McKINLEYVILLE COMMUNITY SERVICES DISTRICT

MCKINLEYVILLE COMMUNITY SERVICES DISTRICT RULES AND REGULATIONS

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ARTICLE I – DEFINITIONS

REGULATION 1 – DEFINITIONS

Rule 1.01. ADDITIONAL DEFINITIONS - unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. For the purpose of this ordinance, additional terms shall have the meaning indicated in Chapter 1 of the most recent edition of the "Uniform Plumbing Code," copies of which are on file in the District.

Rule 1.02. ACT OR "THE ACT" - the Federal Water Pollution Control act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any other amendments thereof.

Rule 1.03. APPLICANT - shall mean the person making application for a permit for wastewater discharge or for a sewer installation and shall be the owner of premises to be served by the sewer for which a permit is requested or his authorized agent.

Rule 1.04. AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER

(a) If the User is a corporation:

i. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

ii. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommend-ations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in paragraphs (a) through (c), above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the MCSD.

Rule 1.05. BENEFICIAL USES - shall mean the uses of waters of the State that may be protected against quality degradation including domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by Federal or State law.

Rule 1.06. BEST MANAGEMENT PRACTICES OR BMPS - schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rule 24 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Rule 1.07. BIOCHEMICAL OXYGEN DEMAND (denoted BOD) - shall mean quantity of oxygen utilized in the biochemical oxidation of the wastewater under standard laboratory conditions in five (5) days at 20 C, expressed in milligrams per liter (mg/l).

Rule 1.08. BOARD - means the Board of Directors of McKinleyville Community Services District.

Rule 1.09. BUILDING - shall mean any structure used for human habitation or a place of business, recreation or other purpose containing sanitary facilities.

Rule 1.10. BUILDING SEWER - shall mean that portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line or to a private wastewater disposal system.

Rule 1.11. CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD - any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Rule 1.12. COMBINED SEWER - shall mean any sewer receiving both surface runoff and wastewater.

Rule 1.13. COMMUNITY SEWER - shall mean a sewer owned and operated by the District.

Rule 1.14. COMPATIBLE POLLUTANT - shall mean BOD, SS, pH and fecal coliform bacteria, plus additional pollutants identified in the Authority's National Pollutant Discharge Elimination System (NPDES) Permit if the District's treatment works were designed to treat such pollutants, and in fact do remove such pollutants to a substantial degree.

Rule 1.15. CONNECTION - means the pipeline and appurtenant facilities such as the curb stop, meter and meter box all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Rule 1.16. CONNECTION CHARGES - shall mean any fee or charges made by the District for the privilege of connecting to the sanitary sewer system.

Rule 1.17. CONTAMINATION - shall mean an impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the State are affected.

Rule 1.18. CONTRACTOR - shall mean any individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done under the permit and shall be responsible to the owner or their agent.

Rule 1.19. COST - means the cost of labor, materials, transportation, supervision, engineering, and all other necessary overhead expenses.

Rule 1.20. CROSS-CONNECTIONS - means any physical connection between the piping system from the District service and that of any other water supply that may be forced or drawn into the District distribution mains.

Rule 1.21. CUSTOMER - means, the water user, the tenant, or the owner.

Rule 1.22. DAILY MAXIMUM LIMIT - is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

Rule 1.23. DEVELOPER STREET LIGHTING CHARGES - shall mean the total monthly street lighting charge for all lots in a new subdivision which are imposed upon the subdivision developer prior to the developer's sale of individual lots and the establishment of regular street lighting service pursuant to Regulation 52.

Rule 1.24. DISTRICT - means the McKinleyville Community Service District, McKinleyville, California.

Rule 1.25. DOMESTIC WASTEWATER - shall mean the wastewater derived principally from dwellings, business buildings, institutions and the like.

Rule 1.26. EQUIVALENT RESIDENTIAL UNIT - shall mean a free-standing, single family residential structure. The average hydraulic flow from such a structure is 5,386 gallons per month. Other types of structures such as apartments, mobile home installations, RV parks, and commercial establishments, will be evaluated by the District on an individual basis with respect to average monthly flows, and the capacity charge imposed thereon will be proportionate to the standard charge imposed on Equivalent Residential Units.

Rule 1.27. FEDERAL ACT - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et. seq, and any amendments thereof.

Rule 1.28. FIXTURE - shall mean any sink, tub, shower, receptor, water closet or other facility connected by a drain to the sewer.

Rule 1.29. GARBAGE - shall mean the solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

Rule 1.30. GENERAL MANAGER - shall mean the MCSD General Manager or appointed representative.

Rule 1.31. HOLDING TANK WASTES - shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

Rule 1.32. INCOMPATIBLE POLLUTANT - shall mean any pollutant which is not a "compatible pollutant" as defined in Rule 1.10.

Rule 1.33. USERS OR INDUSTRIAL USER (IU) - a source of indirect discharge. An indirect discharge is the introduction of pollutants from a non-domestic source into a publicly owned waste-treatment system. Indirect dischargers can be commercial or industrial facilities whose wastes enter local sewers.

Rule 1.34. INTERFERENCE - a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the MCSD's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, 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 Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

Rule 1.35. INDUSTRIAL WASTEWATER - shall mean the wastewater in which the liquid wastes from industrial and manufacturing processes, laboratory, trade or business predominate as distinct from domestic wastewater (Rule 1.25).

Rule 1.36. INHABITED AREAS - shall mean any specifically described geographic area within the District.

Rule 1.37. LATERAL SEWER - shall mean the portion of a sewer lying within a public street connecting a building sewer to the community sewer.

Rule 1.38. LIVING UNIT - shall mean any residence, trailer, mobile home, habitation or other structure customarily occupied by a person or family containing bath and kitchen facilities.

Rule 1.39. MAIN - means a water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Rule 1.40. MAJOR CONTRIBUTING INDUSTRY - shall mean any wastewater contributor identified by the Standard Industrial Classification (SIC) Manual in any of Divisions A, B, D, E, and I that: (1) has a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be computed for the period of use); or (2) has a flow or pollutant loading greater than five percent of the design capacity of the elements of the District's treatment works which serve the wastewater contributor; or (3) has in its wastes toxic pollutants in toxic amounts as defined in the standard issued under Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972; or (4) is found by the Manager to have significant impact, either singly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

Rule 1.41. MANAGER - shall mean the District Manager or appointed representative.

Rule 1.42. MASS EMISSION RATE - shall mean the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

Rule 1.43. MULTIPLE LIVING UNIT - shall mean any residential complex with two or more residences on one property including duplexes, triplexes, apartments, trailer parks, mobile home parks and manufactured home parks but excluding motels, hotels and boarding houses.

Rule 1.44. MEDICAL WASTE - isolation wastes, infectious agents, human blood and blood products, blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

Rule 1.45. NEW SOURCE

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
   i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
   ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
   iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)ii or (a)iii above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
   i. Begun, or caused to begin, as part of a continuous onsite construction program
      a) Any placement, assembly, or installation of facilities or equipment; or
      b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
   ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified

without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Rule 1.46. NUISANCE - shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Rule 1.47. OWNER - means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over same for himself, or as executor, administrator, guardian or trustee of the owner.

Rule 1.48. OUTLET - means any properties of a sewer system to which a fixture may be connected.

Rule 1.49. OUTSIDE SEWER - shall mean any private sewer beyond the limits of the District.

Rule 1.50. PASS THROUGH - a discharge which exits the POTW into waters of the United States 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 MCSD's NPDES permit, including an increase in the magnitude or duration of a violation.

Rule 1.51. PERMIT - shall mean any written authorization required pursuant to this or any other rule, regulation or ordinance of the District for the installation of, connection to, or use of any water or wastewater works.

Rule 1.52. PERSON - shall mean any individual, firm, company, partnership, association, and private, public, and Municipal Corporation's responsible corporate officer, the United States of America, the State of California, districts and all political subdivisions, governmental agencies and mandatories thereof.

Rule 1.53. PH - shall mean the reciprocal of the negative logarithm of the hydrogen ion concentration in moles per liter of solution.

Rule 1.54. POLLUTION - shall mean alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for the beneficial use or affects the facilities which serve such beneficial uses. Pollution may include contamination.

Rule 1.55. PREMISES - means a lot or parcel of real property under one ownership, except where there are well- defined boundaries or partitions such as fences, hedges or other restrictions preventing the common use of the property by the several tenants, in which case

each portion shall be deemed separate premises. Apartment houses, trailer courts and office buildings may be classified as single premises.

Rule 1.56. PRETREATMENT REQUIREMENTS - any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Rule 1.57. PRETREATMENT STANDARDS OR STANDARDS -Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Rule 1.58. PRIVATE FIRE PROTECTION SERVICE - means water service and facilities for building sprinkler systems, hydrants, hose reels and other facilities installed on private property for fire protection and the water available therefore.

Rule 1.59. PUBLIC FIRE PROTECTION SERVICE - means the service and facilities of the entire water supply, storage and distribution system of the District including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Rule 1.60. PUBLICLY OWNED TREATMENT WORKS OR POTW - A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the MCSD. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

Rule 1.61. REGULAR WATER SERVICE - means water service and facilities rendered for normal domestic, commercial and industrial purposes on a permanent basis, and the water available therefore.

Rule 1.62. REPORT - means the report referred to in Section 5473 of the Health and Safety Code of the State of California.

Rule 1.63. SANITARY SEWER - shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

Rule 1.64. SEWER - shall mean any pipe or conduit for carrying wastewater.

Rule 1.65. SEWER SERVICE CHARGES - means fees, rates or other charges for service or the ability to provide service furnished by District in connection with its sanitation or sewerage system.

Rule 1.66. SHALL - is mandatory; "May" is permissive.

Rule 1.67. SIDE SEWER - shall mean the sewer line beginning at the foundation wall of any building and terminating at the community sewer and includes the building sewer and lateral sewer together.

Rule 1.68. SIGNIFICANT INDUSTRIAL USER (SIU) - except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

(a) An Industrial User subject to categorical Pretreatment Standards; or

(b) An Industrial User that:

i. Discharges an average of twenty-five thousand (25,000) gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

ii. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

iii. Is designated as such by the MCSD on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(c) The MCSD may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

i. The Industrial User, prior to MCSD's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

ii. The Industrial User annually submits the certification statement required in Rule 26.10.02 (b) [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and

iii. The Industrial User never discharges any untreated concentrated wastewater.

(d) Upon a finding that a User meeting the criteria in Subsection (b) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the MCSD may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

Rule 1.69. SLUG LOAD OR SLUG DISCHARGE - any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Rule 24 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

Rule 1.70. STORM SEWER or STORM DRAIN - shall mean a conduit which carries storm and surface or ground waters and drainage, but excludes domestic and industrial wastewater.

Rule 1.71. STREET - shall mean any public highway, road, street, avenue, alley, way, public place, public easement or right-of-way.

Rule 1.72. STREET LIGHTING FACILITIES - shall mean all works or improvements used or useful for the lighting of public places as set forth in sections 22533 and 22534 of the California Streets and Highway Code.

Rule 1.73. STREET LIGHTING PLAN - shall mean the staff report and any related drawings pertaining to the location of street lighting facilities within a street lighting zone.

Rule 1.74. STREET LIGHTING ZONE - shall mean the geographic area included in a resolution adopted pursuant to Rule 53.05 or Rule 54.06.

Rule 1.75. SUSPENDED SOLIDS (denoted SS) - shall mean solids that either float on the surface, or are in suspension in water, wastewater or other liquids, and which are removable by laboratory filtering, and are referred to as non-filterable residue in the laboratory test described in "Standard Methods for the Examination of Water and Wastewater."

Rule 1.76. TEMPORARY WATER SERVICE - means water service and facilities rendered for construction work and other uses of limited duration and the water available therefore.

Rule 1.77. TREATMENT WORKS - shall mean any devices and systems used in the storage, treatment, recycling, and reclamation of domestic or industrial wastes of a liquid nature or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including interceptor sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste.

Rule 1.78. UNPOLLUTED WATER - shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

Rule 1.79. USER - shall mean any person that discharges, causes or permits the discharge of wastewater into a community sewer.

Rule 1.80. USER CLASSIFICATION - shall mean the classification of users based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

Rule 1.81. WASTE - shall include wastewater and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for the purposes of, disposal.

Rule 1.82. WASTEWATER - shall mean any waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

Rule 1.83. WASTEWATER CONSTITUENTS AND CHARACTERISTICS - shall mean the individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

Rule 1.84. WASTEWATER DISCHARGE PERMIT - shall mean the permit issued by the District to control the discharge of industrial wastewater to the treatment works.

Rule 1.85. WASTEWATER WORKS - shall mean the system of building sewers, lateral sewers, community sewers, and treatment works designed for collection, conveyance, treatment, and disposal of wastewater.

Rule 1.86. WATER DEPARTMENT - means the Board of Directors performing functions related to the District water service, together with the Manager and other duly authorized representatives.

Rule 1.87. WATERS OF THE STATE - shall mean any water, surface or underground, including saline waters within the boundaries of the State.

Rule 1.88. PARK SYSTEM - means Hiller Park, Pierson Park, or any other area in the District owned or used by the District and devoted to recreation.

Rule 1.89. VEHICLE - means any wheeled conveyance, whether motor powered, animal drawn, or self propelled. The term shall include any trailer in tow of any size or kind.

ARTICLE II - WATER SERVICE

REGULATION 2 – GENERAL PROVISIONS

Rule 2.01. WORDS AND PHRASES - for the purpose of this article all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Rule 2.02. WATER SYSTEM - the District will furnish a system, plant works and undertaking used for and useful in obtaining, conserving and distributing of water for public and private uses, including all parts of the Enterprise, all appurtenances to it, and lands, easements, rights in land, water rights, contract rights, franchises, and other water supply, storage and distribution facilities and equipment.

Rule 2.03. SEPARABILITY - if any section, subsection, sentence, clause, or phrase of this article is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Rule 2.04. PRESSURE CONDITIONS - all applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection, and to hold the District harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Rule 2.05. MAINTENANCE OF WATER PRESSURE AND SHUTTING DOWN FOR EMERGENCY REPAIRS - the District shall not accept any responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs, etc. Consumers dependent upon a continuous supply should supply emergency storage.

Rule 2.06. TAMPERING WITH DISTRICT PROPERTY - no one except an employee or representative of the Water Department shall at any time in any manner operate the curb cocks or valves, main cocks, gates or valves of the District's system; or interfere with meters or their connections, street mains or other parts of the water system.

Rule 2.07. PENALTY FOR VIOLATION - for the failure of the customer to comply with all or any part of this article, and any ordinance, resolution or order fixing rates and charges of the District, a penalty for which has not hereafter been specifically fixed, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the District that in the future he will comply with all the rules and regulations established by ordinance of the District and with all rates and charges of this District.

Rule 2.08. RULING FINAL - all rulings of the Manager shall be final unless appealed in writing to the Board of Directors within (5) days. When appealed, the Director's ruling shall be final.

REGULATION 3 – NOTICES

Rule 3.01. NOTICES TO CUSTOMERS - notices from the District to a customer will normally be given in writing, and either delivered or mailed to him at his last known address. Where conditions warrant and in emergencies, the District may resort to notification either by telephone or messenger.

Rule 3.02. NOTICES FROM CUSTOMERS - notice from the customer to the District may be given by him or his authorized representative in writing at the District's operating office.

REGULATION 4 – WATER DEPARTMENT

Rule 4.01. CREATION - a Water Department is hereby created comprising the Board of Directors, a Manager, and a Billing Clerk.

Rule 4.02. MANAGER - the position of Manager is hereby created. He shall regularly inspect and maintain all physical facilities related to the District water system, to see that they are in good repair and proper working order, and to note violations of any water regulations. He shall report directly to the Board of Directors.

Rule 4.03. ID. – DUTIES - the Manager shall have, subject to approval of the Board of Directors, full charge and control of the maintenance, operation and construction of the water works and system; authority to employ and discharge all employees and assistants; fix and alter the compensation of employees and assistants subject to approval by the Board; and shall have charge of all employees and assistants. He shall perform such other duties as are imposed from time to time, and shall report to the Board of Directors in accordance with the rules and regulations as adopted by the Board.

Rule 4.04. ID. – VIOLATION, REPAIRS - He shall promptly report any violation or disrepair to the Board of Directors. If the work required is in the nature of an emergency, he shall take whatever steps are necessary to maintain service to consumers.

Rule 4.05. ID. – SUPERVISION - he shall supervise all repair of construction work authorized by the Board and perform any other duties prescribed elsewhere in this ordinance or which shall be hereafter prescribed by the Board.

Rule 4.06. BILLING CLERK - the position of the Billing Clerk is hereby created. He shall have charge of the office of the Water Department and of the billing for and collecting

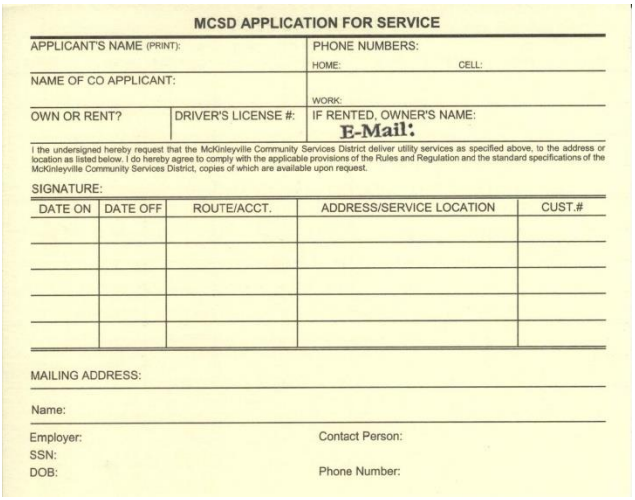
the charges herein provided. He shall perform such other duties as shall be determined by the Manager and Board.

Rule 4.07. ID. – DUTIES - the Billing Clerk shall compute, prepare and mail bills as hereinafter prescribed, make collections, maintain proper books of account, collect account for and refund deposits, do whatever else is necessary or directed by the Board to set up and maintain an efficient and economical bookkeeping system, and perform any other duties now or hereafter prescribed by the Board.

Rule 4.08. PERFORMANCE OF DUTIES - the foregoing duties of Manager and Billing Clerk may be performed by an additional employee or employees.

REGULATION 5 – APPLICATION FOR REGULAR WATER SERVICE

Rule 5.01. APPLICATION - a property owner or his agent may make application for regular water service on the following application form or by letter giving the same information and paying a nonrefundable processing fee of $20.00 (twenty dollars).



MCSD APPLICATION FOR SERVICE

APPLICANT'S NAME (PRINT): | PHONE NUMBERS: HOME: CELL:

NAME OF CO APPLICANT: | WORK:

OWN OR RENT? | DRIVER'S LICENSE #: | IF RENTED, OWNER'S NAME: E-Mail:

I the undersigned hereby request that the McKinleyville Community Services District deliver utility services as specified above, to the address or location as listed below. I do hereby agree to comply with the applicable provisions of the Rules and Regulation and the standard specifications of the McKinleyville Community Services District, copies of which are available upon request.

SIGNATURE:

DATE ON	DATE OFF	ROUTE/ACCT.	ADDRESS/SERVICE LOCATION	CUST.#

MAILING ADDRESS:

Name:

Employer: Contact Person:

SSN:

DOB: Phone Number:

In addition to the application for service the District will require a deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customers other than property-owners. (See current MCSD fee schedule in Appendix A) This refundable deposit can be waived if the customer can bring in proof of a good payment history with another utility. The deposit will be applied to the account as a credit after 12 months with a good payment record.

Rule 5.02. UNDERTAKING OF APPLICANT - such application will signify the customers' willingness and intention to comply with this and other ordinances or regulations relating to the regular water service and to make payment for all fees, costs and expenses associated with provision of the water service. In the event an application is executed by two or more individuals as the customer, each individual executing the application shall be jointly and severally liable to make payment for all fees, costs and expenses associated with provision of the water service.

Rule 5.03. PAYMENT FOR PREVIOUS SERVICE - an application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the District.

Rule 5.04. INSTALLATION CHARGES - services and meters shall be installed without charge for all applications for water service received prior to or during the initial construction of the District's water system. The charges below will apply to applications received after the District's Contractor has progressed with the work beyond their property frontage. Such services and meters will be installed without charge only to areas having an existing need providing the owner guarantees to pay at least the minimum each month (whether used or not) for at least a one- year period.

Where service is installed without charge for a vacant lot the owner must guarantee to pay at least the minimum each month (whether used or not) for at least a two-year period.

Where the applicant requests installation of a 1 1/2 inch or larger water meter or where unusual circumstances exist, the charge for installation of water service shall be equal to the estimated cost plus 10 percent of such service connection. The applicant shall deposit said amount with the District prior to installation, the District will track actual expenditures, the District will compute the difference between the deposit and the actual expenditure, the District will rebate the difference to the applicant where the actual expenditure is less than the deposit. The term "unusual circumstances", as used in this rule, shall include water mains deeper than 6 feet, slopes greater than 20 percent, service line lengths of more than 35 feet and closure of roadway due to traffic safety considerations. The schedule for all other service connections is as follows:

5/8" x 3/4" Meter	$1332.00
3/4" Meter	$1357.00
1" Meter	$1496.00

Where the applicant requests the installation of a water meter in an existing water meter box, and the requested meter is to be connected to an existing meter set, the schedule of water meter installation charges shall be as follows:

5/8" x 3/4" Meter	$285.00
3/4" Meter	$310.00
1" Meter	$371.00

Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the Developer.

Rule 5.05. INSTALLATION OF SERVICE - regular water services will be installed as desired by the applicant of the size determined by the Water Department. Service installations will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as hereby provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvement must be accepted by the applicant in the installed location.

Rule 5.06. CHANGES IN CUSTOMER'S EQUIPMENT - customers making any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations results in a large increase in the use of water, shall immediately give the District written notice of the nature of the change and, if necessary, amend their application.

Rule 5.07. SIZE AND LOCATION - the District reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be

served. The laying of consumer's pipeline to the meter should not be done until the location of the service connection has been approved by the District.

