent as a condition of approval for any improvement plans submitted to the District, the Project Proponent shall meet with the appropriate representatives of the District prior to the initiation of design for the purpose of obtaining agreement on the following:

1. A "scope of work" covering the design and preparation of the contract documents for the Interceptor Sewer portion of the work.
2. A design schedule to include submittal of the improvement plans to the Department at the 50%, 85% and 100% design completion stage.
3. The development of a complete set of contract documents including specifications, cost estimate improvement plans, geotechnical report, and bid proposal form for review and approval by the District prior to the scheduling of bid dates, or in the case of a negotiated contract prior to the execution of a contract covering construction of the interceptor facilities.
4. That the Project Proponent will bid or negotiate on the actual quantities and items of work shown on the set of improvement plans approved by the District.

In the case of non-compliance with the above procedures, Change Orders that result in increased contract costs to obtain compliance with the approved contract documents will not be included as reimbursable costs. Failure to comply with the above requirements will limit the reimbursement amount to the initial "as bid" or "as negotiated" price.

#### **4.04.03 District Reimbursement Methods**

District reimbursement for the construction of Interceptor Sewers will be accomplished by either of the following methods:

1. In cases where a Project Proponent chooses to negotiate the prices for the construction of the required improvements with a specific contractor or group of contractors, the District will determine the amount of reimbursement to be made for the construction of the Interceptor Sewer facilities included in the project on the basis of the negotiated unit prices, or the unit prices shown on the cost schedule for Sewer construction approved by the District multiplied by the as-built quantities, whichever results in a lower total price for the work. This cost schedule, which will be subject to an annual adjustment based on changes in the ENR-CCI for the prior calendar year and is attached to this Chapter as Exhibit "C" and by this reference incorporated herein. An allowance of not more than 6.5% of the final reimbursable cost for engineering and construction staking services will be negotiated into the reimbursement agreement and added to the reimbursable amount.

In the event that the Interceptor Sewer improvements contain specific items of work not shown on the cost charts approved by the District, the District will, after reviewing the items of work with the consulting engineer who prepared the plans, determine the appropriate amount to be reimbursed for the item of work and will include these amount(s) within the reimbursement agreement for the Interceptor Sewer facilities.

A reimbursement agreement must be executed prior to initiating work on any Interceptor Sewer facilities in order to assure that reimbursement can be made by the District. Failure of the Project

Proponent to obtain an executed reimbursement agreement prior to initiating work may jeopardize the reimbursement. The reimbursement agreement shall describe the location of the improvements to be included in the reimbursement, the estimated quantities, the amount to be reimbursed, and the terms of the reimbursement.

2. In cases where the Project Proponent agrees to receive bids for the construction of all facilities to be publicly maintained as approved on the improvement plans and award the entire construction contract to the lowest responsive, responsible bidder, the District will, subject to meeting the conditions set forth below, reimburse the Project Proponent a sum equal to the unit prices contained in the lowest responsive, responsible bid multiplied by the appropriate as built quantities plus any approved change orders pertaining to construction of the Interceptor Sewer.

In order to receive this type of reimbursement agreement, the Project Proponent must agree to receive bids on an approved set of improvement plans, provide a minimum of a two (2) week bidding period, and agree to provide a minimum of two (2) copies of the approved improvement plans to each of the list of Builder's Exchanges and Construction Services attached to this Chapter as Exhibits D and E for use by any contractor utilizing the exchange's or service's facilities, unless otherwise approved by the District Engineer. For purposes of determining the bidding period, the two week minimum time shall start the day following delivery of the approved improvement plans to the Sacramento Builder's Exchange, and at least two other of the listed exchanges or services.

A reimbursement agreement between the District and the Project Proponent which identifies the location of the improvements to be included in the reimbursement, the estimated quantities, a reimbursable sum, and the terms of the reimbursement must be executed prior to awarding the contract for the improvements. An allowance for engineering and construction staking services will be added to the reimbursable amount which can either be on the basis of identifiable interceptor design cost (minus right-of-way acquisition) or, if identifiable design costs are not available, on a negotiated amount not to exceed 6.5% of the reimbursable construction costs

Failure to meet any of the conditions set forth hereinabove shall result in the reimbursement being calculated and paid on the basis of the amount that would have been payable under paragraph 1, the cost schedule method.

## **4.05 Credits for Interceptor Construction**

### **4.05.01 Credits for Interceptor Construction**

The owners of certain parcels of land may be required to pay in full or in part for the Interceptor Sewers serving their property through public improvement projects (e.g. Mello Roos Districts or assessment districts), cash construction projects, or a combination thereof, which properties shall be exempted, or partially exempted from the Sewer Impact Fee as follows:

- a. If the capital costs and assessment when levied or incurred represented the full amount of the Sewer Impact Fee applicable to the specific property that would be due if residential development of standard density were located on the property, then the parcel shall be credited with full payment of the Sewer Impact Fee when residential units of standard density are to be constructed on the same property at the time of issuance of connection permits. If other than residential uses are to be developed on the property, the amount of the credit granted by the District shall be that which would have been due for a development producing 55,800 gallons of normal strength sanitary Sewage per month per acre of land served.

- b. If the capital cost and assessment when levied or incurred represented less than the full amount of the Sewer Impact Fee applicable to the specific property that would be due if residential development of standard density when located on the property, then the parcel shall be credited with payment of the percentage of the Sewer Impact Fee per ESD that the cost and assessment levied against the property represented at the time the costs were incurred. Said credits will be granted on a per ESD basis at the time of issuance of Sewer connection permits. If other than residential uses are to be developed on the property the amount of credit granted by the District shall be the percentage of the total Sewer Impact Fees that would be due on a development producing 55,800 gallons of normal strength sanitary Sewage per month per acre of land served.

Any credits toward Sewer Impact Fees, as originally established for any parcel of property, may not be transferred in full or in part to any other parcel of property, except as provided for under Section 4.01.02.

## **4.06 Annexation**

### **4.06.01 Annexation**

Annexation of an area to the District shall be in accordance with the terms of the Master Interagency Agreement (MIA), and shall, unless annexation is initiated by the District, include payment by the Project Proponent of the Sacramento Local Agency Formation Commission (LAFCo) filing fee associated with processing the annexation petition. Under the terms of the MIA, the Contributing Agencies are responsible for requesting annexations to the District and are therefore responsible for collection and transmittal of the LAFCo filing fee, which shall be received by the District as a condition of acceptance of the annexation petition.

Additional fees for charges for the environmental documentation required to support the annexation shall be assessed and billed directly to the Project Proponent by LAFCo in accordance with its authority and/or requirements.

## **4.07 Siting Constraints for Major Dischargers**

### **4.07.01 Siting Constraints for Major Dischargers**

The District Engineer shall not authorize connection of any single User if the peak flow added at the point of connection to the Regional Interceptor System would preempt more than 5% of the capacity allocated to future users at the time of final design of the interceptors.

Appeals from the District Engineer's decision can be made to the Board of Directors. The Directors may authorize the connection.

## **4.08 Permit for Connection – Commercial and Industrial Users**

### **4.08.01 Permit for Connection – Commercial and Industrial Users**

All Industrial Users, and commercial users discharging other than domestic Wastewater, upon applying for connection to or expansion of use of a Sewerage System tributary to the Regional System, shall obtain an Wastewater Discharge Permit in a form to be specified by the District Engineer.

## **4.09 Implementation**

### **4.09.01 Implementation**

The District Engineer is hereby charged with implementation of the provisions of this Chapter and with coordination among all officials and departments of the Contributing Agencies, the County of Sacramento, and the District in order to achieve this purpose.

## **Chapter 5**

### **Deferral and Waiver Programs**

#### **5.01 Deferral of Residential Connection Fees**

##### **5.01.01 Title**

This Section shall be known and cited as the Deferral of Residential Connection Fees.

##### **5.01.02 Purpose**

The Board of Directors of the Sacramento Regional County Sanitation District desires to encourage the construction of residential developments within the District. The Board of Directors finds that the early payment of certain impact fees for residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of certain fees.

##### **5.01.03 Applicable Fee Programs**

Notwithstanding any other provision of this or other ordinance, upon application and approval pursuant to Section 5.01.04 of this Section, a Qualified Residential Project shall pay and the following fees shall be collected pursuant to the provisions of this Section District connection fees except to the extent that such fees are ordinarily collected at other than issuance of a building permit.

##### **5.01.04 Fee Deferral Program**

- (a) A residential development project may file an application with the District Engineer to request deferral of any of those fees enumerated in Section 5.01.03 of this Section.
- (b) At the time of building permit issuance, the Applicant shall pay ten percent (10%) of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said payment shall be in addition to any and all required fee deferral application and administrative processing fees.
- (c) Deferral of fees pursuant to this Section shall be acknowledged by a recordable memorandum or other writing satisfactory to the District Engineer and approved by the County Counsel. Said memorandum shall be recorded prior to issuance of building permits.
- (d) All of the following requirements must be satisfied prior to approval of a fee deferral:
  - (1) Submittal to the District Engineer of a complete application;
  - (2) Deposit of all fees pursuant to Section 5.01.07; and
  - (3) Recordation of memorandum pursuant to subsection (c).
- (e) Fees that are approved for deferral for a single-family residential project pursuant to this Section shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 5.01.05 and payment of the fees deferred shall be undertaken

- pursuant to the provisions set forth in the executed memorandum agreement entered into for the subject property pursuant to subsection (c).
- (f) Fees that are approved for deferral for a multi-family residential project pursuant to this Section shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is fifteen (15) months from the date of issuance of permits subject to fee deferral. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 5.01.05 and payment of the fees deferred shall be undertaken pursuant to the provisions set forth in the executed agreement entered into for the subject property pursuant to subsection (c).
  - (g) The approval of a fee deferral pursuant to this Section for a residential project shall not be transferable to another project regardless of whether the Applicant is the same for both projects or whether the other project is also a qualified residential project.

#### **5.01.05 Interest**

For residential projects, which have been approved for a deferral of fees pursuant to this Section, no interest shall accrue during the period of deferral; provided, however, that in the event fees are not paid at the time required by this Section, a penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of execution of the deferral agreement to the time of payment shall be due and payable.

#### **5.01.06 Fee Increases**

Deferred fees shall be paid on the rate or rates applicable at time of payment.

#### **5.01.07 Fee Deferral Application and Administrative Processing Fees**

A non-refundable administrative processing fee of \$275.00 is hereby established for payment at the time of each individual building permit issuance for the purpose of funding the costs of administering the fee deferral program established by this Section. These fees may from time to time be amended by resolution of the Board of Directors. In the event such fees are also paid for deferral of County of Sacramento fees, no additional application or processing fees shall be paid pursuant to this section.

#### **5.01.08 Recordation Costs**

All costs of recordation of documents required pursuant to this Section shall be paid by the Applicant.

### **5.02 Waiver of Sewer Impact Fees for Certain Residential Development Projects**

The Board of Directors of the Sacramento Regional County Sanitation District ordains as follows:

#### **5.02.01 Purpose**

The Board of Directors of the Sacramento Regional County Sanitation District desires to support the construction of residential projects which will provide units with Affordable Rents or Affordable Housing Costs for Very Low Income Households in the District's Service Area. The Board of Directors finds that the payment of Sewer Impact Fees for this residential development creates a barrier to such development.

The Board of Directors desires, by the adoption of this Section, to ease such a barrier by waiving the payment of Sewer Impact Fees for a set number of units that will provide Affordable Rents or Affordable Housing Costs for Very Low Income Households. The Board of Directors finds that this waiver program is consistent with the policies and goals of the General Plan Housing Elements of the District's contributing agencies and is necessary for the health and welfare of the District's residents.

### 5.02.02 Applicable Fee Programs

Notwithstanding any other ordinance of the Sacramento Regional County Sanitation District (hereinafter "District"), upon application and approval pursuant to Sections 5.02.04 and 5.02.05 of this Section, Sewer Impact Fees shall be paid and collected for Qualified Residential Projects pursuant to the provisions of this Section.

### 5.02.03 Fee Waiver Program

- (a) **Application.** Only a Qualified Residential Project with a Certification Letter shall be eligible for waiver of any of those fees enumerated in Section 5.02.02. Said fees shall be waived in an amount proportional to the percentage of units affordable to Very Low Income Households. The Certification Letter shall specify the Very Low Income percentage for each individual project and shall be included in the fee waiver application prior to acceptance thereof.
- (b) **Security – Deed of Trust.** Security shall be required for fee waiver applications for the sole purpose of ensuring a method of recovery of those fees waived, in the event a residential development project fails to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a fee waiver was sought. Said security shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. Said deed of trust shall be recorded for all Sewer Impact Fees for which a waiver is requested pursuant to this Section. The promissory note and deed of trust shall be in a form satisfactory to the District Engineer and approved by the District Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in the event of unanticipated consequences, an Applicant may pay one hundred percent (100%) of fees to obtain issuance of building permits. Thereafter, upon approval of the Administrator and upon recordation of the fee waiver Agreement and deed of trust, the Applicant may be eligible for refund of the fees so paid, which shall thereafter be subject to the terms of the fee waiver Agreement.
- (c) **Annual Cap.** All fee waiver applications shall be subject to the cap provisions set forth in Section 5.02.05. No fee waiver applications will be accepted if the cap, as set forth in Section 5.02.05, has been reached for the Fiscal Year in which a fee waiver application is submitted. No waiting lists will be maintained by the District.
- (d) **Other Requirements.** All of the following requirements must be satisfied prior to approval of a fee waiver:
  - (1) submittal to the District of a complete application, including a Certification Letter and a preliminary title report;
  - (2) deposit of all application and administrative fees pursuant to Section 5.02.08;
  - (3) recordation of the deed of trust pursuant to subsection (c); and