Rule 5.08. CURB COCK - every service connection installed by the District shall be equipped with a curb cock on the inlet side of the meter. The curb cock is intended for the exclusive use of the District in controlling the water supply through the service connection pipe. If the curb cock is damaged by the consumer's use to an extent requiring replacement, such replacement shall be at the consumer's expense.

Rule 5.09. DOMESTIC, COMMERCIAL AND INDUSTRIAL SERVICE CONNECTION - it shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a) **SEPARATE BUILDING**. Each house or building under separate ownership must be provided with a separate service connection. Two or more houses on the same lot shall have separate services if the houses could legally be sold separately. Two or more houses under one ownership and on the same lot or parcel of land may (with specific Board approval, based on hardship or extenuating circumstances) be supplied through the same service connection; provided that for each house under a separate roof an additional minimum will be applied to the single meter serving said houses. The District reserves the right to limit the number of houses or the area of land under one ownership to be supplied by one service connection. This rule will not apply to the extent it conflicts with rules regarding ADUs.

(b) **SEPARATE PROPERTY.** A service connection shall not be used to supply property of the same owner across a street or alley, without written approval for specific cases otherwise meeting the intent of this ordinance.

(c) **DIVIDED PROPERTY.** When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Rule 5.10. SERVICE CONNECTIONS - the service connections extending from the water main to the property line and including the meter, meter box and curb cock or wheel valve, shall be maintained by the District. All pipes and fixtures extending or lying beyond the meter shall be installed and maintained by the owner of the property.

Rule 5.11. WATER CAPACITY FEE - a water capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is based on meter size, as follows:

Size	Fee	Size	Fee
5/8”	$4,080	3”	$53,487
3/4”	$5,846	4”	$88,778
1”	$9,375	6”	$177,004
1 ½”	$18,200	8”	$282,874
2”	$28,785	10”	$406,392

Due to recent changes in building code regulations, new single-family homes are to be sized with a 3/4” meter because of fire protection systems, rather than the typical 5/8” meter. It is recommended that all new single family residential units, with meter sizes 5/8” and ¾” be charged the 5/8” meter rate to reflect their typical demand on the system.

Each July 1st, each rate set forth above shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between June 2017 and the then most recently published Construction Cost Index.

Rule 5.12. COMMERCIAL LANDSCAPE METERS - the manager shall encourage all commercial users to install an irrigation meter in addition to the regular water meter. Where the customer agrees to install an irrigation meter, the overall connection charge shall be the same as if one water meter had been installed and the installation charge shall reflect the actual time and materials cost of adding an additional meter on the service line constructed for the primary meter.

Rule 5.13. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

(a) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.

(b) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rules 5.04 and 5.11.

(c) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rules 5.04 and 5.11. If a new, separate ADU is constructed and utilizes the existing water and sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.

REGULATION 6 – COMMUNITY WATER FACILITIES CONSTRUCTION

Rule 6.01. PERMIT REQUIRED - no person shall construct, extend or connect to any community water facilities without first obtaining a written approval from the District and paying all fees and furnishing bonds as required therein.

Rule 6.02. PLANS, PROFILES AND SPECIFICATIONS - the application for community water line construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the District prepared by a Registered Civil Engineer showing all details for the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications shall be examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, and approval by the Board of Directors, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 6.03. EXTENSION CHARGES GENERAL - in general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, or as allowed by District Ordinance. Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed. The applicant may provide for the construction in accordance with District specifications. If the work is to be accomplished by District forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to the use of the main extension.

Rule 6.04. ALTERNATE CHARGES - notwithstanding the provisions of Section 102 above, the Board of Directors may approve alternate methods for funding main extensions where they determine it is in the interest of the general public's health, safety and welfare.

Rule 6.05. PUBLIC WATER CONSTRUCTION PERMIT - an amount equal to 3% of the estimated construction cost shall be deposited by the applicant prior to commencement of construction. Actual cost will be charged prior to commencement of construction. Actual cost will be charged when the project is approved and accepted by the District.

Rule 6.06. PLAN CHECK FEE - a plan check fee in the amount of 2% of the estimated construction cost for main extensions and the engineering review of subdivisions will be charged when an application for service is filed with the District. Actual cost will be charged when the application is approved by the Board of Directors.

Rule 6.07. ACTIVITIES PROHIBITED - no person shall uncover, make a connection with or opening into, use, alter, extend, or disturb any public water facilities or perform any work without first obtaining a written permit from the District.

Rule 6.08. APPLICATION FOR PERMIT - any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The

Manager may require plans, specifications or drawings and such other information as may be deemed necessary. The application shall be reviewed by the Manager who shall determine if it is complete. Where the Manager deems the application to be complete, the manager shall set consideration of the application on the agenda of an upcoming Board meeting. Where the manager deems the application to be incomplete, the applicant shall submit the additional information itemized by the manager until the Manager deems the application to be complete. Where the County of Humboldt has required the applicant to offer the dedication of property to MCSD as a condition of land use approval, the Manager shall not deem the main extension application to be complete unless the applicant has satisfied the assessment district formation application requirements of Rule 72.01 and Rule 72.02 of Regulation 72 of the District's Rules and Regulations.

Rule 6.09. SUBDIVISIONS - the requirements of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for the dedication for public use of all streets, easements or rights-of-way in which community water lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing water facilities to serve the tract is not completed within the time limit allowed in the permit, the Manager may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub-divider.

Rule 6.10. EASEMENTS OR RIGHTS-OF-WAY - in the event that an easement is required for the extension of the community water or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 6.11. PERSONS AUTHORIZED TO PERFORM WORK - only properly licensed contractors shall be authorized to perform the work of community water construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor.

Rule 6.12. GRADE STAKES - grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community water facilities construction.

Rule 6.13. COMPLIANCE WITH LOCAL REGULATION - any person constructing water facilities within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Rule 6.14. PROTECTION OF EXCAVATION - the applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a water line facility is under construction and of each dangerous condition to be encountered

as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction there over.

Rule 6.15. DESIGN AND CONSTRUCTION STANDARDS - minimum standards for the design and construction of water facilities within the District shall be in accordance with the applicable provisions of the ordinances, rules and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered. "As- built" drawings showing the actual location of all mains, structures, and appurtenances shall be filed with the District before final acceptance of the work.

Rule 6.16. MAIN EXTENSION - the District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager. Normally the main shall be extended the same size as terminated or as a minimum six (6) inch unless a waiver for short dead-end line is allowed by the Manager, in which case a four (4) inch will be the minimum size required. In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicant's frontage. The District will share in the cost of construction only where it is the Manager's opinion, the applicant cannot reasonably expect a refund as provided in Section 116 of this Ordinance.

The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost. Or One Thousand Two Hundred and Fifty Dollars (1,250.00), whichever is less. The District will determine the fair and reasonable value for construction of said facilities. The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and accepted by the District. The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor. The cost sharing provisions of this section do not apply to subdivisions.

Rule 6.17. ADVANCE COSTS AND REFUNDS - when a person applies to connect their property to a main extension previously paid for by others as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally. When a person applies for an additional or enlarged service to property that fronts on a main extension paid for by others subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. when such

additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the applicant who paid for the main extension originally. Refund provisions do not apply to subdivision lots.

Rule 6.18. COMPLETION OF WATER FACILITIES REQUIRED - before acceptance of any facilities by the District and prior to the commencement of water service, the facilities shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager. When completed in accordance with District specifications, the Directors shall act to accept the facilities into the District's maintained system.

Where the Applicant has applied to form an Open Space Maintenance Zone pursuant to Regulation 72 of the District's Rules and Regulations for the project, the District shall not consider acceptance of the facilities until the title to the donated property has been transferred and all conditions of the open space maintenance plan approval have been satisfied.

Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate water service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 6.19. ZONES OF SPECIAL BENEFIT - the Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zone wide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone.

REGULATION 7 – GENERAL USE REGULATION

Rule 7.01. NUMBER OF SERVICES PER PREMISES - the applicant may apply for as many services as may be reasonably required for his premises provided that the pipe line system from each service be independent of the others and that they not be interconnected.

Rule 7.02. WATER WASTE - no customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, seriously affecting the general service, the District may discontinue the service if such conditions are not corrected within five days after giving the customer written notice.

Rule 7.03. RESPONSIBILITY FOR EQUIPMENT ON CUSTOMER PREMISES - all facilities installed by the District on private property for the purpose of rendering water service shall remain the property of the District and may be maintained, replaced or repaired by the Water Department without consent or interference of the owner or occupant of the property. The property owner shall use reasonable care in the protection of the facilities. No payment shall be made by District for placing or maintaining said facilities on private property.

Rule 7.04. DAMAGE TO WATER SYSTEM FACILITIES - the customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or others on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The District shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Rule 7.05. GROUND-WIRE ATTACHMENTS - all individuals or business organizations are forbidden to attach any ground- wire or wires to any plumbing which is or may be connected to a service connection or main belonging to the District. The District will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Rule 7.06. CONTROL VALVE ON THE CUSTOMER PROPERTY - the customer shall provide a valve on his side of the service installation, as close to the meter location as practicable, to control the flow of water to the piping on his premises. The customer shall not use the service curb stop to turn water on and off for his convenience.

Rule 7.07. CROSS-CONNECTIONS - the customer must comply with State and Federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross-connections. Back flow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Water Department. Plans for installation of back flow protective devices must be approved by the Water Department prior to installation.

Rule 7.08. ID. – SPECIAL CASES - in special circumstances, when the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the District may require the customer to eliminate certain plumbing or piping connections as an additional precaution and as a protection to the back flow preventive devices.

Rule 7.09. RELIEF VALVES - as a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by him, at his expense, when check valve or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Rule 7.10. BACK FLOW DEVICE - whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved back flow device, regardless of the use of the additional water supply lines. The District shall charge each water customer with a device a monthly charge of $2.58 to be collected on the District's bill.

Rule 7.11. ID. – INSPECTION - the double check valve or other better approved back flow protection devices may be inspected and tested periodically for water tightness by the District. The devices shall be services, overhauled, or replaced whenever they are found defective and all costs of repair and maintenance shall be borne by customer. The District shall charge each water customer with a device a monthly charge of $2.58 to be collected on the District's bill.

Rule 7.12. ID. – DISCONTINUED SERVICE - the service of water to any premises may be immediately discontinued by the District if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until such defects are corrected.

Rule 7.13. INTERRUPTIONS IN SERVICE - the District shall not be liable for damage which may result from an interruption in service from a cause beyond the control of the Water Department.

Rule 7.14. INGRESS AND EGRESS - representatives from the Water Department shall have the right of ingress and egress to the customer's premises at reasonable hours for any purpose reasonably connected with the furnishing of water service.

REGULATION 8 – METERS

Rule 8.01. METER INSTALLATIONS - meters will be installed in the sidewalk area, and shall be owned by the District and installed and removed at its expense. No rent or other charge will be paid by the District for a meter or other facilities, including connections. All meters will be sealed by the District at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

Rule 8.02. CHANGE IN LOCATION OF METERS - meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the District's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight feet (8') he will be required to pay for new service at the desired location.

Rule 8.03. METER TESTS – DEPOSIT - All meters will be tested prior to installation and no meter will be installed which registers more than two percent (2%) fast. If a customer desires to have the meter serving his premises tested, he shall first deposit Twenty dollars

($20.00) and shall be present when the meter is tested. Should the meter register more than two percent (2%) fast, the deposit will be refunded, but should the meter register less than two percent (2%) fast the deposit will be retained by the Water Department.

Rule 8.04. ADJUSTMENT FOR METER ERRORS - FAST METERS - if a meter tested at the request of a customer is found to be more than two percent (2%) fast, the excess charges for the time service was rendered the customer requesting the test, or for a period of six months, whichever shall be the lesser, shall be refunded to the customer.

Rule 8.05. ADJUSTMENT FOR METER ERRORS - SLOW METERS - if a meter tested at the request of a customer is found to be more than twenty-five percent (25%) slow in the case of domestic services, or more than five percent (5%) slow for other than domestic services, the District may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six months, that the meter was in use.

Rule 8.06. NON-REGISTERING METERS - if a meter is found to be not registering, the charges for service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made from previous consumption for a comparable period or by such other methods as is determined by the Water Department and its decision shall be final.

REGULATION 9 – BILLING

Rule 9.01. BILLING PERIOD - the regular billing period will be monthly or bi-monthly at the option of the District.

Rule 9.02. METER READING -meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be pro-rated.

Rule 9.03. OPENING AND CLOSING BILLS - opening and closing bills for less than the normal billing period shall be pro-rated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Water Department for the final period as an expediency to permit the customer to pay the closing bill at the time service is discontinued.

Rule 9.04. WATER CHARGES - water charges are due and payable at the office of the district on the date of mailing the bill to the property owner or his agent as designated in the application, and delinquent 15 days after the Post Office cancellation date. The District shall charge $0.60 (sixty cents) in addition to any other charges for each notice mailed to the customer advising the customer that a payment has not been received by the District within the 15 day payment period. The District will charge $2.50 (two dollars and fifty cents) in

addition to any other charges for each notice mailed to the customer notifying the customer that service will be terminated if payment is not received.

Rule 9.05. PAYMENT OF BILLS - bills for metered water service shall be rendered at the end of each billing period. Bill shall be payable on presentation and shall be deemed delinquent thirty (30) days from the date printed on the bill. On each bill for water service rendered by the District shall be printed substantially the following: "If this bill is not paid within sixty (60) days after the date of delinquency, service may be discontinued. A reconnection charge and penalties will be made in accordance with the District's Rules and Policy for Discontinuation of Water Service for Nonpayment and collected prior to renewing service following discontinuance." In order to comply with the amended California Civil Code Section 1798.29, the District will notify, without unreasonable delay, any customer whose unencrypted personal information was or is reasonably believed to have been acquired by an unauthorized person.

Rule 9.06. BILLING OF SEPARATE METERS NOT COMBINED - separate bills will be rendered for each meter installation except where the Water Department has, for its own convenience, installed two or more meters in place of one meter. Where such installations are made the meter reading will be combined for billing purposes.

Rule 9.07. CONSUMER'S GUARANTEE - the water charge begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the District for any purpose whatever, the customer must sign a form in which he guarantees payment of future water bills for the service required. The person signing the guarantee form or meter set form will be held liable for water used until the district is notified in writing to discontinue service or to transfer the account to another party.

Rule 9.08. WATER USED WITHOUT REGULATION APPLICATION BEING MADE - a person taking possession of premises and using water from an active service connection without having made application to the District for water service, shall be held liable for the water delivered from the date of the last recorded meter reading, and if the meter is found inoperative the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the District, and if accumulated bills for service are not paid immediately, the service may be discontinued by the District without further notice.

Rule 9.09. DAMAGES THROUGH LEAKING PIPES AND FIXTURES - when turning on the water supply as requested and the house or property is vacant, the District will endeavor to ascertain if water is running on the inside of the building. If such is found to be the case, the water will be left shut off at the curb cock on the inlet side of the meter. The Water Department's jurisdiction and responsibility ends at the property line and the Board of Directors and/or District will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property line.

Rule 9.10. DAMAGE TO METERS - the District reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, however, for any

damage to the meter due to his negligence or carelessness and in particular for damage caused by hot water or steam from the premises.

Rule 9.11. MANUAL METER READING SERVICE - the District may, at its discretion, cause meters to be read via radio transmission or other electronic method. In the event (i) a customer refuses to permit the installation of meter equipment necessary for such electronic meter reading or (ii) a customer requests that such equipment, once installed, be deactivated or left unused, the customer shall be charged for a "manual read" charge of $15.00 per billing period. This charge shall be in addition to, and collected along with, the customer's water charges. The customer shall also be subject to a one-time $90.00 charge when initiating "manual read" service. A Customer can avoid this charge by permitting the District to install and use the District's electronic meter reading equipment.

REGULATION 10 – DISCONTINUANCE OF SERVICE

Rule 10.01. TERMINATION OF SERVICE - water service may be terminated by the District in compliance with the notice and other requirements of Chapter 9.6 of Division 1, title 6, of the California Government Code and Chapter 6 of Part 12 of Division 104 of the California Health and Safety Code.

(a) Water service may be discontinued for any one of the following reasons:

i. Delinquency in payment of any residential water service rate or charge in accordance with the District's Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.

ii. Delinquency in payment of any commercial or other nonresidential water service rate or charge.

iii. The unauthorized taking of water or the taking of water in excess of the amount paid for.

iv. Failure of the customer to maintain his facilities in suitable condition to prevent waste of water.

v. The existence of an unprotected cross connection on the customer's premises or the lack of adequate backflow protection at the service connection.

vi. Any violation by the customer of any rules of the District governing water service.

(b) The process that will be followed prior to discontinuance of residential service for non-payment is set forth in the District's Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges.

(c) The following process will be followed prior to a discontinuance other than a discontinuance of residential service for non-payment: At least ten (10) days before discontinuing such a water service the District shall provide written notice which shall specify the reason for the proposed discontinuance and inform the customer of the procedure for and the availability of the opportunity to discuss the reason for the proposed discontinuance with the Manager, or the Manager's designee, who is empowered to review disputes and rectify errors and settle controversies pertaining to such proposed discontinuance of service. The name and phone number of the Manager, or the Manager's

designee, shall be included in any such notice of proposed discontinuance given to the customer.
(d) No water service shall be discontinued to any customer because of any delinquency in payment on any Saturday, Sunday, legal holiday or at any time during which the business office of the District is not open to the public.

Rule 10.02. RECONNECTION - failure to receive bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the District and any person, firm or corporation failing, neglecting or refusing to pay said indebtedness shall be liable to an action in the name of the district in any court of competent jurisdiction for the amount thereof.

Rule 10.03. RECONNECTION CHARGE - a reconnection charge plus penalties as applicable shall be made and collected prior to renewing service following an initial discontinuance or suspension. The reconnection charge for residential water service is set forth in the District's Rules and Policy Governing the Disconnection of Residential Water Service for Nonpayment of Water Rates and Charges. The reconnection charge for commercial or other nonresidential water service will be equivalent to 2/3 (two-thirds) of an hour at the loaded Operations average hourly payroll rate as listed in the current MCSD fee schedule in Appendix A. Service reconnection shall also require the payment of all charges currently due in addition to the reconnection charges. An additional refundable deposit equivalent to 2 1/2 (two and one-half) times the monthly average for each class of customer will be required of water/sewer accounts that have begun new service, reconnected or with an outstanding balance remaining from a previous MCSD service. (See current MCSD fee schedule in Appendix A.)

Rule 10.04. UNSAFE APPARATUS - water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Rule 10.05. CROSS-CONNECTIONS - water service may be refused or discontinued to any premises where there exists a cross-connection in violation of State or Federal laws.

Rule 10.06. FRAUD OR ABUSE - service may be discontinued if necessary, to protect the District against fraud or abuse.

Rule 10.07. NON-COMPLIANCE WITH REGULATIONS - service may be discontinued for non-compliance with this or any other ordinance or regulation relating to the water service.

Rule 10.08. UPON VACATING PREMISES - customers desiring to discontinue service should so notify the Water Department two (2) days prior to vacating the premises. Unless discontinuance of service is ordered, the customers shall be liable for charges whether or not any water is used.

Rule 10.09. RETURNED CHECK FEE - the District shall charge the full returned payment fee or $20 (twenty dollars), whichever is greater, each time a customer's payment is rejected by that customer's financial institution.

REGULATION 11 – COLLECTION BY SUIT

Rule 11.01. PENALTY - water rates and charges which are not paid on or before the day of delinquency shall be subject to a penalty of ten percent (10%) and thereafter shall be subject to a further penalty of two percent (2%) per month on the first day of each month following.

Rule 11.02. SUIT - all unpaid water rates and charges and penalties herein provided may be collected by suit.

Rule 11.03. COSTS - defendant shall pay all costs of suit in any judgment rendered in favor of District.

Rule 11.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM - as an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, MCSD will also notify the customer at the last known customer address. Customers may appeal said submittal by filing an appeal as provided for in Rule 65.01.

REGULATION 12 – PUBLIC FIRE PROTECTION

Rule 12.01. USE OF FIRE HYDRANTS - fire hydrants are for use by the District or by organized fire protection agencies pursuant to contract with the District. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the Water Department prior to use and shall operate the hydrant in accordance with instructions issued by the Water Department. Unauthorized use of hydrants will be prosecuted according to law. (Note: do not use hydrant valve for flow control, water truck loading, etc., as it undermines hydrant through relief valve at base).

Rule 12.02. HYDRANT RENTAL – charge, to be determined by contract between the District and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

Rule 12.03. MOVING OF FIRE HYDRANTS - when a fire hydrant has been installed in the location specified by the proper authority, the District has fulfilled its obligation. If a property owner or other party desires a change in size, type or location of the hydrant, he

shall bear all costs of such changes, without refund. Any change in the location of a fire hydrant must be approved by the proper authority.

REGULATION 13 – PRIVATE FIRE PROTECTION SERVICE

Rule 13.01. PAYMENT OF COST - the applicant for private fire protection service shall pay the total actual cost of installation of the service from the distribution main to the customer's premises including the cost of a detector check meter or other suitable and equivalent device, valve and meter box, said installation to become the property of the district. The District may agree to install the connection and meter at cost plus ten percent (10%).

Rule 13.02. NO CONNECTION TO OTHER SYSTEM - there shall be no connections between this fire protection system and any other water distribution system on the premises.

Rule 13.03. USE - there shall be no water used through the fire protection service except to extinguish fires and for testing the firefighting equipment.

Rule 13.04. METER RATES - any consumption recorded on the meter will be charged for at 5 times the regular service rates except that no charge will be made for water used to extinguish fires where such fires have been reported to the fire department.

Rule 13.05. MONTHLY RATES - the monthly rates for private fire protection lines shall be five dollars and fifteen cents ($5.15) times the diameter/inch.

Rule 13.06. WATER FOR FIRE STORAGE TANKS - occasionally water may be obtained from a private fire service for filling a tank connected with the fire service, but only if written permission is secured from the District in advance and an approved means of measurement is available. The regular water rates will be applied.

Rule 13.07. VIOLATION OF AGREEMENT -if water is used from a private fire service in violation of the agreement or of these regulations, the District may, at its option, discontinue and remove the service.