- (4) execution and recordation of waiver and subordination Agreement.
- (e) **Release.** For a single-family Qualified Residential Project, a partial release (reconveyance) from the deed of trust securing the promissory note per individual unit shall be executed by the District upon receipt of written request from the title company handling the escrow of said unit and the Administrator's receipt of the Release From SHRA or West Sacramento Agency. For multi-family Qualified Residential Projects, a release from the deed of trust shall be executed by the District upon receipt of written request from the title company handling the permanent loan financing and the Administrator's receipt of the Release From SHRA or Agency of West Sacramento.
- (f) **Failure to Provide Affordable Housing.** Notification to the Administrator by SHRA or West Sacramento Agency of failure of any single or multi-family residential project to provide the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households for which a fee waiver was sought pursuant to this Section shall result in the imposition of interest penalties calculated from the date of recordation of the fee waiver Agreement pursuant to Section 5.02.06 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement.
- (g) **Waiver Non-Transferable.** The approval of a fee waiver pursuant to this Section for a Qualified Residential Project shall not be transferrable to another project regardless of whether the Applicant is the same for both projects or the other project is also a Qualified Residential Project.
- (h) **Waiver Compliance Period (24 Months).** A fee waiver shall be valid for a maximum twenty-four (24) months from the date of recordation of the Agreement and deed of trust. If the Administrator does not receive either of the following by the last day of the twenty-four (24) month period, all fees shall be due and payable pursuant to the provisions of the fee waiver Agreement and shall be subject to the interest provisions of Section 5.02.06:

1) a Release From SHRA or West Sacramento Agency, or

2) notification from SHRA or West Sacramento Agency that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) month period.

If the latter notification from SHRA or West Sacramento Agency is provided to the Administrator, a Release From SHRA or West Sacramento Agency must subsequently be provided to the Administrator not later than the last day of the additional twelve (12) month period to avoid all fees becoming due and payable with the imposition of interest pursuant to the fee waiver Agreement.

- (i) **Mixed Affordable and Market-Rate Projects.** In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Very Low Income Households, the Applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a waiver is sought pursuant to this Section. The tentative or final subdivision or parcel map shall be submitted with the fee waiver application. Prior to final map recordation, subsequent one-for-one changes of the identification of market rate and Very Low Income household units on the tentative subdivision or parcel map shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income household units as set forth in the fee waiver application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the

entire tentative subdivision map per Government Code Section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Very Low Income household units as set forth in the fee waiver application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased.

#### **5.02.04 Waiver and Subordination Agreements**

- (a) Upon verification by the District Engineer of receipt of a complete application, the Applicant shall enter into a waiver Agreement with the District in a form satisfactory to the District Engineer and approved by the District Counsel. Such Agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section and shall be recorded with the applicable County Recorder's Office. A single Agreement shall be entered into for each project whether or not the Applicant is the same for multiple projects. In addition, the Applicant shall execute a separate subordination Agreement for each encumbrance or deed of trust other than one which secures repayment of acquisition or Construction financing and other than for a regulatory agreement with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households existing at the time of recordation of the waiver Agreement.
- (b) An Applicant submitting an application for both deferral of fees pursuant to the District's Deferral of Sewer Impact Fees for Certain Residential Development Projects Section and waiver of fees pursuant to this Section shall enter into one Agreement for both the deferral and waiver of fees. Said Agreement shall provide for the enforcement of the provisions of the District Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and this Section and shall be recorded with the applicable County Recorder's Office.
- (c) Authority to execute Agreements entered into pursuant to this Section on behalf of the District is hereby delegated to the District Engineer, subject to approval of the District counsel as to form.

#### **5.02.05 Fee Waiver Cap**

- (a) The total number of fee waivers to be approved by the District shall be capped annually at 200 dwelling units or five percent (5%) of the number of dwelling units for which residential building permits for new construction were issued in the unincorporated area of the County in the previous Fiscal Year, whichever is greater. Calculation of the annual number of dwelling units shall be based on the District's Fiscal Year.
- (b) For purposes of calculation of the cap, the date of the Certification Letter shall determine in which Fiscal Year the dwelling units for a particular Qualified Residential Project will be included. For the sole purpose of calculation of the cap, SHRA or West Sacramento Agency may, with the prior approval of the District Engineer, substitute a Certification Letter for a new Qualified Residential Project or another Qualified Residential Project which already has a Certification Letter on file with the District only if this substitution occurs prior to the recordation of the fee waiver Agreement or fee deferral and waiver Agreement for the Qualified Residential Project already on file with the District. No substitutions whatsoever shall occur after recordation of the fee waiver Agreement.
- (c) Failure to reach the cap in a particular Fiscal Year shall not result in a rollover of the surplus dwelling units to the next Fiscal Year.

- (d) A Qualified Residential Project, which does not execute the fee waiver Agreement or fee deferral and waiver Agreement within the Fiscal Year for which it has qualified under the cap, may, with prior written notification to the District Engineer, roll-over the Certification Letter until the end of the subsequent Fiscal Year. The rollover shall not be counted toward the subsequent Fiscal Year calculation of the cap. No additional extensions shall be permitted. Failure of a Qualified Residential Project to execute the waiver Agreement or deferral and waiver Agreement within the extension period of time provided for in this subsection shall result in the purging of the Certification Letter for said project from the District files. Ensuing requests for a fee waiver for the same project shall require the re-submittal of new documentation, including a new application and Certification Letter and payment of new application and administrative fees. Re-submittal shall be given no priority over new applications for a fee waiver and shall be subject to the provisions of the cap set forth in this Section in the same manner as new applications.
- (e) Failure of a particular Applicant to satisfy the requirements set forth in this Section for the Fee Waiver Program subsequent to recordation of a waiver Agreement or deferral and waiver Agreement shall not result in the replacement of those dwelling units into the pool of dwelling units available pursuant to the cap in a particular Fiscal Year.
- (f) Fee waivers will be allocated between the County of Sacramento and the City of West Sacramento at a ratio equal to each entity's contribution toward the District's total annual monthly service charge revenue. The allocation will be reestablished every two years.

#### **5.02.06 Interest**

- (a) For Qualified Residential Projects which have been approved for a waiver of fees or a combination deferral and waiver of fees pursuant to this Section, no interest shall accrue during the twenty-four (24) months immediately following recordation of the Agreement and deed of trust. In the event that an Applicant fails to provide the percentage of Very Low income units approved in the fee waiver application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified waived fees, computed from the date of recordation of the fee waiver or fee deferral and waiver Agreement, shall be assessed and shall be due and payable pursuant to the provisions of the Agreement entered into for the subject project pursuant to Section 5.02.04.
- (b) If SHRA or West Sacramento Agency provides notification to the Administrator not later than the last day of the above-referenced twenty-four (24) month period that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) months, the above-referenced twenty-four (24) month period shall be extended to completion of construction or for an additional twelve (12) months, whichever is earlier.

#### **5.02.07 Fee Increases**

Fees which qualify for a fee waiver shall not be subject to fee increases which may occur from the date of recordation of the Agreement required pursuant to Section 5.02.04 to the end of the maximum waiver compliance period permitted under this Section. However, subsequent applications for the same Qualified Residential Project shall be subject to the fee rate in effect at the time of submittal of the subsequent application.

#### **5.02.08 Fee Waiver Application and Administrative Processing Fees**

A non-refundable fee waiver application fee as follows is hereby established and shall be paid at the time of application for a fee waiver pursuant to this Section for the purpose of funding the costs of administering the fee waiver program established by this Section. This fee may from time to time be revised by resolution of the Board of Directors to recover the costs of administering the program. The Administrator may utilize an application form combined with other local governmental agencies which have enacted identical or substantially similar programs which are administered by the County of Sacramento or the West Sacramento Agency and for which the County of Sacramento acts as fiscal agent. The fee shall be \$1,000.00 for one governmental agency included in the application, and the fee shall increase by \$275.00 for each additional governmental agency included in the application.

#### **5.02.9 Recordation Costs**

All costs of recordation of documents required pursuant to this Section shall be paid by the Applicant.

#### **5.02.10 Reporting Requirements**

The Administrator, or his/her designee, shall provide semi-annual reports to the District that identifies the projects that received a Sewer Impact Fee deferral/waiver, or have a pending application for such benefit, including the total value, or anticipated value, of said Sewer Impact Fees on a form provided by the District.

### **5.03 Deferral of Sewer Impact Fees for Certain Residential Development Projects**

#### **5.03.01 Purpose**

The Board of Directors of the Sacramento Regional County Sanitation District (hereinafter "District") desires to support the construction of residential projects which will provide units with Affordable Rents or Affordable Housing Costs for low and Very Low Income Households in the District's Service Area. The Board of Directors finds that the early payment of regional Sewer Impact Fees for residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of such fees. The Board of Directors finds that this deferral program is consistent with the goals and the General Plan Housing Elements of the District's contributing agencies and is necessary for the health and welfare of the District's residents.

#### **5.03.02 Applicable Fee Programs**

Notwithstanding any other Ordinance of the District, upon application and approval pursuant to Sections 5.03.03 and 5.03.04 of this Section, regional Sewer Impact Fees shall be paid and collected for Qualified Residential Projects pursuant to the provisions of this Section.

#### **5.03.03 Fee Deferral Program**

- a) **APPLICATION.** A Qualified Residential Project may file an application with the District to request deferral of any of those fees enumerated in Section 2 of this Section. The specific percentage of Low or Very Low Income units, or both, to be offered in a residential development project must be certified by SHRA or West Sacramento Agency and included in the fee deferral application prior to acceptance thereof.
- b) **TEN PERCENT DOWN PAYMENT.** At the time of building permit issuance, the Applicant shall pay ten percent (10%) of the amount of all fees included in the application request for each individual lot for which a building permit is sought. Said

- payment shall be in addition to any and all required fee deferral application and administrative processing fees.
- c) **SECURITY DEED OF TRUST.** Security for the deferral of fees pursuant to this Section shall be in the form of a promissory note secured by a deed of trust encumbering each parcel of record owned by the Applicant that is included in the Qualified Residential Project. The promissory note and deed of trust shall be in a form satisfactory to the District Engineer and approved by the District Counsel. Said deed of trust shall be secondary only to deeds of trust associated with acquisition or construction financing and to any regulatory agreement executed with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households. Said deed of trust shall be recorded prior to issuance of building permits. Provided, however, to allow timely construction in the event of unanticipated consequences; an Applicant may pay one hundred percent (100%) of fees to obtain issuance of building permits. Thereafter, within (6) months of Applicant's payment of fees and upon fulfillment of all other requirements of this Section the Applicant shall be eligible for refund of ninety percent (90%) of the fees so paid with such ninety percent (90%) deferred and payable in accordance with the fee deferral Agreement.
  - d) **OTHER REQUIREMENTS.** All of the following requirements must be satisfied prior to approval of a fee deferral:
    - (1) submittal to the District of a complete application, including a Certification Letter and a preliminary title report;
    - (2) deposit of all application and administrative fees pursuant to Section 8;
    - (3) recordation of the deed of trust pursuant to subsection (c); and
    - (4) execution and recordation of a deferral Agreement.
  - e) **SINGLE-FAMILY DEFERRAL PERIOD (24 MONTHS), INTEREST PENALTIES.** Fees that are approved for deferral for a single-family residential project pursuant to this Section shall be due and payable at the close of escrow of each individual lot within the project. The maximum fee deferral period for any and all lots within a single-family residential project is twenty-four (24) months from the date of recordation of the Agreement and deed of trust. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 6 and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed Agreement.
  - f) **MULTI-FAMILY DEFERRAL PERIOD (24 MONTHS), INTEREST PENALTIES.** Fees that are approved for deferral for a multi-family residential project pursuant to this Section shall be due and payable upon the close of permanent loan financing. The maximum fee deferral period is twenty-four (24) months from the date of recordation of the Agreement and deed of trust. If not paid within the maximum fee deferral period, interest penalties shall apply pursuant to Section 6 and payment of the fees secured by the deed of trust shall be undertaken pursuant to the provisions set forth in the executed Agreement.
  - g) **PARTIAL RECONVEYANCES.** For a single-family Qualified Residential Project, a partial release (reconveyance) from the deed of trust per individual unit shall be executed by the District upon receipt of written request from the title company handling the escrow of said unit and the Administrator's receipt of the Release From SHRA. For multifamily Qualified Residential Projects, a release from the deed of trust shall be executed by the District upon receipt of written request from the title company handling the permanent loan financing and the Administrator's receipt of the Release From SHRA.
  - h) **FAILURE TO PROVIDE AFFORDABLE HOUSING.** Notification to the Administrator by SHRA or West Sacramento Agency of failure of a single or multi-family residential project to sell or rent the percentages of Affordable Rents or Affordable Housing Costs for Very Low Income Households or Low Income Households for which a fee deferral was approved pursuant to this Section shall result in the imposition of interest penalties calculated from the date of recordation of the fee deferral Agreement pursuant to Section

6 to the date of payment of the fees secured by the deed of trust pursuant to the provisions set forth in the executed Agreement.