Rule 13.08. WATER PRESSURE AND SUPPLY - the District assumes no responsibility for loss or damage due to lack of water or pressure, either high or low, and merely agrees to furnish such quantities and pressures as are available in its general distribution system. The service is subject to shutdowns and variations required by the operation of the system.

Rule 13.09. FIRE SERVICES - the following rules shall apply to fire service connections:

(a) Valve. When a fire service connection is installed, the valve governing same will be closed and sealed and remain so until a written order is received from the owner of the premises to have the water turned on.
(b) Meter. If the District has not required a meter, and if water is used through a fire service connection for any other purpose than extinguishing of fires, it shall have the right to place a meter on the fire service connection at the owner's expense, or shut off the entire water supply from such premises.
(c) Additional Service. The District shall have the right to take a domestic, commercial or industrial service connection from the fire service connection at the curb to supply the same premises as those to which the fire service connection belongs. The Board of Directors shall also have the right to determine the proportion of the installation cost properly chargeable to each service connection, if such segregation of costs shall become necessary.
(d) Check Valve. The District reserves the right to install on all fire service connections a check valve of a type approved by the National Board of Fire Underwriters, and to equip the same with a by-pass meter at the expense of the owner of the property.

REGULATION 14 – TEMPORARY SERVICE

Rule 14.01. DURATION OF SERVICE - temporary service connections shall be disconnected and terminated within six months after installation unless an extension of time is granted in writing by the District.

Rule 14.02. DEPOSIT - the applicant shall deposit, in advance, the estimated cost of installing and removing the facilities required to furnish said service exclusive of the cost of salvageable materials. Upon discontinuance of service, the actual cost shall be determined and an adjustment made as an additional charge, refund or credit. If service is supplied through a fire hydrant, the applicant will be charged in accordance with the following rate schedule:

Deposit per meter:	$500.00
Flat charge per connection, for both installation and removal of service facilities:	$15.00
Each additional move of facilities to another location:	$15.00

Rates-The monthly base rate is equivalent to that for a 3" meter and water use is billed at current rates.

Rule 14.03. INSTALLATION AND OPERATION - all facilities for temporary service to the customer connection shall be made by the Water Department and shall be operated in accordance with its instructions.

Rule 14.04. RESPONSIBILITY FOR METERS AND INSTALLATIONS - the customer shall use all possible care to prevent damage to the meter or to any other loaned facilities of the District which are involved in furnishing the temporary service from the time they are

installed until they are removed, or until 48 hours notice in writing has been given to the District that the contractor or any other person is through with the meter or meters and the installation. If the meter or other facilities are damaged, the cost of making repairs shall be paid by the customer or deducted from the amount of the deposit.

Rule 14.05. SUPPLY FROM FIRE HYDRANT - an applicant for temporary use of water from a fire hydrant must secure a permit therefore from the District and pay the regular fee charged for the installation and removal of a meter to be installed on said hydrant; the applicant shall provide a valve for shutoff control, and a hydrant wrench necessary to operate such hydrant, or pay the District Five Dollars ($5.00) for the loan of such equipment, and pay for the water used in accordance with the meter readings, at the rates prescribed by the District.

Rule 14.06. UNAUTHORIZED USE OF HYDRANTS - tampering with any fire hydrant for the unauthorized use of water from, or for any purpose, is a misdemeanor, punishable by law.

Rule 14.07. CREDIT - the applicant shall pay the estimated cost of service in advance.

Rule 14.08. SHORT TERM PROCESSING FEE - a property owner or his agent may set up a short-term water account to purchase up to 500 cubic feet of water for use at an existing meter for up to a two-week period by paying a non-refundable fee of)$20 (twenty dollars). The property owner may extend the time period and/or consumption limit by paying an additional non-refundable processing fee of $20 (twenty dollars)for one additional increment of time and/or consumption. The District will bill the customer for all water consumption over the 500 cubic foot consumption limit in any two-week period at the then current water rates.

Rule 14.09. BULK WATER SALES - the Manager may sell water to water transporters who have first secured a permit pursuant to Rule 14.05 for subsequent individual bulk sales in a specified transport vehicle. The Manager shall charge the water transporter by truckload for the rated volume capacity of the transport vehicle based on the following schedule. Each truckload will be charged a processing fee per load of water. The processing fee will be set at 1/10 (one-tenth) of an hour at the loaded Operations average hourly payroll rate. (See current MCSD fee schedule in Appendix A.) Truckloads to be used inside the District boundaries will pay for the cost of water at current rates based on the capacity of the water transport vehicle. Truckloads to be used outside of District boundaries will pay for the cost of water at one and one-half (1.5) times the cost of water at current rates.

Rule 14.10. EMERGENCY MUNICIPAL BULK WATER SALES - where a public agency has declared a water supply emergency and requests that the District sell bulk water for a period less than one month, staff shall set a temporary meter at a location convenient to that agency at the then prevailing cost and bill that agency at a volume rate equal to one-half (50%) of the rate for the lowest cost block in the District's then current rate schedule.

REGULATION 15 – GENERAL PROVISIONS

Rule 15.01. POOLS AND TANKS - when an abnormally large quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the District prior to taking such water. Permission to take water in unusual quantities will be given only if it can be safely delivered through the District's facilities and if other consumers are not inconvenienced thereby.

Rule 15.02. RESPONSIBILITY FOR EQUIPMENT - the customer shall, at his own risk and expense, furnish, install and keep in good and safe condition all equipment that may be required for receiving, controlling, applying and utilizing water, and the District shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence or wrongful act of the customer or of any of his tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, operating or interfering with such equipment.

Rule 15.03. SERVICE OUTSIDE DISTRICT - where possible, potential customers outside the District shall annex before service is allowed if their property is contiguous to the District boundary or if the board considers it to be in the best interest of the District. In addition to all other costs for providing service, the applicant shall be charged for the annexation proceedings. Where in the opinion of the Board, annexation is not feasible or desirable, immediately, upon application, the board may elect to provide service outside of the District. The terms and conditions of service shall be the same as in District except charges for water shall be 150% of the rates specified in Article 17 of this Ordinance. In addition, the applicant, his heirs or assigns must agree not to protest annexation if initiated at a later time.

Rule 15.04. WATER CONSERVATION - starting in Fiscal Year 1995-96 and in every year thereafter, the District shall fund and implement a water conservation program intended to reduce total water consumption, peak rate water consumption, and total sewer hydraulic flow. The program shall include:

(a) Contact with Humboldt County Building Department to inform the Department of State Law requiring enforcement of water conserving fixture units including the requirement for Ultra low Flush toilets in all new construction.
(b) Quarterly transmittal of conservation inserts and notices that free leakage detection tablets, toilet tank displacement bags and low water use landscape guides will be available at the District office in the Districts Newsletter.
(c) Annual funding for water distribution system audit, leak detection and leak repair.
(d) Metering of all water connections in the water system.
(e) Coordination with Humboldt County to develop water efficient landscaping standards for new construction.
(f) Promoting water conservation and explaining water conservation practices in every edition of the District's quarterly newsletter.

(g) Reviewing and commenting to Humboldt County on all pre-site forms for new commercial and industrial development applications to encourage Humboldt County to require efficient water use as a condition of the County building permit.
(h) Moving closer to a uniform commodity rate schedule as water rates are adjusted and ultimately adopting a uniform commodity rate structure.
(i) Cooperating with Humboldt County to develop and implement guides to promote water efficient landscaping practices for new construction.
(j) Designating the Manager as the District Water Conservation Coordinator.
(k) Granting water charge credits to customers that fix leaks, pursuant to the adopted policy.

REGULATION 16 – RATES

Rule 16.01. RATE SCHEDULE - the monthly charge for water service to a customer shall be calculated by adding the following components: (a) a fixed monthly charge based on the size of the customer's water meter, (b) a consumption charge based on the amount of water consumed by the customer and(c) a "pass-through" charge based on the amount of water consumed by the customer.

(a) The fixed monthly charge shall be calculated as follows, effective January 1of the years shown:

Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Monthly Base Charge:					
5/8 Inch	$ 16.47	$ 17.62	$ 18.68	$ 19.80	$ 20.39
3/4 Inch	$ 22.23	$ 24.49	$ 26.71	$ 29.11	$ 30.59
1.0 Inch	$ 33.60	$ 38.06	$ 42.59	$ 47.52	$ 50.98
1.5 Inch	$ 62.09	$ 71.89	$ 82.01	$ 93.06	$ 101.95
2.0 Inch	$ 96.35	$ 112.59	$ 129.45	$ 147.91	$ 163.12
3.0 Inch	$ 179.52	$ 214.61	$ 251.43	$ 291.85	$ 326.24
4.0 Inch	$ 290.53	$ 343.59	$ 399.00	$ 459.76	$ 509.75
6.0 Inch	$ 575.46	$ 682.07	$ 793.53	$ 915.75	$ 1,019.50
8.0 Inch	$ 917.71	$ 1,088.92	$ 1,268.00	$ 1,464.41	$ 1,631.20

(b) The consumption charge shall be calculated as follows, effective on January 1of the dates shown, with the first eight hcf (hundred cubic feet) or portion of an hcf consumed charged at the tier one rate and each hcf (or portion) in excess of eight hcf charged at the tier two rate:

Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Volumetric Per 100 CF:					
Block 1 - 0 to 8 CCF	$ 1.57	$ 1.68	$ 1.78	$ 1.89	$ 1.95
Block 2 - All Over 8 CCF	$ 3.93	$ 4.20	$ 4.45	$ 4.73	$ 4.88

(c) The pass-through charge shall be the wholesale rate charged by Humboldt Bay Municipal Water District to the District, expressed on a per Hundred Cubic Feet basis. Effective January 1, 2019, the pass through charge shall be $1.59 per hcf. The pass-through charge shall automatically adjust each time a change in the wholesale cost becomes effective; however, (i) no further adjustments to the pass-through shall occur after January 1, 2023 unless the district conducts additional proceedings pursuant to Article XIII D, Section 6 of the Constitution and (ii) no adjustment to the pass through shall take effect until notice of such adjustment has been given pursuant to Government Code Section 53756(d).

(d) Customers residing in a zone of special benefit will pay the fee specified in the then current resolution for their zone in addition to the charges specified above.

(e) Service charge revenues shall be used to fund costs of providing water service and for no other purpose.

ARTICLE III - PUBLIC SEWER

REGULATION 17 – GENERAL PROVISIONS – SEWER

Rule 17.01. PURPOSE AND POLICY - this wastewater Discharge Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system and enables the District to comply with the administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and the applicable effluent limitations, national standards of performance, toxic and pre-treatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law, and to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into the Authority and District systems. This Ordinance provides a means of determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. Revenues derived from the application of this Ordinance shall be used to defray the costs of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation.

Rule 17.02. VIOLATION UNLAWFUL - it shall be unlawful for any person whose building is required to be connected to a public sewer under this Ordinance to connect to, construct, install or provide, maintain and use any other means of sewage disposal from said building except by connection to a public sewer in the manner as in this Ordinance provided.

Rule 17.03. RELIEF ON APPLICATION - when any person, by reason of special circumstances, is of the opinion that any provision of this Ordinance is unjust or inequitable as applied to their premises, they may make written application to the Board of Directors, stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to their premises.

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

Rule 17.04. RELIEF ON OWN MOTION - the Board may, on its own motion, find that by reason of special circumstances any provision of this regulation and Ordinance should be suspended or modified as applied to a particular premise and may, by resolution, order such suspension or modification for such premises during the period of such special circumstance, or any part thereof.

Rule 17.05. DISTRICT INSPECTOR - the Manager may personally perform or employ some fit and qualified person or persons to perform the duties of inspecting the installation, connection, maintenance and use of all side sewers, public sewers, and facilities in connection therewith in the District, to be known as the District Inspector.

Rule 17.06. SEWER PERMITS AND FEES - no public sewer, side sewer, building sewer or other sewerage facility shall be installed, altered or repaired within the District until a permit for the work has been obtained and all fees paid in accordance with the requirements of this Ordinance, and any other ordinance adopted by the Board of Directors.

REGULATION 18 – USE OF PUBLIC SEWERS REQUIRED

Rule 18.01. TREATMENT OF WASTEWATERS REQUIRED - it shall be unlawful to discharge to any stream or watercourse any domestic or industrial wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Rule 18.02. UNLAWFUL DISPOSAL - except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, seepage pit or other facility intended or used for the disposal of wastewater.

Rule 18.03. SEWER REQUIRED - the owner of any proposed building to be situated within the District and abutting on any street in which there is now located or may in the future be located a public sewer of the District, is hereby required to connect, at their expense, said building directly with the proper public sewer in accordance with the provisions of this Ordinance provided that said public sewer is within three hundred (300) feet of the nearest point of the property line and the building is within one thousand (1,000) feet of the public sewer.

The owner of any existing building, provided with a lateral connection resulting from the Special Assessment proceedings or otherwise, shall connect to the public sewer within ninety (90) days after date of official notice to do so.

Rule 18.04. PRIVATE WASTEWATER DISPOSAL SYSTEMS - where a public sewer is not available under the provisions of Section 18.03, or as determined by the Board of Directors, the building sewer shall be connected to a private wastewater disposal system complying with public health Ordinances of the County of Humboldt and applicable regulations of the California Regional Water Quality Control Board, North Coast Region.

(a) **DETERMINATION.** Where in the opinion of the Board, public sewer service is not available in accordance with this Ordinance, due to lack of treatment facilities capacity available to the District, approval may be given for the interim use of private Wastewater disposal systems.

(b) **APPLICATION.** When regular application is made for sewer service, and it is determined that treatment capacity is not available to provide service to the property, the owner must enter into an agreement with the District to provide for the following:

i. Apply for and secure a private wastewater disposal permit from the Humboldt-Del Norte County Health Department, and/or California Regional Water Quality Control Board.

ii. Pay all applicable costs for the installation of a sanitary sewer connection.

iii. Construct the building sewer within three (3) feet of the final connection point of the building.
iv. Agree to abandon the private wastewater disposal system and make a final connection to the sanitary sewer within ninety (90) days of notice from the District that public sewer is available.

Rule 18.05. OCCUPANCY PROHIBITED. No building, industrial facility or other structure shall be occupied until the owner of the premises has complied with all rules and regulations of the District.

Rule 18.06. ABANDONED SEWAGE DISPOSAL SYSTEMS. Where a sewage disposal system is abandoned consequent to connecting with the public sewer, the applicant making the connection shall fill the abandoned septic tank as required by the County Health Officer within thirty (30) days from the time of connecting to the public sewer. Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five (5) feet of the property line.

REGULATION 19 - PERMITS AND FEES

Rule 19.01. PERMIT REQUIRED - no unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any community sewer or appurtenances or perform any work on any lateral or building sewer without first obtaining a written permit from the District and paying to the District the applicable permit fee.

Rule 19.02. APPLICATION FOR PERMIT - there shall be five (5) classes of permits:
(a) Single Family Residence.
(b) Multiple Dwellings.
(c) Commercial, Industrial, School, Public and Other User Permit.
(d) Public Sewer Construction Permit.
(e) Sewer Alteration Permit and Trailer Court.

Any person legally entitled to apply for and receive a permit shall make such application on forms provided by the District for that purpose. They shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The Manager may require plans, specifications or drawings and such other information as may be deemed necessary.

If the Manager determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with the ordinances, rules and regulations of the District, a permit shall be issued upon payment of the required fees. The issuance of wastewater discharge permits to establishments producing industrial wastes shall be governed by the provisions of Regulation 26 of this Ordinance.

Rule 19.03. SEWER PERMITS - there shall be five (5) classes of permits requiring various fees, as follows:
(a) Single Family Residence: $30.00

(b) Multiple Dwellings: $30.00 plus $2.00 per living unit up to 50 units (all over 50 units at $1.00 per unit).
(c) The fees charged for (a) and (b) above allows for one on-site inspection. Any follow-up inspections required will be charged to the applicant at cost.
(d) Commercial, Industrial, School, Public and Other User Permit: $30.00 plus $.25 per ft. over 100 feet of building sewer length.
(e) Public Sewer Construction Permit: $30.00 plus an amount equal to 5% of the estimated Construction Cost shall be deposited prior to Commencement of Construction. Actual cost will be charged when the project is approved by the District.
(f) Sewer Alteration Permit and Trailer Court. $30.00 - ONE CALL ONLY

Rule 19.04. PLAN CHECK FEES - a plan check fee in the amount of 2% of the estimated construction cost for main extensions and engineering review of subdivisions will be charged when an application for service is filed with the District. Actual Cost will be charged when the application is approved by the Board of Directors.

Rule 19.05. COMPLIANCE WITH PERMIT - after approval of the application, evidenced by the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued except with written permission from the District, the Manager or other authorized representatives.

Rule 19.06. AGREEMENT - the applicant's signature on an application for any permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this and other ordinances, rules and regulations of the District, and with the plans and specifications filed with their application, if any, together with such corrections or modifications as may be made or permitted by the District, if any. Such agreement shall be binding upon the applicant and may be altered only by the District upon the written request for the alteration from the applicant.

Rule 19.07. ALL WORK TO BE INSPECTED - all sewer construction work shall be inspected by an inspector acting for the District to insure compliance with all requirements of the District. No sewer shall be covered at any point until it has been inspected and passed for acceptance. No sewer shall be connected to the District's community sewer until the work covered by the permit has been completed, inspected and approved by the Inspector. If the test proves satisfactory, the Inspector shall issue a certificate of satisfactory completion.

Rule 19.08. NOTIFICATION - it shall be the duty of the person doing the work authorized by permit to notify the Manager of the District in writing that said work is ready for inspection. Such notification shall be given not less than twenty-four (24) hours before the work is to be inspected. It shall be the duty of the person doing the work to make sure that the work will stand the tests required by the District before giving the above notification.

Rule 19.09. CONDEMNED WORK - when any work has been inspected and the work condemned and no certification of satisfactory completion given, the owner of the premises,

or the agent of such owner, shall repair the sewer or other work authorized by the permit in accordance with the ordinances, rules and regulations of the District.

Rule 19.10. ALL COSTS PAID BY OWNER - all costs and expenses incident to the installation and connection of any sewer or other work for which a permit has been issued shall be borne by the owner. Such costs shall include the costs expended by the District for the installation of lateral sewers. These costs are in addition to any other connection permit fee required by this or any other ordinance of the District that provides for connection fees, rates and charges. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the work.

Rule 19.11. STREET EXCAVATION PERMIT - a separate permit must be secured from the State, County or any other person having jurisdiction there over by owners or contractors intending to excavate a public street for the purpose of installing sewers or making sewer connections.

Rule 19.12. LIABILITY - the District and its officer, agents and employees shall not be answerable for any liability or injury or death to any person or damage to any property arising during or growing out of the performance of any work by any such applicant. The applicant shall be answerable for, and shall save the District and its officers, agents and employees harmless from, any liability imposed by law upon the District or its officers, agents, or employees, including all costs, expenses, fees and interest incurred in defending same or in seeking to enforce this provision. Applicant shall be solely liable for any defects in the performance of his work or any failure which may develop therein.

Rule 19.13. TIME LIMIT IN PERMITS. If work under a permit is not commenced within six (6) months from the date of issuance or if after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void and no further work shall be done until a new permit shall have been secured. A new fee shall be paid upon the issuance of said new permit.

REGULATION 20 - EXTENSION CHARGES

Rule 20.01. GENERAL. In general, those requiring service that requires a main extension to or in front of their property shall pay the entire cost of such service, which in some cases may be partially reimbursable if other parties connect, all as allowed by District Ordinance.

Upon application, the Manager will determine the cost of such extension and arrange for such extension, either by District or outside contract services. Upon approval by the Board, and upon advance of funds by the applicant for such work, the District will cause the work to be performed.

The District shall use, as a guide for the cost of such services, the average cost of initial installation for the District system modified by inflation, depth, paving, and ground conditions as determined by the Manager. If the work is to be accomplished by District

forces, or by outside contract, the estimated cost will be placed on deposit prior to the commencement of work. Any actual difference in cost will either be refunded to the applicant or paid in addition by them prior to use of the main extension.

REGULATION 21 - CONNECTION CHARGES

Rule 21.01. GENERAL. It is hereby found and determined that it is necessary to reimburse the District for money advanced and to establish conditions of equality as to properties, either not assessed or by later occurring facts, deemed to have been under-assessed, during special assessment proceedings conducted by the District for the purpose of constructing sewer mains and facilities to serve properties within the assessment district created therefore when such non-assessed properties are permitted to connect to such sewer mains and facilities.

"Non-assessed properties" include, but are not limited to, portions of larger parcels which, at the time of assessment levy, were expected to continue in residential use by a single family but which are thereafter divided or segregated for separate residential use, either alone or in combination with other property, and may include properties which at the time of assessment levy, were owned by a government entity but which thereafter become privately owned. "Non-assessed properties" also include acreage who's later parceling or subdivision results in a larger number of direct connections to the system than was originally anticipated at the time of assessment, or may also be the result of any "more intensive" use than was contemplated by the original assessment levy.

Rule 21.02. CONNECTION CHARGE. The connection charge provided by this Ordinance shall be computed by the Manager based upon "what the share of the cost of said sewer main and facilities of the connecting property would have been had it been assessed in said proceedings, using the same formula as used in the assessment district for determining the assessment." The basis of the original assessment levy is as follows:

(a) General area charge (all land within 600 feet of sewer main) = $180.00 per acre.

(b) Local area charge (all land within 200 feet of a sewer main) = $540.00 per acre,

(c) Unit Charge

i.	Lateral Charge	- 4 inch = $1,200.00
	Lateral Charge	- 6 inch = $1,425.00
ii.	(Local Sewer Availability) Capital Cost/Connection	- 4 inch = $472.00
	(Local Sewer Availability) Capital Cost/Connection	- 6 inch = $692.00

(d) Sewer Capacity Fee – A Sewer Capacity fee shall be collected from each applicant requesting a new water service in addition to any processing fees and/or installation charges. The capacity fee is $7268 per Equivalent Residential Unit (ERU) plus $472 for a total fee of $7,740. Please note, an additional $472 related to joint costs (capital cost per connection) is applied only once, not per ERU. Each July 1st, each rate set forth in this subdivision (d) shall be adjusted by the percentage change in the Construction Cost Index for the San Francisco Bay Area as published in the Engineering News Record between July 2017 and the then most recently published Construction Cost Index.