- i) DEFERRAL NON-TRANSFERABLE. The approval of a fee deferral pursuant to this Section for a Qualified Residential Project shall not be transferable to another project regardless of whether the Applicant is the same for both projects or whether the other project is also a Qualified Residential Project.
- j) MIXED AFFORDABLE AND MARKET-RATE PROJECTS. In the event that a single-family Qualified Residential Project plans to sell or rent units both at market rate and for Low Income Households, the Applicant shall submit a copy of the tentative or final subdivision or parcel map for said single-family Qualified Residential Project identifying all units for which a deferral is sought pursuant to this Section. The tentative or final subdivision or parcel map shall be submitted with the fee deferral application. Prior to final map recordation, subsequent one-for-one changes of the identification of market rate and Low Income household units on the tentative subdivision or parcel map shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income household units as set forth in the fee deferral application for said single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased. Final map recordation of the tentative subdivision map shall be required to be in substantial conformance with the entire tentative subdivision map per Government Code section 66442. Subsequent to final map recordation, one-for-one changes shall require prior written approval of the District Engineer and shall be permitted only if the same deed of trust encumbers both of the lots for which the change is requested and provided that the percentage of Low Income household units as set forth in the fee deferral application for the entire single-family Qualified Residential Project and the accompanying Certification Letter is not increased or decreased.

#### **5.03.04 Deferral and Subordination Agreements**

- a) Upon verification by the District Engineer of receipt of a complete application, the Applicant shall enter into a deferral Agreement in a form satisfactory to the District Engineer and approved by the District Counsel. Such Agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section and shall be recorded with the applicable County Recorder's Office. A single Agreement shall be entered into for each project whether or not the Applicant is the same for multiple projects. In addition, the Applicant shall execute a separate subordination Agreement for each encumbrance or deed of trust other than one which secures repayment of acquisition or construction financing and other than for a regulatory agreement with a governmental agency for purposes of providing housing for Low Income Households and Very Low Income Households existing at the time of execution of the deferral Agreement. Authority to execute these Agreements on behalf of the District is hereby delegated to the District Engineer, subject to approval of the District Counsel as to form.
- b) An Applicant submitting an application for both waiver of fees pursuant to the District's Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and deferral of fees pursuant to this Section shall enter into one Agreement for both the deferral and waiver of fees. Said Agreement shall provide for the enforcement of the provisions of the Districts Waiver of Sewer Impact Fees for Certain Residential Development Projects Section and this Section and shall be recorded with the applicable County Recorder's Office.

- c) Authority to execute Agreements entered into pursuant to this Section on behalf of the District is hereby delegated to the District Engineer, subject to approval of the District Counsel as to form.

#### **5.03.05 Interest**

- a) For Qualified Residential Projects, which have been approved for a deferral of fees pursuant to this Section, no interest shall accrue during the twenty-four (24) months immediately following recordation of the Agreement and deed of trust. However, in the event that the Applicant fails to provide the percentage of Low or Very Low income units or rentals as stated in the fee deferral application, an interest penalty equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds on that amount of disqualified deferred fees, computed from the date of recordation of the fee deferral, shall be assessed and shall be due and payable pursuant to the provisions of the Agreement.
- b) If SHRA or West Sacramento Agency provides notification to the Administrator not later than the last day of the above-referenced twenty-four (24) month period that the Qualified Residential Project continues under construction with an estimated completion date within an additional twelve (12) months, the above-referenced twenty-four (24) month period shall be extended to completion of construction or for an additional twelve (12) months, whichever is earlier.

#### **5.03.06 Fee Increases**

Fees which qualify for a fee deferral shall not be subject to fee increases which may occur from the date of recordation of the Agreement to the end of the month maximum deferral compliance period permitted under this Section. However, subsequent applications for the same Qualified Residential Project shall be subject to the fee rate in effect at the time of submittal of the subsequent application.

#### **5.03.07 Fee Deferral Application and Administrative Processing Fees**

A non-refundable fee deferral application fee is hereby established and shall be paid at the time of application for a fee deferral pursuant to this Section for the purpose of funding the costs of administering the fee deferral program established by this Section. This fee may from time to time be revised by resolution of the Board of Directors to recover costs of administering the program. The Administrator may utilize an application form combined with other local governmental agencies which have enacted identical or substantially similar programs which are administered by the County and for which the County acts as fiscal agent. The fee shall be \$1,000.00 for one governmental agency included in the application, and the fee shall increase by \$275.00 for each additional governmental agency included in the application.

#### **5.03.08 Recordation Costs**

All costs of recordation of documents required pursuant to this Section shall be paid by the Applicant.

#### **5.03.09 Reporting Requirements**

The Administrator, or his/her designee, shall provide semi-annual reports to the District that identifies the projects that received a Sewer Impact Fee deferral/waiver, or have a pending application for such benefit, including the total value, or anticipated value, of said Sewer Impact Fees on a form provided by the District.

## **5.04 Deferral of Impact Fees for New/Expanding Businesses**

### **5.04.01 Purpose**

The Board of Directors of the Sacramento Regional District Sanitation District desires to stimulate and encourage all aspects of economic development within the District, particularly such development that will result in long-term commitments which will create jobs and provide economic stimuli for the benefit of all of the District's residents. The Board of Directors finds that the early payment of regional connection fees for non-residential development creates a barrier to such development and desires, by the adoption of this Section, to ease such barrier by deferring the time for payment of such fees. The Board of Directors previously adopted an ordinance for the deferral of certain fees which ordinance provided that it would no longer be in effect unless reenacted, and it is desirable that the fee deferral program continue.

### **5.04.02 Applicable Fee Programs**

Notwithstanding any other ordinance of the District, upon application and approval of security pursuant to Section 5.04.03(b) of this Subsection, regional connection fees shall be paid and collected pursuant to the provisions of this Section.

### **5.04.03 Application and Security**

- (a) Any person proposing to construct commercial or industrial improvements upon real property located within the territory of the Sacramento Regional County Sanitation District may apply to defer payment of applicable fee pursuant to the provisions of this Section.
- (b) At the time of application, the Applicant shall pay twenty percent (20%) of the amount of fees which would otherwise be payable at the time of application to connect to District facilities. The Applicant shall also, at such time, provide security for the payment of the fees to be deferred. Such security shall be subject to the approval of the District Engineer or his designee and shall, subject to such approval, consist of one or more of the following:
  - (1) Assigned passbook or certificate of deposit;
  - (2) Irrevocable letter of credit;
  - (3) Surety bond;
  - (4) Lien against the property; or
  - (5) Negotiable securities if approved by the Board of Directors.
- (c) The application shall state the time for which fees are requested to be deferred. Fees may be deferred pursuant to this Section to issuance of a certificate of occupancy; to close of escrow; or, for not less than one nor more than five years. If fees are to be deferred to issuance of a certificate of occupancy or to close of escrow, the deferral agreement required by Section 5.04.04 shall include a provision requiring payment at such times or at a time certain, whichever occurs first.

### **5.04.04 Deferral Agreements**

Upon approval of an application, the Applicant shall enter into a deferral agreement with the District in a form satisfactory to the District Engineer and approved by the District Counsel. Such agreement shall, at a minimum, be site specific and provide for the enforcement of the provisions of this Section. A single agreement shall be entered for each project whether or not the Applicant is the same for multiple projects. Authority to execute such agreements on behalf of the District is hereby delegated to the District Engineer.

#### **5.04.05 Time of Payment**

Upon approval of an application for fee deferral, deposit of approved security and execution of a deferral agreement, fees to be deferred pursuant to this Section shall be payable and collected in the manner as set forth in the application and deferral agreement. If not paid within the time required, the District shall enforce the security provided pursuant to Section 5.04.03.

#### **5.04.06 Interest**

- (a) Unless waived as provided in subdivision (b) of this Section, interest shall be charged on all amounts deferred pursuant to this Section in an amount equal to the annual rate of interest earned by the Treasurer of the County of Sacramento on the investment of pooled funds.
- (b) If the Applicant is a targeted company, or agent for a targeted company, interest on amounts deferred shall be waived. A targeted company is a company which can demonstrate that it will bring to the territory of the Sacramento Regional county sanitation District fifty (50) or more full-time jobs each paying over \$25,000 per year. The District Engineer, or his designee, is hereby vested with the authority to determine whether an Applicant is a targeted company or is an agent for a targeted company.

#### **5.04.07 Administrative Charge**

The Board of Directors may from time to time, by resolution, establish a fee for payment at time of application for the purpose of funding the costs of administering the fee deferral program established by this Section.

## **Chapter 6**

### **Treatment Capacity Buy-Back Program**

#### **6.01 Purpose**

##### **6.01.01 Authorization**

The Sacramento Regional County Sanitation District Treatment Capacity Buy-Back Program is authorized under the provisions of the Sacramento Regional County Sanitation District Connection Fee Chapter, as follows:

An Industrial User may at any time petition the District for a permanent reduction in its permitted flows and/or loadings. In the event such a reduction in permitted flow and/or loadings is approved by the District Engineer, the Industrial User may be compensated at a rate and in the manner specified in the District's Treatment Capacity Buyback Program.

##### **6.01.02 Facilitation**

The purpose of this Chapter is to effect the Buy-Back Program authorized by SMD-0085. The District has determined that there is a financial benefit to the District and its existing and future ratepayers in purchasing treatment capacity from Industrial Users, and this Buy-Back Program is intended to facilitate such purchases.

#### **6.02 Procedures**

##### **6.02.01 Intent**

It is the intent, but not the obligation, of the District to purchase treatment capacity rights pursuant to this Chapter from time to time. The District will review the potential of making such purchases each year. Industrial Users have no obligation to sell any treatment capacity pursuant to this Chapter, but any such sale that is made shall be in accordance with this Consolidated Ordinance.

For the purposes of this program, the term "treatment capacity" is defined as the permittee's right to discharge BOD and TSS for conveyance, treatment and disposal through the SRCSD system.

##### **6.02.02 Petition**

Any Industrial User may petition the District for a permanent reduction in permitted BOD and TSS as set forth in this Chapter.

##### **6.02.03 Specifications**

The Petition submitted by an Industrial User for a permanent reduction in permitted BOD and TSS shall include the following:

- (a) A specified amount BOD, and TSS, for which reduction is sought;

- (b) A specific date on which the permanent reduction is to be effective, subject to the petition being approved by the District as provided for herein;
- (c) Such additional information as is reasonably necessary to and requested by the District Engineer to process the petition.

#### **6.02.04 Petition Completion**

District shall have thirty (30) days from receipt of the Petition to determine the completeness of the petition. If District determines that the petition is incomplete or additional information is required, District shall provide the petitioner with written notice of the inadequacy or incompleteness of the petition. Petitioner shall have thirty (30) days from the date of the District's notice to complete its petition or submit the additional information required. If the petitioner fails to submit the requested information in compliance with the District notice within (30) days of the notice, the petition will be rejected for that Fiscal Year.

#### **6.02.05 Confirmation**

Upon receipt of a petition, the District Engineer will confirm the amount of the current permitted treatment capacity of the petitioning Industrial User and whether the petitioner is current in regard to any charges owed to the District for Sewer service charges. No petition may proceed until the petitioner's account with the District is current.

#### **6.02.06 Receipt**

Upon receipt of a petition, the District Engineer shall determine whether the petitioner's permitted capacity remaining after the proposed permanent reduction will be sufficient for the BOD and TSS anticipated to be discharged from the petitioner's facilities. "Sufficient capacity" is that capacity remaining, after the proposed permanent reduction, which will meet the minimum capacity specified in the District's Connection Fee Chapter. No petition may be approved unless such remaining capacity is sufficient, and in no case shall the remaining capacity be less than the capacity specified in the District's Connection Fee Chapter.

#### **6.03.07 Determination of Funds**

If the petitioner is current in its account with the District, and the petitioner's remaining capacity will be sufficient as set forth in Section 6.02.06, above, and the District has determined that it has funds available for the purchase of the rights designated in the petition, the District may approve the petition, and the petitioning Industrial User shall be compensated as set forth in Section 6.04 herein.

#### **6.02.08 Capacity Rights**

Any treatment capacity rights acquired from the District by the petitioning Industrial User, after a sale of rights to the District pursuant to this Buy-Back Program, must be purchased, rented or otherwise acquired at then-current Facility Impact Fee rates, with the following exception: with respect to any sale pursuant to the Buy-Back Program made during a period of one year from the date this Chapter becomes effective, an Industrial User may repurchase those rights, or any part thereof, at the amount paid by the District under the Buy-Back Program, plus interest at the Sacramento County Treasury Pool Rate. The Industrial User may exercise this exception at any time during the first year after the sale to the District became final.

## **6.03 Compensation**

### **6.03.01 Compensation**

Compensation under the Buy-Back Program will be made pursuant to this section, upon approval of the District as described in Section 6.02 of this Chapter.