(e) Development intensity charge - per excess living unit with allowance of one living unit per one-half (1/2) acre of land = $225.00 per unit.

(f) Example of application of above described charges- For a one-half (1/2) acre parcel of normal shape that falls entirely within the local and general area with a single dwelling unit constructed thereon, cost would be:

General area charge - $180.00 x .5 acre =	$90.00
$540.00 x .5 acre =	$270.00
4-inch lateral =	$1,200.00
(Sewer availability) Capital Cost/Connection=	$472.00
Capacity charge =	$7,268.00
Subtotal =	$9,300.00

(g) Buy in capacity charge - For all lands added to the sewer service area the Manager shall collect the additional charges set forth in the respective Resolution amending the sewer service area in addition to the other charges described above.

(h) Connection charges do not include paving over trenches as required by Humboldt County Public Works Department. Paving costs are the responsibility of the developer.

Rule 21.03. ACCESSORY DWELING UNIT/SECONDARY DWELLING UNIT CONNECTION CHARGE.

(d) For the purposes of this Rule, and in conformance with California Government Code Section 65852.2 and Humboldt County Ordinance Title III, Division I, Chapters 3 and 4, an Accessory Dwelling Unit (ADU) shall be defined as follows: For a unit detached from the Primary Dwelling Unit, an ADU is a detached unit with a total floor area of 1,200 square feet or less. For a unit attached to the Primary Dwelling Unit, an ADU is a unit with a total floor area that does not exceed 50 percent of the floor area of the Primary Dwelling Unit. Any detached Secondary Dwelling in excess of 1,200 square feet or attached Secondary Dwelling Unit over 50 percent of the floor area of the Primary Dwelling Unit shall be charged connection fees as detailed in Rule 21.02.

(e) An ADU constructed within an existing primary dwelling unit or existing structure shall not be charged any connection fees or charges per Humboldt County Code Section 69.05.4.1.3 unless the ADU was constructed with the Primary Dwelling or unless the connection is requested by the owner or developer and installed. If the ADU is constructed with a new Primary Dwelling, or the owner or developer requests a connection not otherwise required, the fixture count within the ADU and the Primary Dwelling shall be used to establish the ERU and fees for the structure as detailed in Rule 21.02.

(f) The District may require a newly constructed ADU, not contained within the existing space of the primary residence, to install new water and sewer connections. If new connections are required and installed or are requested by the owner or developer and installed, the connection charges shall correspond to those established in Rule 21.02. If a new, separate ADU is constructed and utilizes the existing water and sewer connection of the primary residence as approved by the District, no new connection fees or charges will be required by the District.

Rule 21.04. DEVELOPMENT CREDIT - for subdivisions or main extensions wherein the owner constructs all of the local sewers at their own cost for connection to the District's system, a credit for such construction cost to be subtracted from the general connection charge may be made for all except the following:
(a) The Capital Cost per Connection charge of $472.00 per unit.
(b) The intense land development charge of $225.00 per excess unit.
(c) The capacity charges.

REGULATION 22 - BUILDING SEWERS, LATERAL SEWERS AND CONNECTIONS

Rule 22.01. PERMIT REQUIRED - in accordance with Regulation 21 of this Ordinance, no person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the District and paying all fees and connection charges as required therein.

Rule 22.02. DESIGN AND CONSTRUCTION REQUIREMENTS - design and construction of building sewers and lateral sewers shall be in accordance with the rules, regulations and ordinances of the District.

Rule 22.03. MINIMUM SIZE AND SLOPE - the size and slope of the building sewer shall be subject to the approval of the Manager, but in no event shall the diameter be less than three (3) inches. The slope of such 3-inch pipe shall not be less than one-fourth (1/4) inch per foot, except where the grade may require a slope of 1/8-inch per foot, which may be installed only with District approval.

Rule 22.04. BUILDING DRAIN - whenever possible, the building sewer shall be brought to the building at an elevation below the lowest floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe fittings, with clean-outs at each 45-degree bend or more, and in general conformance with the "Uniform Plumbing Code."

Rule 22.05. SEPARATE SEWERS - no two adjacent buildings fronting on the same street (or corner) shall be permitted to join in the use of the same side sewer. Every building or industrial facility must be separately connected with a community sewer if such community sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots. Upon the subsequent subdivision and sale of a portion of said lot, the portion not directly connected with such community sewer shall be separately so connected with a community sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection.

Rule 22.06. OLD BUILDING SEWERS - old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Manager, to meet all requirements of the District.

Rule 22.07. CLEANOUTS - cleanouts in building sewers shall be provided in accordance with all applicable rules, regulations and ordinances. All cleanouts shall be maintained watertight. Cleanouts shall comply with the Uniform Plumbing Code.

Rule 22.08. SEWER TOO LOW - in all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the community sewer, sanitary wastewater carried by such building sewer shall be lifted by artificial means, approved by the Manager, and discharged to the community sewer at the expense of the owner. In all buildings in which the floor level is below the elevation of the nearest manhole located upstream from the point at which the lateral sewer intersects the main, a backflow prevention device shall be installed in the building sewer at the expense of the owner.

Rule 22.09. JOINTS AND CONNECTIONS - all excavations required for the installation of a side sewer shall be open trench work unless otherwise approved by the Manager. Pipe laying and backfill shall be performed in accordance with the rules, regulations and ordinances of the District, except that no backfill shall be placed until the work has been inspected.

Rule 22.10. CONNECTION TO PUBLIC SEWER - the connection of the building sewer into the community sewer shall be made in strict accordance with standard District specifications and at the applicant's expense. The invert of the building sewer at the point of connection shall be at a higher elevation than the invert of the community sewer. A smooth neat joint shall be made and the connection made secure and watertight. The connection to the community sewer shall be made in accordance with the rules, regulations and ordinances of the District. Any work on community sewers and any work on lateral sewers done within a public right of way shall be performed by a duly licensed plumber or contractor under the inspection of the District. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District.

Rule 22.11. PROTECTION OF EXCAVATION - all excavations for side sewer installation shall be adequately guarded by the applicant with barricades or lights so as to protect the public from hazard. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be restored in a manner satisfactory to the District or any other person having jurisdiction there over.

Rule 22.12. MAINTENANCE OF BUILDING SEWER - building sewers shall be maintained by the owner of the property served thereby. In the event of stoppage, the owner shall be responsible for rodding the entire side sewer. The District will perform all other lateral maintenance.

Rule 22.13. TESTING - all building sewers and lateral sewers shall be tested in strict accordance with rules, regulations and ordinances of the District.

REGULATION 23 - COMMUNITY SEWER CONSTRUCTION

Rule 23.01. PERMIT REQUIRED - any person legally entitled to apply for a permit shall make such application on forms provided by the District for that purpose. The application shall be reviewed by the Manager who shall determine if it is complete. Where the Manager deems the application to be complete, the Manager shall set consideration of the application on the agenda of an upcoming Board meeting. Where the Manager deems the application to be incomplete, the applicant shall submit the additional information itemized by the Manager until the Manager deems the application to be complete. Where the County of Humboldt has required the applicant to offer the dedication of property to MCSD as a condition of land use approval, the Manager shall not deem the main extension application to be complete unless the applicant has satisfied the assessment district formation application requirements of Rule 72.01 and Rule 72.02 of Regulation 72 of the District's Rules and Regulations. In accordance with Article IV of this Ordinance, no person shall construct, extend or connect to any community sewer without first obtaining a written permit from the District and paying all fees and furnishing bonds as required therein. The provisions of this Section requiring permits shall not be construed to apply to contractors constructing sewers and appurtenances under contracts awarded and entered into by the District.

Rule 23.02. PLANS, PROFILES and SPECIFICATIONS - the application for a permit for community sewer construction shall be accompanied by complete plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of District prepared by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the Manager who shall approve them as filed or require them to be modified as he deems necessary for proper installation. After examination by the Manager, a permit shall be issued predicated upon the payment of all fees and furnishing bonds as required by the District. The permit shall prescribe such terms and conditions as the Manager finds necessary in the public interest.

Rule 23.03. SUBDIVISIONS - the requirements of Rule 23.01 and 23.02 of this Ordinance shall be fully complied with before any final subdivision map shall be approved by the County or District. The final subdivision map shall provide for dedication for public trail use of easements and right of ways in which community sewer lines are to be constructed where such use does not significantly threaten a sensitive natural resource and where the access is designated in a public agency adopted access/trail plan. If a final subdivision map of a tract is recorded and the work on constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the Manager may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the sub-divider.

Rule 23.04. EASEMENTS OR RIGHTS OF WAY - in the event that an easement is required for the extension of the community sewer or the making of connections, the applicant shall procure and have accepted by the Manager proper easement or grant of right of way sufficient in width to allow the laying and maintenance of such extension or connection, normally 20 feet minimum.

Rule 23.05. PERSONS AUTHORIZED TO PERFORM WORK - only properly licensed contractors shall be authorized to perform the work of community sewer construction within the District. All terms and conditions of the permit issued by the County and District to the applicant shall be binding on the contractor. The requirements of this Section shall apply to side sewers installed concurrently with community sewer construction.

Rule 23.06. GRADE STAKES - grade and line stakes shall be set by a Registered Civil Engineer or Licensed Land Surveyor prior to the start of work on any community sewer construction. The contractor shall be responsible for accurately transferring grades to sewer invert.

Rule 23.07. COMPLIANCE WITH LOCAL REGULATIONS -any person constructing a sewer within a street shall comply with all state and county laws, ordinances, rules and regulations pertaining to the cutting of pavement, opening, barricading, safety, lighting and protecting trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit by the District.

Rule 23.08. PROTECTION OF EXCAVATION - the applicant shall maintain such barriers, lights and signs as are necessary to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof. The applicant shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction of the sewer. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the County and District and any other person having jurisdiction there over.

Rule 23.09. DESIGN AND CONSTRUCTION STANDARDS - minimum standards for the design and construction of sewers within the District shall be in accordance with the applicable provisions of the ordinances, rules, and regulations heretofore or hereinafter adopted by the District, copies of which are on file in the office of the Manager. The District may permit modifications or may require higher standards where unusual conditions are encountered.

"As-built" drawings showing the actual location of all mains, structures, Y's, T's, laterals and cleanouts shall be filed with the District before final acceptance of the work.

Rule 23.10. MAIN EXTENSION - the District will provide for all main extensions upon application for service. The applicant shall pay for the cost of the main to and across

their frontage. Special provisions may be required for a corner lot or other irregular shaped lots and shall be determined by the Manager.

Normally the main shall be extended the same size as terminated or as a minimum eight (8) inch unless a waiver for short dead-end lines is allowed by the Manager, in which case a six (6) inch will be the minimum size required.

In the event the applicant is required to pay for the construction of a main extension across others property frontage where the property is already served by the District, the District may share in the cost of construction for that portion of the main extension, provided it is not a part of the applicant's frontage. The District will share in the cost of construction only where it is the Manager's opinion the applicant cannot reasonably expect a refund as provided in Rule 23 of this Ordinance.

The maximum District contribution toward construction costs will be fifty percent (50%) of the total construction cost, or One Thousand Two Hundred and Fifty Dollars ($1,250.00), whichever is less.

The District will determine the fair and reasonable value for construction of said facilities.

The District will pay its share of construction costs when all facilities are completed in accordance with the District Standard Specifications and acceptance by the District.

The District will not be a party of any agreement, either verbal or written, by or between the applicant and their contractor.

The provisions of this section do not apply to Rule 6.03 of this Ordinance.

Rule 23.10.1. - when a person applies to connect their property to a main extension previously paid for by another person as set forth above, such applicant shall pay to the District, in addition to all other charges, one-half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of original connection of such extension to the District's system, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the extension originally.

Rule 23.10.2. - when a person applies for an additional or enlarged lateral to property that fronts on a main extension paid for by another owner subsequent to the date the applicant's property was originally connected to the system, such applicant shall pay the District one-half of the actual original cost of such main extension across his street frontage. When such additional or enlarged service is connected within ten years of the date of original connection, the District shall, upon receipt of payment from such applicant, pay the amount so collected to the person who paid for the main extension originally.

Rule 23.11. COMPLETION OF SEWER REQUIRED - before acceptance of any sewer line by the District and prior to the admission of any wastewater into the system, the sewer line shall be tested and shall be complete in full compliance with all requirements of the accepted specifications and to the satisfaction of the Manager. Where the Applicant has applied to form an Open Space Maintenance Zone pursuant to Regulation 72 of the District's Rules and Regulations for the project, the District shall not consider acceptance of the facilities until the title to the donated property has been transferred and all conditions of the open space maintenance plan approval have been satisfied.

Rule 23.12. ZONES OF SPECIAL BENEFIT - the Board may, by resolution form zones of special benefit where service to a specific geographic area will entail extraordinary operating or maintenance costs that benefit only those properties in that specific geographic area. The resolution establishing each such zone shall describe the extraordinary operating and maintenance requirements, establish the initial annual zone-wide extraordinary operating and maintenance costs, determine the formula for division of annual costs among the properties within the zone, establish a monthly fee for each such property and direct staff to collect fees on the consolidated utility bill. The Board may amend the requirements, costs, formula and monthly fee by subsequent resolution to reflect any changes in the zone or the costs of providing extraordinary services to the zone. Where the Board has added new territory into the Sewer Service area, all lands within each such area shall constitute a zone of special benefit and all such lands shall pay the charges and fees set forth in the resolution adopted by the Board for those lands. Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate sewer service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 23.13. SEWER SERVICE AREA - the Board, by resolution, may establish the boundaries of the sewer service area. The initial resolution shall include all properties that are currently in the Sewer Collection System Assessment District administered by Humboldt County on behalf of the District.

Rule 23.14. EXPANSION OF SEWER SERVICE AREA - the Board, by resolution, may expand the boundaries of the sewer service area where the Board finds that the inclusion area is contiguous to the existing sewer service area; that the inclusion will not result in islands of un-served property; that the applicant has paid all collection system, treatment system and disposal system buy in capacity charges and that the inclusion area is inside the District. Said resolution shall also establish one or more zones of special benefit. Where the area proposed for inclusion requires formation of one or more assessment districts to fund construction of sewer improvements, such assessment districts shall be formed prior to amendment of the sewer service area. The collection, treatment and disposal system buy in capacity charges shall be calculated by computing the existing sewer flow from the property and multiplying that flow times the then current annual buy in charge as set forth in a resolution to be adopted by the Board.

Rule 23.15. APPLICATION TO INCLUDE LANDS INTO SEWER SERVICE AREA -any land owner may apply to the District to include properties in Sewer Service Area by submitting the completed form provided by the District along with a processing fee of $100.00. Said application shall include a map of the area proposed for inclusion, a legal description of the area proposed for inclusion and a report prepared by a professional engineer projecting the sewer flows resulting from full buildout of the inclusion area, and describing the collection system needed to serve inclusion area full buildout sewer flows.

Rule 23.16. PROCESS FOR CONSIDERATION OF APPLICATION TO INCLUDE LANDS IN SEWER SERVICE AREA - when the Manager receives a complete application, the

Manager shall set an agenda item on a subsequent Board agenda for Board consideration of the application. The manager shall submit said application and the Engineer's report along with a staff report projecting the buy in capacity charge for the proposed area. The Board shall review the application, the engineer's report and the Manager's report to determine if an assessment district is required to fund the works required to serve the full buildout of the inclusion area.

If no assessment district is required, the Board may consider adoption of a resolution amending the sewer service area or deny the application. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy in capacity charge as a condition of adding the inclusion area into the sewer service area. If an assessment district is required, the Board may opt to initiate such an assessment district or deny the application. Should the Board agree to initiate such an assessment district, the Board may require the applicant to pay all legal, engineering, environmental and funding costs associated with the formation of said assessment district.

The Board may consider adoption of a resolution amending the sewer service area only after such an assessment district has been formed. Each such resolution shall establish a Zone of Special Benefit and require the payment of the adopted buy-in capacity charge as a condition of adding the inclusion area into the sewer service area.

Rule 23.17. ADVANCE COSTS AND REFUNDS - when a person applies to connect their property to a main extension previously paid for by others, such applicant shall pay to the District, in addition to all other charges, one half of the actual original cost of the main extension across their street frontage, presuming they own property on one side of the street only. When such connection is made within ten years of the date of the original connection of such extension to the District's system, the District shall, upon receipt of payment from applicant, pay the amount so collected to the person who paid for the extension originally.

REGULATION 24 - USE OF THE PUBLIC SEWERS

Rule 24.01. PROHIBITIONS ON DISCHARGES - no User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. This general prohibition applies to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater containing:

(a) pollutants which cause a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
(b) solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference or injury to the treatment works;
(c) pollutants which cause a danger to life or safety of personnel;
(d) pollutants which cause a strong offensive odor or prevention of the effective maintenance or operation of the treatment works;

(e) pollutants which cause air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
(f) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
(g) pollutants which cause a the District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation or treatment process;
(h) pollutants which cause a detrimental environmental impact or a nuisance in the Waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;
(i) 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 MCDS's NPDES permit;
(j) pollutants which cause conditions at or near the District's POTW which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body;
(k) pollutants which cause the District's POTW to be overloaded or cause excessive collection or treatment costs, or may use a disproportionate share of the facilities;
(l) pollutants which cause a pass through of any pollutant;
(m) wastewater having a pH less than 6.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment;
(n) wastewater having a temperature greater than 140 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
(o) more than 100 mg/l of oil or grease of animal or vegetable origin;
(p) more than 25 mg/L Total Petroleum Hydrocarbons (TPH) as diesel, motor oil, hydraulic oil or gasoline;
(q) petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
(r) identifiable chlorinated hydrocarbons;
(s) trucked or hauled pollutants, except at discharge points designated by the General Manager in accordance with Rule 24.15 of this ordinance;
(t) substances which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261;
(u) medical Wastes, except as specifically authorized by the General Manager in an individual wastewater discharge permit, or a general permit.
(v) any detectable concentration of 4, 4-DDT.

Rule 24.02. PROHIBITIONS ON STORM DRAINAGE AND GROUND WATER - storm water, ground water, rain water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer.

Rule 24.03. PROHIBITIONS ON UNPOLLUTED WATER - unpolluted water, including, but not limited to cooling water, process water or blow-down from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to a community sewer.

Rule 24.04. LIMITATIONS ON RADIOACTIVE WASTES - no person shall discharge or cause to be discharged, any radioactive waste into a community sewer except;

(a) when the person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials, and

(b) when the waste is discharged in strict conformity with current California Radiation Control Regulations (California Administrative Code, Title 17) and the Nuclear Regulatory Commission regulations and recommendations for safe disposal, and

(c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

Rule 24.05. LIMITATIONS ON THE USE OF GARBAGE GRINDERS - waste from garbage grinders shall not be discharged by any nondomestic users into the community sewer.

Rule 24.06. LIMITATIONS ON POINT OF DISCHARGE - no person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer, unless he has been issued a permit by the District. If a permit is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District.

Rule 24.07. HOLDING TANK WASTE - no person shall discharge any holding tank waste into a community sewer unless he has been issued a permit by the District. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the District. An exception to the above is that no permit will be required for discharge of domestic wastes from recreational vehicles holding tanks provided that such discharges are made into a District approved facility designed to receive such wastes.

Rule 24.08. NATIONAL CATEGORICAL PRETREATMENT STANDARDS - users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

(a) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the General Manager may impose an alternate limit in accordance with 40 CFR 403.6(e).

(b) A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]

i. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the MCSD. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraphs a) through d) of this Section are met.

a) Criteria

1) Either 1- The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or 2- The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The MCSD may waive this requirement if it finds that no environmental degradation will result.

Rule 24.09. LIMITATIONS ON WASTEWATER STRENGTH (LOCAL LIMITS).

Rule 24.09.01. - the General Manager is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following concentrations:

POLLUTANT	DAILY MAXIMUM LIMIT (mg/L)
Copper	0.1300
Lead	0.0055
Molybdenum	0.0047
Nickel	0.0052

Zinc	0.135
bis(2-ethylhexyl) phthalate	0.0235
Oil and Grease (petroleum and vegetable)	100
BOD	354

(a) The above limits apply at the point where the wastewater is discharged to the POTW and apply to instantaneous maximum concentrations. All concentrations for metallic substances are for total metal unless indicated otherwise. The General Manager may impose mass limitations in addition to the concentration-based limitations above.

(b) **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the General Manager or other parties approved by EPA.

(c) **BMPs.** The General Manager may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, or general permits, to implement Local Limits and the requirements of Rule 24.

(d) **Right of Revision.** The MCSD reserves the right to establish, by ordinance or in individual wastewater discharge permits or in general permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

(e) **Dilution.** No 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 unless expressly authorized by an applicable Pretreatment Standard or Requirement. The General Manager may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

Rule 24.09.02 - the General Manager shall cause to be prepared from time to time a list of the maximum permissible quantities or concentrations of certain constituents in industrial or wastewater flows and otherwise issue detailed directions for meeting the requirements of this section.

Limitations on wastewater strength in Rule 24 of this Ordinance may be supplemented with more stringent limitations provided:

(a) If the District determines that the limitations in Rule 24 may not be sufficient to protect the operation of the District's treatment works, or

(b) If the Authority determines that the limitations in Rule 24 may not be sufficient to enable the District's POTW to comply with water quality standards or effluent limitations specified in the District's National Pollutant Discharge Elimination System (NPDES) permit.

Rule 24.10. DISPOSAL OF UNACCEPTABLE WASTE - waste not permitted to be discharged into the community sewer must be transported to a State approved disposal site. The required "Waste Haulers Report" must be completed and a copy furnished within 30 days to the District by the discharger.

Rule 24.11. INTERCEPTORS REQUIRED - grease, oil and sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for the proper handling of liquid wastes, containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for buildings used for residential purposes. All interceptors shall be of a type and capacity approved by the Manager and shall be so located as to be readily and easily accessible for cleaning and inspection. All such grease, oil and sand interceptors shall be maintained by the Owner, at their expense, in continuous efficient operation at all times.