### **6.03.02 Compensation Calculation**

Compensation shall be calculated as follows:

- (a) The District will pay \$5,006.00 per 1,000 pounds per month for purchase of permitted BOD rights pursuant to the Buy-Back Program.
- (b) The District will pay \$5,006.00 per 1,000 pounds per month for purchase of permitted TSS rights pursuant to the Buy-Back Program.

### **6.03.03 Funds Determination**

Each Fiscal Year the District, at its sole discretion, shall determine the amount of funds, if any, it shall make available for the purchase of treatment capacity rights pursuant to this Buy-Back Program. This determination shall be made no later than July 31 of each year except for the year 2001 only when the determination shall be made no later than November 30, and District shall provide notice to all Industrial Users of that determination. During the period July 31 through September 30 of each year, any Industrial User may file a petition for the permanent reduction of BOD and TSS loadings pursuant to Section 6.03 above except for the year 2001 only when the petitions may be filed during the period of November 30, 2001 to January 31, 2002. If the collective amount petitioned for by all Industrial Users exceeds the total determined by the District to be available, if any, then all approved petitions shall be paid on a pro rata basis, with each petitioning Industrial User selling to the District the same percentage of rights as its offered amount bears to the total amount offered for sale by all petitioning Industrial Users. Payment of the approved compensation shall be made by District no later than December 31 except for the year 2001 only when payment of approved compensation shall be made no later than July 1, 2002.

### **6.03.04 Payment Intervals**

The petitioning Industrial User may elect to have the approved compensation paid in a lump sum or at prescribed interval to be agreed upon between the petitioning Industrial User and the District. The District will pay no interest if the User elects to receive payment other than in the lump sum.

## **Chapter 7**

### **Staffing Relationship of Sacramento Regional County Sanitation District to the County Sacramento**

#### **7.01 Purpose**

The Sacramento Regional County Sanitation District was established with a unique governing structure in part in response to requirements of the Federal Clean Water Act which made infeasible the collection, treatment, and disposal of Wastewater by other than regional entities. From its inception, the District has been governed independently from the jurisdictions served but has been staffed with personnel of the County of Sacramento.

This staffing arrangement, together with the infrastructure necessary to support that arrangement, provides certain efficiencies to the District. However, it also creates, from time to time, obstacles to the business objectives of the District and uncertainty regarding areas of responsibility.

The purpose of this Chapter is to maintain the efficiencies; create a mechanism to eliminate obstacles and uncertainty; continue the protections afforded the workforce by the County's civil services system; and enhance the ability of the District and the County to provide high quality services to their constituents.

#### **7.02 Staffing**

##### **7.02.01 Staff for Operations**

Subject to the provisions of this Chapter, staff for the operations of the Sacramento Regional County Sanitation District shall be provided by the County of Sacramento through the Department of Water Quality, or successor department.

##### **7.02.02 Budgets**

Budgets adopted by the District shall be sufficient to pay the direct and indirect costs of such staffing as well as the direct and indirect costs of other services required by the District and provided by the County. Indirect costs shall be determined in accordance with federal circular OMB A87.

#### **7.03 Appointment of District Engineer**

##### **7.03.01 Appointment**

The Board of Directors shall appoint a District Engineer who shall serve as the Executive Officer of that District and of Sacramento County Sanitation District No. 1. The District Engineer shall report directly to the governing bodies of the districts.

### **7.03.02 Recommendation**

Upon appointment by the District, the District Engineer shall be recommended by the County Executive Officer to the County Board of Supervisors for confirmation as the Director of the County's Department of Water Quality.

### **7.03.03 Compensation for District Engineer**

Compensation for the District Engineer shall be established and funded by the District and County Sanitation District No. 1 and the County shall make necessary administrative changes to its Master Salary Ordinance or Resolution to reflect such compensation.

## **7.04 General Personnel Matters**

### **7.04.01 Governed by Appropriate Provisions**

Except as provided herein, the personnel assigned by the County to the District shall be governed by the appropriate provisions of the Sacramento County Code and applicable labor agreements.

### **7.04.02 Process and Parameters for Recommend Compensation**

The District Engineer, in consultation with the County's Director of Employment Services and Risk Management, shall establish the process and parameters for recommended compensation to all unrepresented classes assigned exclusively to the Department of Water Quality, or successor department.

### **7.04.03 Labor Relations**

The County's Director of Labor Relations shall consult with the District Engineer and the Board of Directors during negotiations with employee labor organizations which represent classes assigned to the Department of Water Quality, or successor department.

## **7.05 District Facilities and Equipment**

The District owns and operates certain facilities and equipment. To the extent of those owned and operated facilities or equipment, the District, through its governing body or the District Engineer, as appropriate, shall determine what personnel or contractors shall be utilized to provide services necessary for the operation and maintenance of such facilities or equipment.

## **7.06 Implementation**

This Chapter provides the framework for the relation of the District to the County. The District Engineer is authorized to enter into a Memorandum of Understanding with the County Executive Officer to establish more detailed procedures for implementation of this Chapter. Any such Memorandum of Understanding shall be consistent with the terms of this Chapter.

## **EXHIBIT A**

Exhibit not in use at this time. Page intentionally left blank.

## **EXHIBIT B**

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# EXHIBIT C

## Cost Schedule for Sewer Construction

ENR adjustments may occur. Visit the District website for the most up-to-date cost schedule.