Rule 24.11.01. GREASE INTERCEPTORS/TRAPS - establishments serving food, manufacturing food products, Slaughter Houses, Packing Establishments, Car Washes, Auto Wash Racks, etc. are grouped into the following major categories:

(a) **INDUSTRIAL**-commercial facilities as defined in sections 709 and 710 of the Uniform Plumbing Code, and those facilities designated by the General Manager.
(b) **HIGH VOLUME**-full menu types establishments operating over 16 hours per day and/or serving 500 or more meals per day.
(c) **MEDIUM VOLUME**-full menu or specialty menu type establishments serving full meals 8 to 16 hours per day, and/or 100 to 400 meals per day.
(d) **SMALL VOLUME**-fast foot, take out or specialty type food establishments with limited menus, a minimum of dish washing, and/or minimal seating capacity.

Rule 24.11.02. GREASE INTERCEPTORS - industrial facilities, High Volume and Medium Volume food establishments as defined in Section 709 are required to install a grease interceptor. The size, type and location of each grease interceptor shall be approved by the General Manager or his designated representative. Waste in excess of 140°F (60°C) shall not be discharged into a grease interceptor. Grease interceptors shall have a minimum 750-gallon capacity.

Any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels, markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system shall have a grease interceptor.

Interceptors shall be constructed and installed at the expense of the owner, in accordance with the design previously approved by the General Manager.

Each grease interceptor shall be so installed and connected that it shall be at all times easily accessible for inspection, cleaning, and removal of the intercepted grease. A grease

interceptor may not be installed in any part of a building where food is handled. Proper location of the grease interceptor shall meet the Uniform Plumbing Code Requirements and the approval of the General Manager.

Each commercial facility or business establishment for which a grease interceptor is required shall have an interceptor which shall serve only that business establishment.

Buildings remodeled for use requiring interceptors shall be subject to these regulations.

For the purpose of this section the term 'fixture' shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease interceptor by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the interceptor when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

The interceptors shall be maintained in efficient operating condition by periodic removal and proper disposal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.

Abandoned grease interceptors shall be emptied and filled in the same manner as required for abandoned septic tanks as described in Section 1119 of the Uniform Plumbing Code.

The cover for grease interceptors shall be one-half inch (1/2") steel plate reinforced as required by the General Manager, said reinforcing to depend upon the load to be imposed on the plate. Except as otherwise provided, the cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only. Interceptors shall be so designed that they will not become air bound if closed covers are used. Each interceptor shall be properly vented, Sec 708(d) UPC.

Interceptors shall be installed in such a manner that drainage from areas outside the area intended to be served may not enter. Interceptors shall be tested in a manner approved by the District and shall be witnessed by a District Inspector. Grade rings may be used to establish final grade and shall be installed using Ram-Nek and Ram-Nek primer, and inspected by the District.

Rule 24.11.03. GREASE TRAPS - any type of business or establishment such as, but not limited to restaurants, bakeries, donut shops, take-out, drive-in eating establishments, ice cream or milk drive-in stations, hospitals, hotels markets, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public or private sewage main or disposal system which is deemed by the General Manager or his designated representative to be a Small Volume food establishment as described in Section 24.11.01 may choose to install a grease trap in place of a grease interceptor.

The size, type and location of each grease trap shall be approved by the General Manager or his designated representative. Wastes in excess of 140° F (60°C) shall not be discharged into a grease trap.

For the purpose of this section, the term "fixture" shall mean and include each plumbing fixture, appliance, apparatus or other equipment required to be connected to or discharged into a grease trap by any provision of this section.

Waste discharge from fixtures and equipment in the above-mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposal, soup kettles, etc., and floor drains located in areas where such objectionable materials may exist, may be drained into the sanitary waste through the grease trap when approved by the General Manager. Exception: Toilets, urinals, and other fixtures containing fecal material may not flow through the grease trap.

No grease trap shall be installed which has an approval rate of flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except with prior written approval of the General Manager.

Each plumbing fixture or piece of equipment connected to a grease trap shall be provided with an approved type flow control or restricting device installed in a readily accessible and visible location in the tailpiece or drain outlet of each such fixture. Flow control devices shall be so designed that the flow through such device or devices shall at no time be greater than the rated capacity of the grease trap. No flow control device having adjustable or removable parts shall be approved.

Each grease trap required by this section shall have an approved rate of flow, expressed in gallons per minutes, which is not less than forty (40) percent of the total capacity in gallons of fixtures discharging into said trap. The grease retention capacity of the trap, expressed in pounds of grease, shall not be less than two times the approved rate of flow in gallons per minute.

Any grease trap installed with the inlet more than four (4) feet lower in elevation that the outlet of any fixture discharging into such grease trap shall have an approved rate of flow which is not less than fifty (50) percent greater than that given in the preceding paragraph. Not more than four (4) separate fixtures shall be connected to or discharged into any one (1) grease trap.

Each fixture discharging into grease trap shall be individually trapped and vented in an approved manner. An approved type grease trap may be used as a fixture trap for a single fixture when the horizontal distance between the fixture outlet and the grease trap does not exceed four (4) feet and the vertical tailpipe or drain does not exceed two and one-half (2 ½) feet.

No water-jacketed grease trap or grease interceptor shall be approved or installed. No mechanical grease trap shall be allowed.

Each grease trap shall have an approved water seal of not less than two (2) inches in depth or the diameter of its outlet, whichever is greater.

Rule 24.11.04. TIME OF COMPLIANCE - all commercial facilities and food establishments described in Division VII shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

(a) Transfer of any ownership or interest in the commercial facility;

(b) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than $5,000;
(c) The backup or discharge of raw sewage on or from the premises due to grease build up in their service lateral;
(d) Or ninety (90) days after receiving written notice from the General Manager of the necessity for installation of such facilities.

Rule 24.11.05. MONITORING AND REPORTING - all establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the District. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the District annually from the time of installation or some other agreed upon date by the District. At no time shall the unit be allowed to become clogged with grease so as to create damage to the District collection or treatment facilities. The Proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to District personnel upon request.

Rule 24.12. PRELIMINARY TREATMENT OF WASTES - users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Rule 24 of this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to District under the provisions of this ordinance.

Rule 24.13. MAINTENANCE OF PRETREATMENT FACILITIES - users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Rule 24 of this ordinance within the time limitations specified by EPA, the State, or the General Manager, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the General Manager for review, and shall be acceptable to the General Manager before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the MCSD under the provisions of this ordinance.

Rule 24.14. AVAILABILITY OF DISTRICT FACILITIES - if sewerage capacity is not available, the District may require the discharger to restrict their discharge until sufficient

capacity can be made available. When requested, the District will advise persons desiring to locate new facilities as to the areas where wastewater of their proposed quantity and quality can be received by available sewerage facilities. The District may refuse service to persons locating facilities in areas where their proposed quantity or quality of wastewater is unacceptable in the available collection facility.

Rule 24.15. HAULED WASTEWATER -

(a) Septic tank waste may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. Such waste shall not violate Rule 24 of this ordinance or any other requirements established by the MCSD. The General Manager may require septic tank waste haulers to obtain individual wastewater discharge permits or general permits.

(b) The General Manager may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The General Manager also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(c) Industrial waste haulers may discharge loads only at locations designated by the General Manager. No load may be discharged without prior consent of the General Manager. The General Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The General Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Rule 24.16. ADDITIONAL PRETREATMENT MEASURES -

(a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the General Manager, shall comply with the MCSD's Oil and Grease Management ordinance Rule 24.11 and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired in accordance with the MCSD's Oil and Grease Management ordinance Rule 24.11 by the User at their expense.

Rule 24.17. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS - the General Manager may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the General Manager shall evaluate whether each significant industrial user needs such a plan. Any industrial user

required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(a) Description of discharge practices, including non-routine batch discharges;
(b) Description of stored chemicals;
(c) Procedures for immediately notifying the General Manager of any accidental or Slug Discharge, as required by Rule 26.07 of this ordinance; and
(d) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

REGULATION 25 - WASTEWATER VOLUME DETERMINATION

Rule 25.01. METERED WATER SUPPLY - when charges and fees are based upon water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the District, significant portions of water received are not discharged into a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the District.

Rule 25.02. METERED WASTEWATER VOLUME AND METERED DIVERSIONS - when charges and fees are based upon water usage and where, in the opinion of the District, a significant portion of the water received from any metered source does not flow into the community sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the community sewer. Written notification and proof of the diversion of water must be provided by the user, and approved by the District, if the user is to avoid the application of the charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the District and at the user's expense. Such meters shall measure either the amount of wastewater discharged or the amount of water diverted. Such meters shall be maintained at the expense of the user and be tested for accuracy at the expense of the user when deemed necessary by the Manager.

Wastewater meters and vaults shall be approved by the District. They must be accurate, trouble free and allow easy access at any time, by District personnel for inspection, measurement or waste character and strength.

Rule 25.03. ESTIMATED WASTEWATER VOLUME.

Rule 25.03.1. - for users where, in the opinion of the District, it is unnecessary or impractical to install meters the charges and fees may be based upon an estimate of the

volume to be discharged, prepared by the District. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such determinations of water use necessary to estimate the wastewater volume discharged.

Rule 25.03.2. - for users who, in the opinion of the District, divert a significant portion of their flow from a community sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the District provided the user obtains a Wastewater Discharge Permit and pays the applicable charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

REGULATION 26 - REPORT, WASTEWATER DISCHARGE PERMITS, AND ADMINISTRATION

Rule 26.01. DISCHARGE REPORTS - the District may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic Discharge Report. The Discharge Report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rates, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they are not normally discharged. In addition to Discharge Reports, the District may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports and other reports contained in Rule 26.02 through 26.10.

Rule 26.02. BASELINE MONITORING REPORTS -

(a) Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the General Manager a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the General Manager a report which contains the information listed in paragraph (b), below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(b) Users described above shall submit the information set forth below.

i. All information required in Rule 26.11.02(a), Rule 26.11.02 (g), Rule 26.11.02 (k), and Rule 26.11.02 (l).

ii. Measurement of pollutants.

a) The User shall provide the information required in Rule 26.11.02 (m) (i) through (v).
b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
d) Sampling and analysis shall be performed in accordance with Rule 24.09.01 (b) and Rule 26.10.03;
e) The General Manager may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
f) The baseline report shall indicate the time, method, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(c) **Compliance Certification**. A statement, reviewed by the User's Authorized Representative as defined in Section 1 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(d) **Compliance Schedule.** If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Rule 26.03 of this ordinance.

(e) **Signature and Report Certification.** All baseline monitoring reports must be certified in accordance with Rule 26.10.02 (a) of this ordinance and signed by an Authorized Representative as defined in Section 1.

Rule 26.03. COMPLIANCE SCHEDULE PROGRESS REPORTS - the following conditions shall apply to the compliance schedule required by Rule 26.02 (d) of this ordinance:

(a) 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 required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an

engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(b) No increment referred to above shall exceed nine (9) months; and

(c) The User shall submit a progress report to the General Manager no later than fourteen (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, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(d) In no event shall more than nine (9) months elapse between such progress reports to the General Manager.

Rule 26.04. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE - within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the General Manager a report containing the information described in Rule 26.11.02(l) and Rule 26.11.02(m) and Rule 26.02 (b)(ii) of this ordinance. All compliance reports must be signed and certified in accordance with Rule 26.10.02(a) of this ordinance. All sampling will be done in conformance with Rule 26.10.03.

Rule 26.05. PERIODIC COMPLIANCE REPORTS -

(a) Any Significant Industrial User subject to a pretreatment standard must, at a frequency determined by the General Manager, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the General Manager or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with Rule 26.10.02 (a) of this ordinance.

(b) 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.

Rule 26.06. REPORTS OF CHANGED CONDITIONS - each User must notify the General Manager of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least (45) days before the change.

(a) The General Manager may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Rule 26.11.02 of this ordinance.

(b) The General Manager may issue an individual wastewater discharge permit or a general permit under Rule 26.11.09 of this ordinance or modify an existing wastewater discharge permit or a general permit under Rule 26.11.07 of this ordinance in response to changed conditions or anticipated changed conditions.

Rule 26.07. REPORTS OF POTENTIAL PROBLEMS -

(a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the General Manager of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(b) Within five (5) days following such discharge, the User shall, unless waived by the General Manager, submit a detailed written report describing the cause(s) of the discharge 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 might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(d) Significant Industrial Users are required to notify the General Manager immediately of any changes at its facility affecting the potential for a Slug Discharge.

Rule 26.08. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING - if sampling performed by a User indicates a violation, the User must notify the General Manager within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within thirty (30) days after becoming aware of the violation. Re-sampling by the Industrial User is not required if the MCSD performs sampling at the User's facility at least once a month, or if the MCSD performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the MCSD receives the results of this sampling, or if the MCSD has performed the sampling and analysis in lieu of the Industrial User.

Rule 26.09. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE -

(a) Any User who accidentally discharges hazardous waste shall notify the General Manager, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the General Manager of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Discharge of hazardous waste is prohibited under Rule **24.01 (t)** of this ordinance.

Rule 26.10. OTHER REPORTING REQUIREMENTS -

(a) All periodic compliance reports must be signed and certified in accordance with Rule 26.10.02 (**a**) of this ordinance.

(b) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, using the procedures prescribed in Rule 26.10.03 of this ordinance, the results of this monitoring shall be included in the report.

Rule 26.10.01. RECORDKEEPING - users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Rule 24.09.01 (**c**). Records shall include the date, exact place, method, and time of sampling, and the name of the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the MCSD, or where the User has been specifically notified of a longer retention period by the General Manager.

Rule 26.10.02. CERTIFICATION STATEMENTS -

(a) **CERTIFICATION OF PERMIT APPLICATIONS, USER REPORTS** — The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Rule 26.11.03; Users submitting baseline monitoring reports under Rule 26.02 (e) [Note: See 40 CFR 403.12 (l)]; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Rule 26.04 [Note: See 40 CFR 403.12(d)]; and Users submitting periodic compliance reports required by Rule 26.05. The following certification statement must be signed by an Authorized Representative as defined in Section 1:

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

(b) **ANNUAL CERTIFICATION FOR NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USERS**—A facility determined to be a Non-Significant Categorical Industrial User (defined in Rule 1) by the General Manager pursuant Rule 26.11.03 (**c**) [Note: See 40 CFR 403.3(v)(2)] must annually submit the following certification statement signed in accordance with the signatory requirements of authorized or duly authorized

representative (defined in Rule 1) [Note: See 40 CFR 403.120(l)]. This certification must accompany an alternative report required by the General Manager.

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:
>
> 1) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Rule 1.64 (**c**); [Note: See 40 CFR 403.3(v)(2)]
>
> (2) The facility complied with all applicable Pretreatment Standards and during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based on the following information.
>
> _____
>
> _____

Rule 26.10.03. SAMPLE COLLECTION - samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the General Manager. Where time-proportional composite sampling or grab sampling is authorized by the MCSD, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the MCSD, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Rule 26.02 and Rule 26.04 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the General Manager may authorize a lower minimum. For the reports required by Rule

26.05 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Rule 26.11. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMITS

Rule 26.11.01. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REQUIREMENT - no Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the General Manager, except that a Significant Industrial User that has filed a timely application pursuant to Rule 26.11.01(a) of this ordinance may continue to discharge for the time period specified therein.

The General Manager may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.

Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Rule 29 and 30 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

A Zero Discharge Permit may be issued to industrial users generating process wastewaters who would normally be subject to either Rule 26 of this ordinance or subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40CFR Chapter I, Subpart N but are not discharging said wastestream(s) to the system. Zero Discharge Permit holders are subject to all applicable regulations under local, state, or federal laws. Pursuant to Rule 24 of this ordinance, a statement of zero discharge must be submitted to the District annually.

(a) **Individual Wastewater Discharge and General Permitting: Existing Connections**. Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within (45) days after said date, apply to the General Manager for an individual wastewater discharge permit or a general permit in accordance with Rule 26.11.02 of this ordinance, and shall not cause or allow discharges to the POTW to continue after (90) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the General Manager.

(b) **Individual Wastewater Discharge and General Permitting: New Connections.** Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Rule 26.11.02 of this ordinance, must be filed at least (45) days prior to the date upon which any discharge will begin or recommence.

Rule 26.11.02. PERMIT APPLICATION CONTENTS - applicants for an Individual or General Wastewater Discharge Permit shall complete an application, in the form prescribed by the District. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

(a) The name and address of the facility, including the name of the operator and owner, and the SIC code.;
(b) Volume of wastewater to be discharged;
(c) Wastewater constituents and characteristics including but not limited to those mentioned in Rules 24 as determined by a laboratory approved by the District;
(d) Time and duration of discharge;
(e) Average and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
(f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
(g) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes and types of materials which are or could be discharged;
(h) Each product produced by type, amount, and rate of production;
(i) Number and type of employees, and hours of work;
(j) Any other information as may be deemed by the District to be necessary to evaluate the permit application.
(k) **Environmental Permits**. A list of any environmental control permits held by or for the facility.
(l) **Flow Measurement**. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Rule 24.08 (a) (40 CFR 403.6(e)).
(m) **Measurement of Pollutants.**
    i. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
    ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the General Manager, of regulated pollutants in the discharge from each regulated process.
    iii. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
    iv. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Rule 24.09.01 (b) of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the General Manager or the applicable Standards to determine compliance with the Standard.

v. Sampling must be performed in accordance with procedures set out in Section Rule 26.10.03 of this ordinance.

Rule 26.11.03. APPLICATION SIGNATORIES AND CERTIFICATIONS -

(a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Rule 26.10.02(a).

(b) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the General Manager prior to or together with any reports to be signed by an Authorized Representative.

(c) A facility determined to be a Non-Significant Categorical Industrial User (defined in Rule 1 under Significant Categorical Industrial User) by the General Manager must annually submit the signed certification statement in Rule 26.10.02(b) [Note: See 40 CFR 403.3(v)(2)]

Rule 26.11.04. PERMIT ISSUANCE PROCESS -

The General Manager will evaluate the data furnished by the User in Rule 26.11.02 and may require additional information. Within (45) days of receipt of a complete permit application, including additional information requested, the General Manager will determine whether or not to issue an individual wastewater discharge permit or a general permit. If no determination is made within the time period, the application will be deemed denied. The General Manager may deny any application for an individual wastewater discharge permit or a general permit.

Rule 26.11.05. WASTEWATER DISCHARGE PERMITTING: GENERAL PERMIT -

(a) At the discretion of the General Manager, the General Manager may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
   i. Involve the same or substantially similar types of operations;
   ii. Discharge the same types of wastes;
   iii. Require the same effluent limitations;
   iv. Require the same or similar monitoring; and
   v. In the opinion of the General Manager, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(b) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit.

(c) The General Manager will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Rule 26.11.06 (a) (i) through (v) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. [Note: See 40 CFR 403.8(f)(1)(iii)(A)(1) through (5).]

(d) The General Manager may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula Rule 24.08 (**a**) or Net/Gross calculations Rule 24.08 (b). [Note: See 40 CFR 403.6(e) and 40 CFR 403.15]

Rule 26.11.06. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT CONTENTS - an individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the General Manager to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Individual wastewater discharge permits and general permits must contain:

i. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

ii. A statement that the wastewater discharge permit is nontransferable in accordance with Rule 26.11.11 of this ordinance;

iii. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

iv. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

v. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

vi. Requirements to control Slug Discharge, if determined by the General Manager to be necessary.

(b) Individual wastewater discharge permits and general permits may contain:

i. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

ii. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

iii. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

iv. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

v. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

vi. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

vii. A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and

viii. Other conditions as deemed appropriate by the General Manager to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

Rule 26.11.07. PERMIT MODIFICATION -

(a) The General Manager may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

ii. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

iii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

iv. Information indicating that the permitted discharge poses a threat to the MCSD's POTW, MCSD personnel, or the receiving waters;

v. Violation of any terms or conditions of the individual wastewater discharge permit;

vi. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

vii. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13; or

viii. To correct typographical or other errors in the individual wastewater discharge permit.

(b) The General Manager may modify a general permit for good cause, including, but not limited to, the following reasons:

i. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

ii. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

iii. To correct typographical or other errors in the individual wastewater discharge permit.

Rule 26.11.08. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REVOCATION - the General Manager may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the General Manager of significant changes to the wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the General Manager of changed conditions pursuant to Rule 26.06 of this ordinance;

(c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
(d) Falsifying self-monitoring reports and certification statements;
(e) Tampering with monitoring equipment;
(f) Refusing to allow the General Manager timely access to the facility premises and records;
(g) Failure to meet effluent limitations;
(h) Failure to pay fines;
(i) Failure to pay sewer charges;
(j) Failure to meet compliance schedules;
(k) Failure to complete a wastewater survey or the wastewater discharge permit application;
(l) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this ordinance.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

Rule 26.11.09. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT REISSUANCE - a User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with Rule 26.11.02 of this ordinance, a minimum of (45) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

Rule 26.11.10. INDIVIDUAL WASTEWATER DISCHARGE PERMIT AND GENERAL PERMIT DURATION - permit Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire. The terms and conditions of the Permit may be subject to modification and change by the District during the life of the Permit as limitations or requirements as identified in Rule 24 are modified and changed. The user shall be informed of any proposed changes in his Permit at least (30) days prior to the effective date of change. Any changes or new conditions in the Permit shall include a reasonable time schedule for compliance. Any user proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the District at least forty-five (45) days prior to the proposed change or connection.

Rule 26.11.11. - wastewater Discharge Permits are issued to a specific user for a specific operation. Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Rule 26.12. MONITORING FACILITIES - users who propose to discharge, or who in the judgment of the District could discharge now or in the future, wastewater with

constituents and characteristics different from that produced by a domestic premise will be required to install a monitoring facility. When more than one user can discharge into a common building sewer, the District may require installation of a separate monitoring facility for each user. Also when, in the judgment of the District, there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the District may require that separate monitoring facilities be installed for each separate discharge.

Monitoring facilities that are required to be installed shall be constructed, operated and maintained at the user's expense. The purpose of the facility is to enable inspection, sampling and flow measurement of wastewaters produced by a user. If sampling or metering equipment is also required by the district, it shall be provided, installed and operated at the user's expense. The monitoring facility will normally be required to be located on the user's premises outside of the building. The District may, however, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

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

When constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable local agency construction standards and specifications.

When, in the judgment of the District, an existing user requires a monitoring facility, the user will be so notified in writing. Construction must be completed within (90) days following written notification unless a time extension is otherwise granted by the District.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the District and/or other duly authorized employees of the District may reasonably require, including installation, use, and maintenance of monitoring equipment and records to the District. Such records shall be made available upon request by the District and to other Agencies having jurisdiction over discharges to the receiving waters.

Rule 26.13. INSPECTION AND SAMPLING - the District may inspect the facilities of any user to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the

District will be permitted to enter without delay for the purposes of performing their specific responsibilities.

Rule 26.14. PRETREATMENT -users shall make wastewater acceptable under the limitations established herein before discharging into any community sewer. Any facilities required to pre-treat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility. The review and approval 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 complying with the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the District.

Rule 26.15. PROTECTION FROM ACCIDENTAL DISCHARGE - each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

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

Rule 26.16. CONFIDENTIAL INFORMATION - all information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or any other governmental agency without restrictions unless the user specifically requests and is able to demonstrate, to the satisfaction of the District, that the release of such information would divulge information, processes or methods which would be detrimental to the user's competitive position.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless prior and adequate notification is given to the user.

Rule 26.17. SPECIAL AGREEMENT - special agreements and arrangements between the District and any persons or agencies may be established when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions.

Rule 26.18. PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE - the General Manager shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the MCSD, a list of the Significant Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (c), (d) or (h) of this Section) and shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Rule 24; [see 40 CFR 403.3(l)]

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Rule 24 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by Rule 24 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the General Manager determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant that has caused imminent endangerment to the public or the environment, or has resulted in the General Manager's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) 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 Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the local pretreatment program.

REGULATION 27 - WASTEWATER CHARGES AND FEES

Rule 27.01. CLASSIFICATION OF USERS - all users are to be classified either by assigning each one to a "user classification" category according to the principal activity

conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of wastewater discharges based on wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will insure an equitable recovery of the District's cost.

Rule 27.02. TYPES OF CHARGES AND FEES - the charges and fees established in the District's schedules of charges and fees, may include, but not be limited to:

(a) user classification charges;
(b) fees for monitoring;
(c) fees for permit applications;
(d) appeal fees;
(e) connection fees or assessments;
(f) service charges;
(g) penalties or special cost recovery charges;
(h) charges and fees based on wastewater constituents flows and characteristics to include industrial cost recovery provisions of the Federal Act;

Rule 27.03. BASIS FOR DETERMINATION OF CHARGES - charges and fees established for each user or user classification, including permit users, shall be based on measured or estimated constituents and characteristics of the wastewater discharge of each user or user classification, which may include, but not be limited to, BOD, COD, SS, oil and grease, chlorine demand, volume, and rate of flow.

Unless otherwise specified, the charges and fees for each user or user classification shall be computed on the basis of the characteristics of wastewater from a domestic premise and relative difficulty to transport and treat.

Rule 27.04. SEWER CHARGE - the monthly charge for sewer service shall be calculated by adding a fixed charge per bill (or per dwelling unit for residential customers) to a variable charge per HCF of water consumed. No residential customer shall be charged for in excess of 12 HCF of water consumption in a month, regardless of the actual amount of water consumed. The rates shall be as follows:

Description	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Monthly Base Charge:					
All Customers	$ 30.47	$ 32.60	$ 33.58	$ 34.59	$ 35.63
Volumetric Per 100 CF:					
2 sewer Units/Commercial	$ 3.06	$ 3.14	$ 3.09	$ 3.03	$ 2.98
Apartment/Multi Unit (Each)	$ 2.55	$ 2.73	$ 2.81	$ 2.89	$ 2.98
Bakery	$ 10.43	$ 11.79	$ 12.79	$ 13.81	$ 14.90
Barber/Beauty Shop	$ 2.63	$ 2.78	$ 2.84	$ 2.89	$ 2.98
Car Wash	$ 1.58	$ 1.34	$ 1.01	$ 0.66	$ 0.30
Church & Residence	$ 4.39	$ 4.20	$ 3.82	$ 3.41	$ 2.98
Churches	$ 3.06	$ 3.14	$ 3.09	$ 3.03	$ 2.98
Coast Guard Station/Airport	$ 3.06	$ 3.14	$ 3.09	$ 3.03	$ 2.98
Coming Attractions	$ 2.63	$ 2.78	$ 2.84	$ 2.89	$ 2.98
Dialysis Clinic	$ 2.98	$ 3.28	$ 3.46	$ 3.61	$ 3.73
Fire Station/School	$ 2.12	$ 2.13	$ 2.05	$ 1.97	$ 1.94
Gas Stations (No Market)	$ 3.29	$ 3.25	$ 3.06	$ 2.86	$ 2.68
Laundromats	$ 2.32	$ 2.38	$ 2.33	$ 2.28	$ 2.24
Market	$ 10.00	$ 10.78	$ 11.18	$ 11.56	$ 11.92
Metered Septage Vault	$ 4.39	$ 4.15	$ 3.71	$ 3.24	$ 2.98
Moblie Homes (Each)	$ 2.55	$ 2.73	$ 2.81	$ 2.89	$ 2.98
Motels/Hotels	$ 6.96	$ 7.29	$ 7.33	$ 7.37	$ 7.45
Office Building/Post Office	$ 2.63	$ 2.78	$ 2.84	$ 2.89	$ 2.98
Restaurant/Tavern	$ 10.43	$ 11.79	$ 12.79	$ 13.81	$ 14.90
Retail/Banks/Theater/Other	$ 3.06	$ 3.14	$ 3.09	$ 3.03	$ 2.98
Round Table/Market	$ 8.52	$ 9.12	$ 9.39	$ 9.65	$ 9.95
Sewer Only Accounts	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Sewer Units - Commercial	$ 3.29	$ 3.25	$ 3.06	$ 2.86	$ 2.68
Single Family Residential	$ 2.55	$ 2.73	$ 2.81	$ 2.89	$ 2.98
Two Sewer Units/Business	$ 3.06	$ 3.14	$ 3.09	$ 3.03	$ 2.98
Two Sewer Units/Daycare	$ 2.96	$ 3.03	$ 2.98	$ 2.92	$ 2.98
Brewery	$ 5.10	$ 10.92	$ 16.86	$ 23.12	$ 29.80

"SEWER CHARGE REVENUES SHALL BE USED TO FUND COSTS OF PROVIDING SEWER SERVICE AND FOR NO OTHER PURPOSE".

Rule 27.05. EXTRAORDINARY CHARGES - the Board of Directors reserves the right to set special sewer service charges where, in the opinion of the Manager, a waste discharge strength and loading does not fit into existing rate schedules.

Rule 27.06. RELIEF FROM UNJUST RATES - the owner or occupants of any premises who by reason of special circumstances finds that the foregoing rates are unjust or inequitable as applied to their premises, may make written application to the Board, stating the circumstances and requesting a different basis of charges for sewer services to their premises. If such application be approved, the board may by resolution fix and establish fair and equitable rates for such premises to be effective as of the date of such application and

continuing during the period of such special circumstances. The Board may on its own motion find that by reason of special circumstances the foregoing rates are unjust and inequitable as applied to particular premises and may by resolution fix and establish fair and equitable rates for such premises during the period of such special circumstances, or any part thereof.

Rule 27.07. WAIVER OF SEWER SERVICE CHARGES - if a living unit is to be totally unoccupied for a minimum period of thirty (30) days and water service is terminated; the sewer charge may be waived for that living unit for such period if the Manager determines that the sewer will not be used for such period. Waiver of sewer charges for sewer-only accounts requires that the account be placed in the name of the property owner. Future connections of sewer only customers may not be in the name of a property renter. Additional sewer units on the same meter can be eligible for a waiver of the sewer charge if the unit(s) is vacant for a minimum of 30 days.

Rule 27.08. LATE NOTICE AND TERMINATION NOTICE FEES - the District shall charge $0.60 (sixty cents) in addition to any other charges for each notice mailed to the customer advising the customer that a payment has not been received by the District within the 15-day payment period. The District will charge $2.50 (two dollars and fifty cents) in addition to any other charges for each notice mailed to the customer notifying the customer that service will be terminated if payment is not received.

Rule 27.09. PRETREATMENT CHARGES AND FEES - the District may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the District's pretreatment program. All fees will be based on
actual time and materials plus 20% for indirect costs. Charges and fees may include:

(a) Fees for wastewater discharge permit applications including the cost of processing such applications.
(b) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.
(c) Fees for reviewing and responding to accidental discharge procedures and construction.
(d) Fees for filing appeals.
(e) Other fees as the District may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by Regulation 26 and are separate from all other fees, fines, and penalties chargeable by the District.
(f) Additional pretreatment fees for the establishment of the pretreatment program will be applied to commercial sewer users with wastewater discharge permits from 2012 through 2017 as indicated below:

Additional Pretreatment Charges 2012-2017

Sewer User Classification	Monthly Charge
Significant Industrial User	$11.91

Other Industrial Users with Wastewater Discharge Permits	$3.97.

The additional pretreatment charges are in addition to all other applicable sewer use charges and pretreatment fees specified in MCSD Rule 27.09 Section (a) through (e). Beginning in 2018 the additional pretreatment fees will be eliminated and the pretreatment fees specified in MCSD Rule 27.09 Section (a) through (e) will remain in force.

REGULATION 28 - BILLING AND COLLECTING

Rule 28.01. BILLING - the regular billing period will be for each calendar month, or bi-monthly, as determined by the Board.

Rule 28.02. OPENING AND CLOSING BILLS - opening and closing bills for less than the normal billing period shall be prorated on a daily use or water used basis.

Rule 28.03. BILLING TIME - bills for sewer service shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided.

Rule 28.04. COLLECTION BY INTERAGENCY INTERCEPT PROGRAM - as an alternate to any of the other procedures herein provided, the District may collect unpaid user fees and charges through the State of California Interagency Intercept Program. Upon submitting an unpaid charge to the State, MCSD will also notify the customer at the last known customer address. Customers may appeal said submittal by filing an appeal as provided for in Rule 65.01.

Rule 28.05. COLLECTION BY SUIT - as an alternative to any of the other procedures herein provided, the District may collect said unpaid charges by suit, in which event it shall also have judgment for the cost of suit and reasonable attorney's fees.

Rule 28.06. OTHER UTILITY CHARGES - the District will provide for the collection of its sewer service charges with the rates for the services of the water system or other utility service furnished. The sewer service charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 28.07. DISCONTINUING SERVICE - if all or any part of the bill on which any sewer service charge is collected is not paid, the District may discontinue its water or utility service until such bill is paid.

Rule 28.08. BILLING AND COLLECTING DELINQUENCIES ON TAX ROLL - the District may provide for the collection of all such delinquent charges that have not been paid and collected at the time of establishing its tax rate, upon the tax roll which District taxes are collected and in the same manner provided by law therefore.

Rule 28.09. OTHER REMEDIES - the District may provide otherwise for the collection of such delinquent charges. All remedies herein provided for their enforcement and collection are cumulative and may be pursued alternately or collectively as the District determines.

Rule 28.10. PROCEDURE - when the District elects to use the tax roll on which general taxes are collected for the collection of current and delinquent sewer service charges, proceedings therefore shall be had as now or hereafter provided therefore in Article 4, Chapter 6, Part 3, Division 5 of the Health and Safety Code.

Rule 28.11. ALTERNATIVE - the powers authorized by this Article shall be an alternative to all other powers of the District and an alternative to procedures adopted by the Board thereof for the collection of such charges.

Rule 28.12. REPORT - a written report shall b e prepared and filed with the clerk, which shall contain a description of each parcel of real property receiving such services and facilities and the amount of the charge for each parcel for the forthcoming fiscal year, computed in conformity with the charges prescribed by this Ordinance.

Rule 28.13. NOTICE - the clerk shall cause notice of the filing of the report and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in a newspaper of general circulation, printed and published in the general area. Prior to such hearing for the first time, the Clerk shall mail a notice in writing of the filing of said first report proposing to have such charges for the forthcoming fiscal year collected on the tax roll and of the time and place of hearing thereon, to be mailed to each person to whom any part of parcel of real property described in the report is assessed in the last equalized assessment roll on which general taxes are collected, at the address shown on said roll or as known to the clerk.

Rule 28.14. HEARING - at the time of said hearing, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time.

Rule 28.15. FINAL DETERMINATION OF CHARGES - upon the conclusion of the hearing on the report, the board will adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report, which determination shall be final.

Rule 28.16. FILING OF REPORT WITH COUNTY AUDITOR - on or before the 10th day of August in each year following the final determination of the board, the Clerk shall file with the Auditor a copy of said report with a statement endorsed thereon over the Clerk's signature that it has been finally adopted by the Board of the District, and the Auditor shall enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll.

Rule 28.17. PARCELS OUTSIDE THE DISTRICT - where any such parcels are outside the boundaries of the District, they shall be added to the assessment roll of the entity for the purpose of collecting such charges.

Rule 28.18. PARCELS NOT ON ROLL - if the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the charges, as shown on the report.

Rule 28.19. LIEN - the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March of each year. The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land.

Rule 28.20. TAX BILL - thereafter, the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency.

Rule 28.21. COLLECTION - all laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges.

Rule 28.22. COMPENSATION OF COUNTY - the tax collector may, issue separate bills for such charges and separate receipts for collection on account of such charges. The county shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the District. The compensation shall not exceed one percent (1%) of all money collected. The compensation shall be paid into the County fund.

Rule 28.23. USE OF REVENUES - revenues derived under this Ordinance shall be used only for the acquisition, construction, or reconstruction, maintenance and operation of sanitation or sewerage facilities of the District and to repay principal and interest on bonds issued for the construction of such sanitary or sewerage facilities and to repay federal, state, county or other loans or advances made to the District for the construction or reconstruction of sanitary or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals, as distinguished from main trunk, interceptor and outfall sewers.

Rule 28.24. DISCONNECTION - as an alternative method of collecting such charges, the District may disconnect any premises from the water and sewer system if the user fails to pay the service charges for their premises after they shall have become delinquent. The person in charge of the sewer system shall estimate the cost of disconnection of such premises from the enterprise and the cost of reconnecting it thereto, and such user shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid and the premises

are reconnected to the sewer system, the person in charge shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection.

Rule 28.25. ABATEMENT - during the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of said premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorneys' fees and costs of suit arising in said action.

Rule 28.26. SHORT-TERM PROCESSING FEE – a property owner may set up a short-term sewer account to secure District sewer service at an existing lateral for up to fifteen days by paying a non-refundable fee of $15.00 (fifteen dollars). The property owner may extend the time period for additional fifteen days by paying an additional non-refundable fee of $15.00 (fifteen dollars).

REGULATION 29 - ENFORCEMENT

Rule 29.01. ACCIDENTAL DISCHARGES -

Rule 29.01.1. - users shall notify the District immediately upon accidentally discharging wastes in violations of this Ordinance to enable countermeasures to be taken by the District to minimize damage to the community sewer, treatment facility, treatment processes, the receiving waters, and the public in general.

The notification shall be followed, within fifteen (15) business days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence. Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed.

Rule 29.01.2. - In order that employees of users are informed of District requirements, users shall make available to their employees copies of this Ordinance together with such other wastewater information and notices which may be furnished by the District from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge or spill in violation of this Ordinance.

Rule 29.01.3. - Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system would be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of this Ordinance.

Rule 29.02. NOTICE OF VIOLATION - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual

wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may serve upon that User a written Notice of Violation. Within (5) business days of the receipt of such notice, 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 General Manager. Submission of such a 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 General Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Rule 29.03. CONSENT ORDERS - the General Manager may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Rule 29.04 and Rule 29.06 of this ordinance and shall be judicially enforceable.

Rule 29.04. COMPLIANCE ORDERS - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the General Manager may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

Rule 29.05. ADMINISTRATIVE FINES -

(a) When the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, General Manager may fine such User in an amount not to exceed one hundred dollars ($100.00) for each and every violation committed. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(b) Unpaid charges, fines, and penalties shall, after (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one-half of one percent (0.5%) per month. A lien against

the User's property shall be sought for unpaid charges, fines, and penalties as authorized by California Government Code section 61621.

(c) Users desiring to dispute such fines must file a written request for the General Manager to reconsider the fine along with full payment of the fine amount within (30) days of being notified of the fine. Where a request has merit, the General Manager may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The General Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(d) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User authorized under these regulations or by California law, including the District's right(s) to abate any violations by the User under these regulations and/or seeking recovery of all damages sustained by the District as a result of any such violation(s).

Rule 29.06. ISSUANCE OF CEASE AND DESIST ORDERS - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the General Manager may issue an order to the User directing it to cease and desist all such violations and directing the User to:

(a) Immediately comply with all requirements; and

(b) 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 bar against, or a prerequisite for, taking any other action against the User.

Rule 29.07. EMERGENCY SUSPENSIONS - the General Manager may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The General Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the General Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The General Manager may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Rule 29.08 of this ordinance are initiated against the User.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

Rule 29.08. TERMINATION OF DISCHARGE - in addition to the provisions in Rule 26.11.08 of this ordinance, any User who violates the following conditions is subject to discharge termination:

(a) Violation of individual wastewater discharge permit or general permit conditions;
(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
(c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
(d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
(e) Violation of the Pretreatment Standards in Rule 24 of this ordinance.

Such User will be notified of the proposed termination of its discharge. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the User.

Rule 29.09. APPEALS - any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the General Manager, interpreting or implementing the provisions of this Ordinance or in any permit issued herein, may file with the General Manager, a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the subsequent ruling made by the General Manager is unsatisfactory to the person requesting reconsideration, they may, within (10) days after notification of the District action, file a written appeal to the Board. The written appeal shall be heard by the governing body within thirty (30) days from the date of filing. The District's governing body shall make a final ruling on the appeal within fifteen (15) days of the closing of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration.

Rule 29.10. REMEDIES NON-EXCLUSIVE - the remedies provided for in this ordinance are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with Districts enforcement response plan. However, the General Manager may take other action against any User when the circumstances warrant. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant User.

Rule 29.11. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS -

Rule 29.11.1. UPSET -

(a) Unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (**c**), below, are met.

(c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

i. An upset occurred and the User can identify the cause(s) of the upset;

ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

iii. The User has submitted the following information to the General Manager within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

a) A description of the indirect discharge and cause of noncompliance;

b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

(e) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

(f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Rule 29.11.2. BYPASS -

(a) For the purposes of this Section,

i. Bypass means the intentional diversion of waste streams from any portion of a User's treatment facility.

ii. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this Section.

(c) Bypass Notifications

i. If a User knows in advance of the need for a bypass, it shall submit prior notice to the General Manager, at least ten (10) days before the date of the bypass, if possible.

ii. A User shall submit oral notice to the General Manager of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The General Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass

i. Bypass is prohibited, and the General Manager may take an enforcement action against a User for a bypass, unless

a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c) The User submitted notices as required under paragraph (c) of this section.

ii. The General Manager may approve an anticipated bypass, after considering its adverse effects, if the General Manager determines that it will meet the three conditions listed in paragraph (d)(i) of this Section.

REGULATION 30 - ABATEMENT

Rule 30.01. PUBLIC NUISANCE -discharges of Wastewater in any manner in violation of this Ordinance or of any order issued by the General Manager as authorized by this Ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the General Manager. Any person creating a public nuisance shall be subject to provisions of District codes or ordinances, rules and/or regulations governing such nuisance.

Rule 30.02. INJUNCTIVE RELIEF - when the General Manager finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the District may petition the Superior Court for the issuance of a

temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The District may also pursue any other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the User authorized under these regulations or by California law.

Rule 30.03. DAMAGE TO FACILITIES - when a discharge of wastes causes an obstruction, damage, or any other impairment to District facilities, the District may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charge.

Rule 30.04. CORRECTION OF VIOLATIONS; COLLECTION OF COSTS; INJUNCTION - in order to enforce the provisions of this ordinance, the District may correct any violations hereof. The cost of such correction may be added to any sewer service charge payable by the person violating the Ordinance or the owner or tenant of the property upon which the violation occurred, and the District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges under California law.

Rule 30.05. CIVIL PENALTIES -

(a) A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the MCSD for a maximum civil penalty of one thousand dollars ($1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
(b) The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the MCSD.
(c) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
(d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User authorized under these regulations or by California law.

Rule 30.06. CRIMINAL PROSECUTION -

(a) A User who violates any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or 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 one (1) year, or both.

(b) A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and may be subject to a penalty of at least one thousand dollars ($1,000.00) per violation, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the District under California law, and the District shall be entitled to recover damages in the amount(s) actually sustained.

(c) A User 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 ordinance, individual wastewater discharge permit, or general permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction, be punished by a fine of not more than one thousand dollars per violation, per day, or imprisonment for not more than one (1) year, or both.

REGULATION 31 - WASTEWATER CAPITAL RESERVE FUND

Rule 31.01. WASTEWATER CAPITAL RESERVE FUND - the District shall maintain a Wastewater Capital Reserve Fund (WCRF) in the Sewer Department dedicated solely to pay for future expansion, major repair and replacement of the disposal works at the Fisher Irrigation Site and treatment works at the MCSD Wastewater Treatment Facility.

In FY97-98, the WCRF shall be budgeted at $13,053 relative to the FY1995-96 contribution ($4,100); the interest earned during FY1995-96 ($246); the FY1996-97 contribution ($4,100); the interest earned during FY1996-97 ($507); and the FY97-98 contribution ($4,100).

Each year in the period FY1998-99 through FY2004-05, MCSD shall deposit an additional $6,300 to the balance ($4,100 for phase 1 and $2,200 for phase 2) into the WCRF. Additionally, the Board shall annually apportion the interest earned on the balance in the WCRF to the Fund.

Each year in the period FY2005-06 through 2007-08, MCSD shall deposit an additional $2,200 to the balance into the WCRF. Additionally, the Board shall annually apportion the interest earned on the balance in the WCRF to the Fund.