UNIT COSTS FOR CONSTRUCTION OF GRAVITY SEWERS (a) (b) (f)												
Pipe Diameter (in)	Depth (ft)											
	8	10	12	14	16	18	20	22	24	26	28	
6 (c)	\$26.69	\$28.89	\$30.66	\$32.84	\$35.42	\$39.25	\$43.88	\$49.90	\$57.87			
8	\$32.66	\$35.71	\$37.80	\$40.46	\$43.59	\$48.27	\$54.04	\$61.42	\$71.02			
10	\$39.42	\$44.17	\$46.73	\$49.92	\$53.78	\$59.61	\$66.74	\$75.97	\$87.91			
12		\$51.84	\$54.77	\$58.53	\$63.26	\$70.11	\$78.52	\$89.39	\$103.66	\$121.55	\$146.53	
15		\$64.30	\$67.56	\$71.50	\$76.58	\$83.52	\$92.34	\$103.05	\$116.69	\$135.40	\$161.92	
18		\$77.97	\$81.32	\$85.60	\$91.09	\$98.91	\$107.70	\$119.07	\$132.89	\$151.92	\$178.88	
21 (e)		\$94.01	\$97.80	\$102.25	\$108.14	\$115.85	\$125.52	\$137.53	\$151.78	\$171.16	\$199.17	
24 (e)		\$110.97	\$116.49	\$121.25	\$127.58	\$136.02	\$146.36	\$158.55	\$172.80	\$192.69	\$221.93	
27 (d)		\$117.39	\$121.93	\$128.01	\$135.97	\$146.40	\$158.62	\$173.36	\$190.81	\$212.25		
30		\$131.64	\$136.60	\$143.10	\$151.48	\$161.92	\$174.30	\$189.96	\$208.15	\$230.64		
33		\$140.99	\$146.38	\$152.99	\$161.69	\$172.30	\$185.03	\$201.41	\$220.33	\$244.09		
36		\$144.23	\$149.70	\$156.71	\$165.53	\$176.23	\$189.61	\$206.11	\$225.43	\$250.51		
39		\$175.71	\$181.51	\$188.64	\$197.52	\$208.65	\$222.77	\$239.99	\$260.26	\$287.61		
42		\$191.53	\$198.65	\$207.38	\$218.25	\$231.59	\$249.48	\$271.05	\$296.06			
48		\$210.22	\$217.87	\$227.70	\$239.98	\$255.28	\$274.01	\$297.63	\$324.38			
54		\$243.63	\$252.10	\$262.44	\$274.92	\$290.40	\$309.63	\$334.35	\$363.40			
60		\$283.25	\$292.40	\$302.99	\$317.76	\$335.09	\$356.31	\$382.42	\$413.76			
(a)	Based on Sacramento County Standard Construction Specifications, Type II Bedding and Initial Backfill.											
(b)	ENR	8490	- Average of 20 Cities and San Francisco,				2007					
(c)	VCP (24 inch and smaller)											
(d)	RCP with calcareous aggregate.											
(e)	If for structural reasons, and with County approval, RCP with calcareous aggregate is required for 21" or 24" pipeline, the above unit costs shall be reduced \$4.08 or \$11.42 respectively.											
(f)	\$3.30 per cu.yd. For mechanical compaction of intermediate backfill											
ADDITIONAL COST ITEMS:												
1.	22% for work outside of undeveloped areas.											
2.	Cost for pavement removal and replacement											
	Removal =	\$3.66 /L.F.										
	Replacement=	Asphaltic Concrete: \$146 /ton (1 ton = 160 S.F., 1 inch thick)										
		Aggregate Base: \$34 /ton (1 ton = 20 S.F., 8 inch thick)										
3.	Temporary pavement:	\$96 /ton (1 ton = 160 S.F., 1 inch thick)										
4.	Flagpersons =	\$393 /day/person										
5.	Utility Crossings (service lines):											
	Minor Utility, cross under =	\$163 ea.										
	To replace utilities =	\$486 to \$822 ea.										
6.	Cost for crossing a major utility to be added. Amount varies.											
7.	Manholes:											
	4' MH =	\$1,957 for 7' depth plus \$163 /ft over 7 ft.										
	5' MH type A or B =	\$2,773 for 8' depth plus \$285 /ft over 8 ft.										
	Lining additional =	\$1,630 for 8' depth plus \$163 /ft over 8 ft.										
8.	Dewatering trench with wells:	\$33 to \$72										
9.	T-Lock lining for RCP:	\$5.87 /S.F.										

## **EXHIBIT D**

### **BUILDER'S EXCHANGES AND CONSTRUCTION SERVICES**

(For Projects where the Reimbursement will be more than One Million Dollars.)

Builders Exchange of Alameda Co.  
3055 Alvarado Street  
San Leandro, CA 94577-5711  
(510) 483-8880  
Internet: [www.beac.com](http://www.beac.com)

Peninsula Builders Exchange, Inc.  
735 Industrial Road, Suite 100  
San Carlos, CA 94070-3386  
(650) 591-4486  
Internet: [www.constructionplans.org](http://www.constructionplans.org)

Builders Exchange of Stockton  
7500 West Lane  
Stockton, CA 95210-3312  
(209) 478-1000  
Internet: [www.besonline.com](http://www.besonline.com)

Placer County Builders Exchange  
231 Cherry Avenue  
Auburn, CA 95603-3717  
(530) 889-3953  
Internet: [www.placerbx.com](http://www.placerbx.com)

Construction Data and News  
1791 Tribute Road, Suite D  
Sacramento, CA 95815-4403  
(916) 920-2240  
Internet: n/a

Sacramento Builders Exchange  
P.O. Box 1462  
Sacramento, CA 95812-1462  
(916) 442-8991  
Internet: [www.sbxchange.com](http://www.sbxchange.com)

Daily Construction Service  
30 Pamaron Way  
Novato, CA 94949  
(800) 598-6594  
Internet: n/a

San Francisco Builders Exchange  
850 South Van Ness Avenue  
San Francisco, CA 94110-1928  
(415) 282-8220  
Internet: [www.bxofsf.com](http://www.bxofsf.com)

El Dorado Builders Exchange  
3430 Robin Lane, Suite #7  
Cameron Park, CA 95682  
(530) 672-2955  
Internet: [www.goodbuilders.org](http://www.goodbuilders.org)

Valley Contractors Exchange  
832 Richland Road, Suite C  
Yuba City, CA 95991  
(530) 674-2030  
Internet: [www.vceonline.com](http://www.vceonline.com)

Nevada County Contractors Association  
149 Crown Point Court, Suite A  
Nevada City, CA 95959-3226  
(530) 274-1919  
Internet: [www.nccabuildingpros.com](http://www.nccabuildingpros.com)

## **EXHIBIT E**

### **BUILDER'S EXCHANGES AND CONSTRUCTION SERVICES**

(For Projects where the Reimbursement will be less than One Million Dollars.)

Builders Exchange of Stockton  
7500 West Lane  
Stockton, CA 95210-3312  
(209) 478-1000  
Internet: [www.besonline.com](http://www.besonline.com)

Valley Contractors Exchange  
832 Richland Road, Suite C  
Yuba City, CA 95991  
(530) 674-2030  
Internet: [www.vceonline.com](http://www.vceonline.com)

Construction Data and News  
1791 Tribute Road, Suite D  
Sacramento, CA 95815-4403  
(916) 920-2240  
Internet: n/a

El Dorado Builders Exchange  
3430 Robin Lane, Suite #7  
Cameron Park, CA 95682  
(530) 672-2955  
Internet: [www.goodbuilders.org](http://www.goodbuilders.org)

McGraw-Hill, Dodge/Daily Pacific Builder  
1333 South Mayflower Avenue, # 300  
Monrovia, CA 95016  
(888) 686-4711  
Internet: [www.dodge.construction.com](http://www.dodge.construction.com)

Placer County Builders Exchange  
231 Cherry Avenue  
Auburn, CA 95603  
(530) 889-3953  
Internet: [www.placerbx.com](http://www.placerbx.com)

Sacramento Builders Exchange  
P.O. Box 1462  
Sacramento, CA 95812-1462  
(916) 442-8991  
Internet: [www.sbxchange.com](http://www.sbxchange.com)