The District shall annually reconcile the balance in the fund and submit a report to the State Water Resources Control Board every five years (i.e. FY2000-2001; FY2005-2006; FY2010-2011; and FY2015-2016) for the term of the phase 1 and phase 2 Project loans. At the end of the phase 1 loan term, the District Board may reallocate any phase 1 funds in the Fund to any sewer department purpose. Starting in FY2016-17, the District shall annually reconcile the balance in the fund and submit a report to the State Water Resources Control Board in FY2020-2021 for the term of the phase 2 Project Loan. At the end of the phase 2 loan term, the District Board may reallocate any phase 2 funds in the Fund to any sewer department purpose.

Rule 31.02. WITHDRAWAL OF WCRF MONIES - the Board may use money from the WCRF prior to the end of the loan term to pay for the cost of planning, design and construction of capital improvements to the wastewater treatment works subject to adoption of an ordinance committing the District to repayment of any amounts expended from the WCRF at a minimum annual rate of ten (10) percent of the expended amount in addition to the payment described above in Rule 31.01.

ARTICLE IV - PARKS AND RECREATION

REGULATION 40 - RECREATION AND PARKS ADVISORY COMMITTEE

Rule 40.01. MEMBERSHIP - the McKinleyville Community Services District Parks and Recreation Committee shall consist of eleven (11) members and two (2) alternate members who shall serve without compensation selected as follows:

(a) One (1) non-voting member shall be a member of the District Board.

(b) The remaining ten (10) members will be regular voting members. Of the ten (10) regular voting members, one (1) will be a member of the McKinleyville Area Fund Board of Directors nominated by the McKinleyville Area Fund Board of Directors.

(c) When possible two (2) of the ten (10) regular voting members shall be High School students, nominated by the McKinleyville High School Principal.

(d) The two (2) alternate members will not become voting members unless a regular voting member is absent. In the event that both alternates are present when only one regular member is absent, the alternates will decide upon which of the two (2) will fill the absent chair by a mutually agreed upon method. In the event the alternates cannot determine a method of decision, the committee chair will choose an appropriate decision-making method.

(e) All members of the Parks and Recreation Committee will represent to the extent possible various recreational and outdoor interests of the community including but not limited to business, environmental, equestrian, sports, seniors, trails and youth. Recommendations for appointment may be made by the then current members of the committee.

(f) Any citizen, residing in the service area of the McKinleyville Community Services District may apply to the District Board for appointment to fill vacant seats on the Parks and Recreation Committee.

Rule 40.02. APPOINTMENT - the committee members shall be appointed as follows:

(a) The Board of Directors shall announce each vacancy and shall state they are seeking applicants, setting forth the qualifications, if any required.

(b) The Board of Directors shall interview each applicant, after which a majority of the Board of Directors, may select the most qualified to fill the vacancy.

Rule 40.03. MEMBER QUALIFICATIONS - all members, other than the high school member, shall be resident electors of the McKinleyville Community Services District; the student members shall be a resident of McKinleyville. No members of the Parks and Recreation Committee shall be a family member or related to a full-time MCSD employee.

Rule 40.04. TERMS OF OFFICE -the committee members shall serve terms as follows:

(a) Appointment of District Board Members shall be for a term of one (1) year. Such member shall be a non-voting member.
(b) Appointment of the McKinleyville Area Fund member and non-student community members shall be for a term of four (4) years. The term for student members shall be up to 4 years, limited by their High School graduation date.
(c) Terms of the other non-Board of Director committee members shall be staggered so that no more than two (2) terms shall expire in any given year.
(d) The annual expiration date of appointment shall be January 31st.

Rule 40.05. REMOVAL - members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 40.06. ABSENCES - if any member of the Committee is absent without prior notification to the Recreation Director for three (3) regular consecutive meetings, the Recreation Director shall certify that fact to the Board of Directors and the Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position by appointment.

Rule 40.07. ELECTION OF OFFICERS - the Committee shall, as soon as is practical, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 40.08. OFFICERS - the Committee shall elect a Chairperson and Vice-Chairperson from among its members.

Rule 40.09. MEETINGS - the Committee shall hold regularly scheduled meetings in the Board of Directors Chambers of the District Office, or at such other place within the District as may be designated by the Committee and may hold such additional meetings as it may deem necessary or expedient. All meetings must be noticed in compliance with state and federal laws.

Rule 40.10. TIME/LOCATION OF MEETINGS - the time of the regular meetings shall be as established from time to time by the committee members.

Rule 40.11. QUORUM - a majority of the Committee shall constitute a quorum for the purpose of transacting business of the Committee.

Rule 40.12. RECORDS - written records of all the proceedings, findings, determinations and transactions of the Committee shall be kept, which record shall be a public record and a copy of which record shall be filed with the District Secretary.

Rule 40.13. POWERS AND DUTIES - the Parks and Recreation Committee shall have the following powers and duties:

(a) To serve in an advisory capacity to the Board of Directors and District Staff in all matters pertaining to public recreation, parks, open spaces, natural resources and their respective facilities;
(b) To make recommendations to the Board of Directors and District Staff with respect to the provisions of the annual budget for recreation and parks purposes;
(c) To recommend to the Board of Directors acceptance or rejection of offers of donations of money, personal property and real property to be used for open space, recreation, resource management, and parks purposes;
(d) To recommend to the Board of Directors a comprehensive recreation, park, and open space management services program for the inhabitants of the District, to promote and stimulate public interest therein, and to solicit to the fullest extent the cooperation of school authorities and other public and private agencies interested therein;
(e) To recommend for adoption by the Board of Directors rules and regulations for the use and improvement of the District's recreation services and parks and their respective facilities;
(f) To recommend to the Board of Directors and District staff policies for the acquisition, development and improvement of recreation, parks and open space areas; and
(g) To perform such other duties relating to recreation and park matters as may be prescribed by the Board of Directors.

REGULATION 41 - RECREATION AND PARK SYSTEM

Rule 41.01. INJURY TO OR MISUSE OF RECREATION AND PARKS SYSTEM PROPERTY - NO PERSON SHALL:

(a) Willfully mark, deface, injure, tamper with, or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, bleachers, ball fields, water lines, paving or paving materials or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, or recreation and parks system property or appurtenances whatsoever, either real or personal.
(b) Litter, soil or defile buildings, structures, grounds, equipment or other recreation and parks system property or appurtenances whatsoever. Trash, litter and other debris must be deposited into the proper receptacles.
(c) Remove any soil, rock, stones, turf, trees, shrubs, or plants, down timber or other wood or materials or make any excavations by tool, equipment or any other means or agency.

(d) Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public utility into, upon or across such land except by District permit.
(e) Trespass upon any area where prohibited.
(f) Hunt, molest, or otherwise harm wildlife and plant life within the recreation and parks system.
(g) Announce, advertise or call the public attention in any way to any article or service for sale or hire, except by District permit.
(h) Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever within the recreation and parks system without permission from the District.
(i) Use any system for amplifying sounds, whether for speech or music or otherwise within the recreation and parks system unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit is first secured from the District.
(j) Discharge any weapon of any type within the recreation and park system boundaries for any reason.
(k) Make fires of any type for any reason in any area that is not properly equipped and designated to contain a fire.
(l) Use model rockets and remote control model airplanes in McKinleyville Parks and Open Space without prior written approval from the District's General Manager.

Rule 41.02. POLLUTING WATERS OR DUMPING REFUSE PROHIBITED - NO PERSON SHALL:

(a) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream or any other body of water in or adjacent to any component of the recreation and park system or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of said waters.
(b) Dump, deposit, or leave any trash not created within the boundaries of the recreation and park system.

Rule 41.03. OPERATION OF MOTORIZED VEHICLES--PROHIBITED ACTS - NO PERSON SHALL:

(a) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of motorized vehicles together with such regulations as are contained in this ordinance.
(b) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.
(c) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.
(d) Operate a motorized vehicle, other than MCSD-authorized vehicles, within the boundaries of the facility except in those areas designated as driveways.

Rule 41.04. OPERATION OF NON-MOTORIZED VEHICLES--PROHIBITED ACTS - NO PERSON SHALL:

(a) Non-motorized vehicles shall be defined as any form of transportation in which human or gravitational energy powers the source of transportation. Examples of such transportation are defined as bicycles, skateboards, roller blades, roller skates, etc.

(b) Fail to comply with all applicable provisions of the Vehicle Code of the State of California in regard to equipment and operation of non-motorized vehicles together with such regulations as are contained in this ordinance.

(c) Fail to obey all law enforcement officers and District employees who are hereafter authorized and instructed to require persons within the boundaries of the recreation and park system to adhere to the provisions of these regulations.

(d) Fail to observe carefully all traffic signs, parking signs, and all other signs posted for the proper control of traffic and to safe guard life and property.

(e) Operate non-motorized vehicles on any sidewalks, on pathways designated for pedestrian traffic only, and within turf and landscaped areas.

Rule 41.05. CONDUCT - ALCOHOLIC BEVERAGES

(a) Patrons may use alcoholic beverages with meals in designated areas at recreation and parks system facilities, provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured and provided they conduct themselves in an orderly manner;

(b) Alcoholic beverages may be served or may be sold by permit only at designated recreation and parks system facilities where sales are not prohibited and provided a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit have been secured;

(c) No person shall be under the influence of intoxicating substances as provided in Section 647 (f) of the California Penal Code;

(d) The District may withdraw the privilege to use alcoholic beverages at anytime if the rules and regulations as are contained in this ordinance are not abided by;

(e) Use of intoxicating substances other than alcohol is prohibited.

Rule 41.06. PETS - pets may be off leash at outdoor facilities in designated areas and facilities only and must be under voice control at all times. Animal owners are responsible for removal of animal excrement from the facility.

Rule 41.07. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the grounds or in public buildings or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 41.08. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated for the containment of fires.

REGULATION 42 - OPERATION OF PIERSON PARK

Rule 42.01. GAZEBO BARBECUE COMPLEX - the gazebo barbecue complex is defined as the area encompassed by the gazebo located in the central portion of the park. Individuals or organizations desiring organized use of any portion of the gazebo barbecue complex for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only..

Rule 42.02. HORSESHOE PITS - the public may use the horseshoe pits on a first come basis. Any individual or organization desiring to use the horseshoe pits for an organized function may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.03. WESTERLY PICNIC TABLES/BARBECUES - the public may use the picnic tables and barbecues located along the western park perimeter on a first-come basis only.

Rule 42.04. PICNIC PAVILION AND BARBECUE - the picnic pavilion is defined as the large covered picnic area to the west of the playground and east of the horseshoe pits. Individuals or organizations desiring organized use of any portion of the picnic pavilion and barbecue may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 42.05. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

Rule 42.06. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designated for the containment of fires.

Rule 42.07. PETS - the designated off leash area is defined as the area of the park east of Azalea Hall's Hewitt Room and north of the gazebo. Horses are not allowed.

REGULATION 43 - OPERATION OF HILLER PARK

Rule 43.01. PICNIC AREA USE - the picnic area is defined as the area of the park east of the western perimeter of the volleyball court. Individuals or organizations desiring organized use of any portion of the picnic area in Hiller Park for the purpose of holding organized functions may do so by obtaining a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit only.

Rule 43.02. PETS - the designated off leash area is defined as the area of the park west of the westerly perimeter of the volleyball court. Horses are prohibited in the picnic area.

Rule 43.03. FIRES - fires will be allowed on grounds only in those areas equipped with District provided equipment designated and in portable barbecues designed for the containment of fires.

Rule 43.04. OVERNIGHT USE PROHIBITED - there is to be no camping or loitering on the park grounds or structures between sunset and sunrise unless a Special Event Reservation Form and Permit or Community Event Reservation Application and Permit are first obtained from the District.

REGULATION 44 - OPERATION OF LARISSA PARK

Rule 44.01. PETS - pets must be on leash at all times.

REGULATION 45 - PERMITS, FEES AND DEPOSITS

Rule 45.01. FACILITY USAGE PERMITS REQUIRED – a valid facility usage permit is required for individuals or organizations to use any indoor facility or any outdoor facility for organized functions, to use any system for amplifying sounds, or to sell or serve alcoholic beverages at an organized function.

Rule 45.01.a. PERMIT TYPE DEFINITIONS - the District shall issue permits based on the following definition of use:

(a) A "Special Event" shall be defined as use deemed to be non-programmatic with estimated attendance of less than 500 persons and no more than posted capacities at indoor facilities; for which off road and facility parking space is adequate; for which street closures are not required; and for which cancellation of approved vendor programs is not required.

(b) A “Large Scale Community Event” shall be defined as use deemed to be non-programmatic with estimated attendance of more than 500 persons but no more than posted capacities at indoor facilities or for which off-road and facility parking space is adequate; or for which street closures may be required; or for which cancellation of an approved vendor program is required.

(c) A "Vendor Contract" shall be defined as use by those individuals approved by the District Board of Directors, offering ongoing programs on a regular basis for no more than twelve months.

Rule 45.02. FACILITY USAGE PERMIT PROCESS - any individuals or organizations seeking issuance of a facility usage permit hereunder shall file a request for permit to use District facilities on the appropriate reservation form provided by the District. All requests must be filed with the District along with the required facility usage deposit, usage fees, proof of appropriate insurance coverage, and fees for other services at least (10) working days

prior to the actual event date. The Recreation Director, under direction of the Board, may impose additional conditions for approval.

Rule 45.03. FACILITY USAGE FEES - facility usage fees, as established and adopted by the District Board shall be charged for and must accompany each facility usage permit request required hereunder for said facility usage permit request to be fully and properly executed by the District.

Rule 45.03.a. FEE STRUCTURE DEFINITIONS - the District shall identify the following fee structure definitions when charging customers for use of facilities:

(a) A "Non-Profit Group" shall be defined as any group or organization which can supply proof of non-profit status via the Internal Revenue Service code. Other Governmental entities shall be considered as falling within the guidelines of this definition.

(b) A "Vendor" shall be defined as an individual or organization, approved by the District Board of Directors that has a fully executed vendor contract for use of District facilities.

(c) A "Private Citizen/Business" shall be defined as other potential users not fitting within the "non-profit group" or "vendor" definition.

(d) A “Commercial Event” shall be defined as an event being held for the purpose of private financial gain for an individual or organization.

(e) An "Event Host" shall be defined as a District employee who has received training regarding use of District facilities for outside events. Event hosts are required for all events except those taking place at Azalea Hall concurrently with McKinleyville Senior Center events or at District facilities for those events sponsored by a District approved vendor.

(f) The “All Day Rate” shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of twelve continuous hours.

(g) The “Half-Day Rate” shall be defined as a fee charged specifically for use of the Hewitt Room at Azalea Hall and which includes access to the facility for a maximum of six continuous hours.

(h) The “Off-Peak Use Discount” shall be defined as a 25% discount on hourly rates only which can be applied to the following facilities and hours only: Activity Center-Monday through Friday before 3:00p.m; Azalea Hall-Sundays and Monday through Thursday after 4:00p.m.

Rule 45.03.b. FACILITY USE FEES - the District shall charge the following rates for use of a District-owned facility for each use specified below:

ACTIVITY CENTER	
Non-Profit Groups/Vendors	$37.00/hour
Private Citizen/Business	$52.50/hour
AZALEA HALL-ENTIRE FACILITY	
Non-Profit Groups/Vendors	$64.75/hour

Private Citizen/Business	$86.00/hour
AZALEA HALL-HEWITT ROOM	
Non-Profit Groups/Vendors	$50.50/hour
Private Citizen/Business	$62.75/hour
All Day Rate	$525.00
Half Day Rate	$318.00
AZALEA HALL-MEETING ROOM	
Non-Profit Groups/Vendors	$18.50/hour
Private Citizen/Business	$24.75/hour
AZALEA HALL-KITCHEN	
All Users	$18.50/hour
LIBRARY CONFERENCE ROOM	
Non-Profit Groups/Vendors	$27.50/hour
Private Citizen/Business	$30.50/hour
TEEN CENTER-ENTIRE FACILITY	
Non-Profit/Vendors	$70.00hour
Private Citizen/Business	$87.00/hour
All Day (12 hr) Rate	$915.00
Half Day (6 hr) Rate	$475.00
TEEN CENTER-MULTI PURPOSE ROOM	
Non-Profit/Vendors	$40.50/hour
Private Citizen Business	$48.75/hour
TEEN CENTER-MUSIC ROOM	
Non-Profit/Vendors	$25.75/hour
Private Citizen Business	$32.75/hour
All Day (8 hr) Rate *weekends only	$212.00
TEEN CENTER-KITCHEN	
All Users	$36.50/hour
PARKS	
Gazebo Picnic Area	$55.75/4 hrs
Picnic Pavilion	$109.50/4 hrs
Special Event	$166.00/day
*Commercial Events	$268.00/day

*Requires Facility Host @ $35.50 per hour unless overtime wages apply

SPECIAL EVENT SERVICES	
Event Staff	$18.75/hour

Event Setup	
Events with less than 100 persons	$87.00
Events with 101-200 persons	$121.50
Events with more than 200 persons	$152.00
Event Cleanup	
Events with less than 100 persons	$152.00
Events with 101-200 persons	$182.00
Events with more than 200 persons	$223.00

Rule 45.03.c. EVENT SERVICES FEES - the District shall charge a fee of $18.75 per hour for an event host for those events requiring such a host. The minimum charge shall be two hours. Other events service fees shall be determined each year and are based on the direct expense associated with providing said service. Such event fees shall be established and adopted by the Board.

Rule 45.03.d. RECREATION PROGRAM FEES - the District shall charge participants program fees based on the direct expenses associated with each individual program. Program fees shall be determined each year and as programs are added to the Department's current services index. Program fees shall be adopted by the Board within two months of the inception or change of fees.

Rule 45.04. DEPOSIT - a facility usage deposit, as established and adopted by the District Board must accompany each facility usage permit request for any facility usage permit required hereunder. The facility usage deposit shall be refunded to the applicant within fifteen working days if the facility is restored to pre-use conditions. If District clean-up is required to restore the facility to pre-use conditions or damage is noted to the facility, any refund will be less the expense associated with returning the facility to pre-use conditions.

Rule 45.04.a. FACILITY USE DEPOSIT FEES - the District shall charge a $100 deposit for events which qualify and are defined as special events. The District shall charge a $200 deposit for events which qualify and are defined as large-scale community events.

Rule 45.05. INSURANCE – a facility usage permit request shall not be considered fully executed unless the individual or organization seeking issuance of a facility usage permit obtains and furnishes liability coverage for the event which is acceptable to the District. The Recreation Director may impose additional conditions for approval.

Rule 45.06. PERMITS FOR USE OF FACILITIES - the District shall only grant a facility usage permit for organized use of a facility when each of the following findings can be made:

(a) The requested area of the recreation and parks system for which the facility is located within is available during the period for which the facility usage permit is requested:

(b) The expected attendance does not exceed the capacity of the facility or area.
(c) The use for which the facility usage permit is sought complies with the use established for the facility or area requested.

Rule 45.07. USE OF SOUND AMPLIFICATION SYSTEM - the District shall only grant permission for use of any sound amplification system when each of the following findings can be made:

(a) The individual or organization seeking permission for use of a sound amplification system must file, with the District, a facility usage permit request for the facility in which use of the sound amplification system is requested.
(b) The sound amplification system proposed will not unduly inconvenience or disturb neighboring properties or other recreation and parks system facility users.
(c) The maximum noise from use of the sound amplification system complies with Humboldt County's Noise Regulations.
(d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which sound amplification systems are utilized, the following requirements shall also be required:

(a) A District supervisor will be assigned to be present throughout the event.

Rule 45.08. SALE OR SERVICE OF ALCOHOLIC BEVERAGES - the District shall only grant permission for sale or service of alcoholic beverages when each of the following findings can be made:

(a) The individual or organization seeking permission for sale or service of alcoholic beverages must file, with the District, a facility usage permit request for the facility in which the sale of alcoholic beverages is requested;
(b) If applicable, the individual or organization seeking permission has a valid permit from the Alcohol Beverages Commission to sell alcohol;
(c) If applicable, the individual or organization seeking permission has secured outside security services;
(d) The use for which permission is sought complies with the use established for the facility or area requested.

For those events at which alcohol is served or sold, the following requirements shall also be required:

(a) A District supervisor will be assigned to be present throughout the event;
(b) Facilities will not be rented for events at which the consumption of alcoholic beverages will be a principal activity.

The Recreation Director has the authority to impose additional conditions as a requirement for issuance of a fully executed Special Event Reservation Form and Permit or Community Event Reservation Application and Permit.

Rule 45.09. USE OF DISTRICT-OWNED EQUIPMENT - the District shall make available to individuals or organizations recreation-related equipment, which can be utilized for outdoor use. District shall only grant permission for use of District-owned equipment when each of the following findings can be made:

(a) The individual or organization seeking permission for use of District-owned equipment must be requesting said equipment in conjunction with an event at a District facility which is being sponsored by the individual or organization;
(b) The Individual or organization must file, with the District, a facility usage permit request for the facility in which the equipment will be utilized;
(c) The requested equipment is available during the period for which use of the equipment is requested;
(d) The individual or organization requesting use of MCSD-owned equipment furnishes the District with appropriate liability coverage.

Rule 45.10. APPEALS - an appeal of the action of District staff on any Facility Use Permit pursuant to this regulation must be in writing and filed by or on behalf of the individual or organization seeking the facility usage permit, within (10) days after the action of District staff on the facility usage permit request. The appeal shall set forth in detail the factual and legal basis of the appeal. The Board of Directors shall consider and act on the appeal within forty-five (45) days after the appeal is filed. The individual or organization filing the appeal shall be entitled to submit oral or written evidence to the Board in support of the appeal. Action of the Board of Directors on the appeal shall be final.

REGULATION 46 - ENFORCEMENT

Rule 46.01. VIOLATIONS - any violation of these rules and regulations relating to the use of District facilities located within the recreation and parks system is a misdemeanor, punishable by law.

REGULATION 47 - HILLER SPORTS SITE DEVELOPMENT, MANAGEMENT AND SCHEDULING COMMITTEE

Rule 47.01. MEMBERSHIP - the McKinleyville Community Services District Hiller Sports Site Development, Management and Scheduling Committee shall consist of members described below whom shall serve without compensation selected as follows:
(a) Committee size shall be determined by the number of local sports organizations having and maintaining a current Hiller Sports Site Development, Funding, Maintenance, and Use Agreement with District who nominate a member to the Committee and an additional member shall be from the District's Recreation Advisory Committee and an additional member shall be appointed to the Committee by the Board which member shall be of the general public.

Rule 47.02. APPOINTMENT - the committee members shall be appointed as follows:
(a) All local sports organizations with a valid and current IRS non-profit identification number and who have and maintain a current Hiller Sports Site Development, Funding, Maintenance and Use Agreement with District are invited to nominate one

member and one alternate member to the Committee. Such nominations shall be made in writing to the Director of Parks and Recreation. Recommendations for appointment shall be made by the Committee to the Recreation Advisory Committee who shall in turn recommend nominees to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.

(b) One member shall be a member of the Recreation Advisory Committee. Recommendations for appointment shall be made by the Recreation Advisory Committee. Appointment shall be made by the District's Board of Directors.

(c) One member shall be a member of the general public who is a resident elector of the District and who shall hold no official office with any local sports organization desiring to offer programs at the Hiller Sports Site. Such member shall be nominated by the Committee who shall forward a recommendation to the Recreation Advisory Committee who shall in turn forward a recommendation to the District's Board of Directors. Appointment shall be made by the District's Board of Directors.

Rule 47.03. MEMBER QUALIFICATIONS - each member shall meet one of the criteria named above in Rule 47.02.

Rule 47.04. TERMS OF OFFICE - the Committee members shall serve terms as follows:

(a) Appointment of the Recreation Advisory Committee member representative of Committee and member of the general public to the Committee shall be for a term of two (2) years. Such members may be re-appointed to successive terms.

(b) Terms of other members shall be for a term of one (1) year. Such members may be re-appointed to successive terms.

(c) The annual expiration date of each term shall be January 31st.

Rule 47.05. REMOVAL - members of the Committee may be removed by a majority vote of the District Board of Directors.

Rule 47.06. ABSENCES - if any member of the Committee is absent without prior notification to the Director of Parks and Recreation for two (2) regular consecutive meetings, the Director of Parks and Recreation shall certify that fact to the organization for whom the individual is a representative and to the District's Board of Directors. The District's Board of Directors shall thereafter declare the position on the Committee to be vacant and proceed to fill the position as outlined in 47.02. Should the vacated position have a designated alternate, said alternate shall be appointed to full membership status. The organization of which the alternate is a member shall be authorized to nominate a designated alternate.

Rule 47.07. ELECTION OF OFFICERS - the Committee shall, as soon as practicable, after the time of the annual appointment of a member or members to such Committee, elect its' officers. No member shall hold the same office for more than two (2) consecutive years.

Rule 47.08. OFFICERS - the member of the Committee who is a representative of the District's Recreation Advisory Committee shall be designated as Chairperson of the

Committee. The member of the Committee who is a representative of the general public shall be designated as Vice-Chairperson.

Rule 47.09. RECORDS - written records of all proceedings, findings, determinations, and transactions shall be kept, which record shall be a public record and a copy of which record shall be filed with the District's secretary.

Rule 47.10. POWERS AND DUTIES - the Committee shall have the power and duty to serve in an advisory capacity to the District's Recreation Advisory Committee and the Board of Directors in all matters pertaining to the development, scheduling, maintenance, and use of the Hiller Sports site.

ARTICLE V - STREET LIGHTING SERVICES

REGULATION 50 - GENERAL PROVISIONS - STREET LIGHTS

Rule 50.01. PURPOSE AND POLICY - this article sets forth the standards, processes and fees associated with street lighting services. The District desires to encourage the installation and operation of street lights to promote public safety and enjoyment of the community where the installation of lights is either required by Humboldt County or requested by the residents of a specific area.

REGULATION 51 - STREET LIGHTING STANDARDS

Rule 51.01. DESIGN AND CONSTRUCTION STANDARDS - design and construction of street lighting facilities shall be in accordance with the District and electric public utility rules, regulations and ordinances.

Rule 51.02. SITING - street Lighting facilities for new subdivisions shall be sited to meet requirements of the most current edition of IES RP-8, American National Standard Practice for Roadway Lighting by the Illuminating Engineering Society of North America. Street lighting facilities to be installed in inhabited areas shall be sited as requested by the zone formation petitioners wherever reasonably possible, and when in compliance with District Rules, Regulations and Standards. Street lighting plans shall be prepared by appropriately licensed professionals and submitted to the District for review for conformance with the required standards. The street lighting plan shall include a complete and logically organized presentation of design parameters and assumptions, and shall be based upon a computer modeling program such as GE Aladan™.

Rule 51.03. EFFICIENCY - all new street lighting facilities will be equipped with the most energy efficient fixtures available from the electric public utility at that time.

Rule 51.04. LOT SIZE AND SUBDIVISION SIZE - street lighting facilities will not be required for minor subdivisions (less than five lots) or for subdivisions where the average lot size is 10,000 square feet or greater.

Rule 51.05. DIVISION OF COSTS-FACILITIES OWNED BY UTILITY - the monthly street lighting charge for each customer in a street lighting zone where the facilities are owned by the utility shall be equal to the total electric public utility charge for that month in that zone divided by the number of street lighting customers in that zone plus a proportionate share of the administrative charge prescribed in Rule 56.02.

Rule 51.06. DIVISION OF COSTS-FACILITIES OWNED BY DISTRICT - the monthly street lighting charge for each customer in a street lighting zone where the facilities are

owned by the District shall be equal to a proportionate share of the following costs (as appropriate), and as identified and specified in the Engineer's Report for the specific street lighting zone, plus the administrative charge prescribed in Rule 56.02:

(a) electric public utility charge for that month in that zone
(b) debt service charge for the District's purchase of existing street lighting facilities
(c) maintenance charges
(d) administration charges
(e) overhead charges

Rule 51.07. STREET LIGHTING FIXTURE STANDARDS - street lighting fixture standards shall be in accordance with the recommendation of the International Dark-Sky Society specifically selected and specified to minimize the potential for light pollution, and shall include external glare shields and/or internal louvers to control direct glare and up light.

Rule 51.08. DEDICATION OF STREET LIGHT FACILITIES TO DISTRICT - where street light facilities are installed in conjunction with new development, the developer shall dedicate the street light facilities to the District. The District's acceptance of the street light facilities shall be made in conjunction with the District's acceptance of other facilities within the development, after construction and inspection are complete in accordance with District standards, appropriate fees have been reconciled, and permanent record documents have been provided to the District.

REGULATION 52 - APPLICATION FOR REGULAR LIGHTING SERVICE

Rule 52.01. APPLICATION - a property owner or his agent who applies for water or sewer service in a street lighting zone shall be deemed to have applied for street lighting services upon payment of the prescribed processing fee.

Rule 52.02. UNDERTAKING OF APPLICANT - such application will signify the customer's willingness and intent to make prompt payment for street lighting service rendered.

Rule 52.03. PROCESSING FEE - the processing fee for establishment of street lighting service shall be twelve $12) dollars.

Rule 52.04. PAYMENT FOR PREVIOUS SERVICE - an application will not be honored unless payment in full has been made for street lighting services previously rendered to the applicant by the District.

REGULATION 53 - ZONE FORMATION - NEW SUBDIVISIONS

Rule 53.01. PERMIT REQUIRED - no person shall construct street lighting facilities in the District without first paying all fees and obtaining a written permit from the District to form a street lighting zone and install street lighting facilities. The provisions of this rule shall not apply to the District, its contractors or the agents of an electric public utility.

Rule 53.02. APPLICATION TO FORM STREET LIGHTING ZONE AND INSTALL STREET LIGHTING – a property owner or his agent shall make application for a permit to form a street lighting zone and install street lighting facilities by filing the form provided by the District along with the prescribed fees and supporting documentation.

Rule 53.03. PLANS, PROFILES AND SPECIFICATIONS - the application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The street lighting plan shall include an analysis of the illumination pattern and levels, demonstrating the proposed plan is in conformance with the District's Rules, Regulations, and Standards. The application shall be examined by the manager who shall determine if it is complete. If the manager determines that the application is not complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 53.04. ENGINEER'S REPORT - once the application is deemed complete, the District shall cause an Engineer's Report to be compiled for review and approval by the Board identifying all parcels which will have a special benefit conferred upon them and upon which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; and the entirety of the costs and expenses related to the proposed assessment, and the proposed division of these costs and expenses, as noted in Rule 51.05 and Rule 51.06, and a statement by the Engineer that the illumination design has been reviewed and found to be in conformance with the District's Rules, Regulations, and Standards.

Rule 53.05. FORMATION OF STREET LIGHTING ZONE FOR NEW SUBDIVISION - once the District Engineer has submitted the draft Engineer's Report, MCSD staff shall give written notice of the proposed hearing date to the recorded owner of each parcel proposed for assessment. Said notice shall be mailed no less than 45 days prior to the hearing and include the proposed assessment for each identified parcel; the total amount of assessments chargeable to the entire zone; the duration of such payments; the reason for such assessment; the basis upon which the proposed assessment was calculated; the date, time and location of the public hearing; a ballot, a summary of the procedures applicable to completion, return and tabulation of the ballot together with a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. The ballot shall include MCSD's address for receipt of any such ballots once completed by the owner; reasonable identification of the parcel and reasonable identification of the voting blocks for support or opposition to the assessment. The Board shall not impose the assessment if the

weighted vote submitted in ballots from owners in opposition to the assessment are greater that the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment. The board may approve, deny or amend the proposed lighting plan and shall establish a schedule of charges reflecting the cost division formula approved by the board by ordinance. The applicant shall enter into an agreement with the District providing for payment of Developer Street Lighting Charges which shall be subject to reduction as lots in the Subdivision are subsequently sold and the purchaser establishes regular service pursuant to Regulation 52 or otherwise assumes the applicant's obligation with respect to the lot purchased. Applicants may execute a development agreement compatible with current state law and Board adopted policy in lieu of securing Board Acceptance of works prior to finalization of the subdivision map for the project. Where a development agreement is so executed, MCSD shall not activate street light service to any portion of the subject property until all required improvements are installed to MCSD's satisfaction.

Rule 53.06. ISSUANCE OF LIGHTING PERMIT - upon execution of the funding agreement required by Rule 54.04, the manager shall issue a permit prescribing such terms and conditions as ordered by the Board.

Rule 53.07. APPLICATION FEE - the application fee for formation of a street lighting zone and installation of street lighting facilities shall be five hundred ($500) dollars.

Rule 53.08. COORDINATION WITH ELECTRIC PUBLIC UTILITY - the District will not request street lighting services from the electric public utility until all requirements of this regulation have been met.

REGULATION 54 - ZONE FORMATIONS - INHABITED AREAS

Rule 54.01. PETITION - any person shall have the right to petition the Board to form a street lighting zone on the form provided by the District. Such petition shall be accompanied by a map showing the lots proposed for inclusion in the zone, signatures of over fifty percent of the property owners in the proposed zone who support the petition. The listing of properties shall include the assessor parcel number of each lot, the street address of each lot, and the name, address and phone number of each owner. An Application fee of $500 must accompany the petition for the District to process the protest hearing.

Rule 54.02. ENGINEER'S REPORT - once the application is deemed complete, the District shall cause an Engineer’s Report to be compiled for review and approval by the Board identifying all parcels which will have a special benefit conferred upon them and upon which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; and the entirety of the costs and expenses related to the proposed assessment, and the proposed division of these costs and expenses, as noted in Rule 51.05 and Rule 51.06, and a statement by the Engineer that the illumination design has been reviewed and found to be in conformance with the District’s Rules, Regulations, and

Standards. For street lighting zones formed within inhabited areas, the District will be responsible for performing the analysis of illuminating patterns and levels to demonstrate the proposed plan is in conformance with the District's Rules, Regulations, and Standards.

Rule 54.03. PROTEST HEARING NOTIFICATION - once the District Engineer has submitted the draft Engineer's Report, MCSD staff shall give written notice of the proposed hearing date to the recorded owner of each parcel proposed for assessment. Said notice shall be mailed no less than 45 days prior to the hearing and include the proposed assessment for each identified parcel; the total amount of assessments chargeable to the entire zone; the duration of such payments; the reason for such assessment; the basis upon which the proposed assessment was calculated; the date, time and location of the public hearing; a ballot; a summary of the procedures applicable to completion, return and tabulation of the ballots together with a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. The ballot shall include MCSD's address for receipt of any such ballots once completed by the owner; reasonable identification of the parcel and reasonable identification of the voting blocks for support or opposition to the assessment.

Rule 54.04. PROTEST HEARING - after closing the protest hearing the Board may consider the adoption of a resolution initiating formation of the zone. The Board shall not impose the assessment if the weighted vote submitted in ballots from owners in opposition to the assessment is greater than the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment.

Rule 54.05. NOTIFICATION OF ZONE FORMATION HEARING - once the final Manager's report is complete, the Manager shall schedule a public hearing for the next available board meeting to consider formation of the street lighting zone. The Manager shall mail notice to each property owner in the revised zone at least two weeks prior to the hearing. Such notice shall include a copy of the final Manager's report.

Rule 54.06. ZONE FORMATION - after closing the public hearing required by Rule 54.05, the Board may consider adoption of a resolution forming a street lighting zone.

Rule 54.07. ZONE AMENDMENT - any property owner in an existing street lighting zone may petition the Board for addition of new lots or the deletion of existing lots to said zone on the form provided by the District. Said petition shall be accompanied by a description of the proposed amendment and the signatures of over fifty percent of the property owners in the zone that support the petition. The Manager shall schedule a hearing on the petition and mail notice of the hearing to each property owner in the zone. The Board may amend the resolution by resolution or choose not to amend the resolution. The District will notify all property owners in the zone of the Board's action. An Application Fee of $500 must accompany the petition for the District to process the protest hearing.

Rule 54.08. ZONE DISSOLUTION - any property owner in an existing street lighting zone may petition the Board for dissolution of said zone on the form supplied by the District,

provided, however that no zone shall be dissolved within five years of its formation. Said petition shall be accompanied by the signatures of over fifty percent of the property owners in the zone that support the dissolution. The manager shall schedule a hearing on the petition and mail notice of the hearing to all property owners in the zone. The Board may choose not to dissolve the zone or dissolve the zone by resolution where it finds that continued existence of the zone is not necessary for the protection of public health and safety. The District shall mail notice of the Board's action to all property owners within the zone. An Application fee of $350 must accompany the petition for the District to process the protest hearing.

Rule 54.09. SINGLE PROPERTY EXCEPTION – a property owner may secure a permit to locate street lighting facilities on his property without forming a street lighting zone.

REGULATION 55 - STREET LIGHTING FACILITIES - INHABITED AREAS

Rule 55.01. PERMIT REQUIRED - no person shall construct street lighting facilities in the District without first obtaining a written permit from the District to install lighting facilities and paying all fees as required herein. The provisions of this rule shall not apply to the District, its contractors or the agents of an electric public utility.

Rule 55.02. APPLICATION TO INSTALL STREET LIGHTING FACILITIES - a property owner or his agent shall make application for a permit to install street lighting facilities by filing the form provided by staff to the District along with the prescribed fees and supporting documentation.

Rule 55.03. PLANS, PROFILES AND SPECIFICATIONS - the application for a permit under this regulation shall be accompanied by complete plans, profiles and specifications prepared by a Registered Civil Engineer showing all details of the proposed street lighting facilities based on an accurate survey of the ground. The application shall be examined by the manager who shall determine if it is complete, he may require the applicant to submit additional information until the application is deemed complete.

Rule 55.04. ISSUANCE OF LIGHTING PERMIT - upon formation of the street lighting zone as prescribed by Regulation 54, the manager shall issue a permit prescribing terms and conditions.

Rule 55.05. APPLICATION FEE - the application fee for formation of a lighting zone of lighting facilities shall be five hundred ($500) dollars.

Rule 55.06. EASEMENTS - in the event that an easement is required for the construction of street lighting facilities, the applicant shall procure and have accepted by the manager proper easement sufficient for such facilities, normally 20-feet minimum.

Rule 55.07. PERSONS AUTHORIZED TO PERFORM WORK - only licensed contractors shall be authorized to construct street lighting facilities within the District. All terms and conditions of the District permit shall be binding on the contractor.

Rule 55.08. COMPLIANCE WITH LOCAL REGULATIONS - any person constructing street lighting facilities shall comply with all state and county laws, rules and regulations and shall obtain all permits required by other agencies prior to commencing construction.

Rule 55.09. REPAIR TO EXISTING PUBLIC WORKS - streets, sidewalks and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District and any other person having jurisdiction there over.

REGULATION 56 - RATES AND CHARGES

Rule 56.01. BASIS FOR DETERMINATION OF CHARGES - for street light zones where the facilities are owned by the utility, the District business manager will determine the charge for each month for each customer residing in the street lighting zone based on the total charges for the zone, as noted in Rule 51.05. For street light zones where the facilities are owned by the District, the District business manager will determine the charge for each month for each customer residing in the street lighting zone based on the total charges for the zone, as noted in Rule 51.06.

Rule 56.02. ADMINISTRATIVE CHARGE - the District shall charge a fifty-cent ($.50) administrative charge per customer per month.

Rule 56.03. NOTIFICATION - the District business manager shall notify each street lighting customer of changes in the rate schedule of the electric public utility that affect their charges and of changes in the administrative charge.

Rule 56.04. ADMINISTRATION - opening and closing bills for less than a normal billing period shall be prorated on a daily use basis. Bills for street lighting services shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided. Every owner of property is liable for street lighting charges for any premises they have rented in the event that any tenant thereof does not pay the street lighting bill.

Rule 56.05. CONSOLIDATED BILL - the District will collect its street lighting charges with the rates for other utility service furnished. The street lighting charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charge.

Rule 56.06. DISCONTINUING SERVICE - if all or any part of the bill described in Rule 56.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 56.07. COLLECTION ON TAX ROLL - the District may provide for collection of all such delinquent charges upon the tax roll in the manner provided by law therefore.

Rule 56.08. COLLECTION - all laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to street lighting charges.

Rule 56.09. USE OF REVENUES - revenues derived under this Article shall be used only for street lighting costs and the administration of street lighting services.

ARTICLE VI. - GENERAL PROVISIONS

REGULATION 60. - JUDICIAL REVIEW

Rule 60.01. JUDICIAL REVIEW - judicial review pursuant to Code of Civil Procedure 1094.5 of any decision made by the Board of Directors of the McKinleyville Community Service District or any commission, officer or agent thereof, may be had only if the petition for writ of mandate pursuant to C.C.P. 1094.5 is filed within the time limit specified in California Code of Civil Procedure 1094.6.

REGULATION 61 - BOARD MEETINGS

Rule 61.01. REGULAR MEETINGS - the regular meetings of the Board of Directors of the McKinleyville Community Service District shall hereafter be held on the first Wednesday of each and every calendar month at the hour of 7:00 o'clock P.M.

All meetings of the Board of Directors shall be held at Azalea Hall located at 1620 Pickett Road, unless they shall adjourn to or fix another place of meeting in a notice to be given thereof, or unless prevented and established at 1656 Sutter Road, McKinleyville, California.

Rule 61.02. MAILING ADDRESS - the official mailing address of said District is hereby established as Post Office Box 2037, McKinleyville, California 95519.

REGULATION 62 - SEVERABILITY

Rule 62.01. SEVERABILITY - if any provision of these Rules and Regulations or the application of these Rules and Regulations to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these Rules and Regulations, and to this end, the provisions of these Rules and Regulations are severable.

REGULATION 63 - VARIANCES

Rule 63.01. VARIANCES - the Board may, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds:

(a) that special circumstances exist in a particular case, and
(b) that practical difficulties or unnecessary hardship would result from strict interpretation and enforcement of any standard, and
(c) that the granting of such a variance would not tend to defeat the purposes of these Rules and Regulations. The Board may place conditions upon such variances.

Rule 63.02. VARIANCE APPLICATION - any individual seeking a variance shall complete a variance application on the form provided by the District. A non-refundable fee of $25.00 shall be paid by the applicant to the District for such application to be considered by the Board.

REGULATION 64 - MISCELLANEOUS FEES

Rule 64.01. MEETING NOTICE FEE - the annual fee for reception of meeting notices shall be $25.00.

Rule 64.02. RESEARCH FEES - customers requesting information requiring staff research shall pay a research fee of $20.00 per hour plus copying charges with a minimum fee of $20.00.

REGULATION 65 - APPEALS

Rule 65.01. APPEALS - the Board may, in specific cases, grant an appeal from any decision made by staff applying the standards incorporated into these Rules and Regulations whenever it finds:

(a) that special circumstances exist in a particular case, and
(b) that practical difficulties or unnecessary hardship would result from strict interpretation and enforcement of any standard, and
(c) that the granting of such an appeal would not tend to defeat the purposes of these Rules & Regulations. The Board may place conditions upon the approval of an appeal.

Rule 65.02. APPEAL APPLICATION - any individual seeking an appeal shall complete an appeal application on the form provided by the District. A non-refundable fee of $25.00 shall be paid by the applicant to the District for such application to be considered by the Board.

REGULATION 66 - INFORMAL BIDDING PROCEDURE

Rule 66.01. INFORMAL BID PROCEDURES - public projects, as defined in the Uniform Public Construction Cost Accounting Act (herein called UPCCA), of $75,000 (seventy five thousand dollars) or less may be let to contract by informal procedures as set forth in Section 22032, et seq, of the Public Contract Code.

Rule 66.02. CONTRACTOR LIST - list of contractors shall be developed and maintained in accordance with the provisions of Section 22034 of the Public Contracts Code

and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission (herein called CUCCAC).

Rule 66.03. NOTICE INVITING FORMAL BIDS - where a public contract is to be performed which is subject to the provisions of the UPCCA, a notice inviting informal bids shall be mailed to all contractors for the category of work to be bid, as shown on the list developed in accordance with rule 66.02, and to all construction trade journals as specified by the CUCCAC in accordance with Section 22036 of the Public Contract Code. Additional contractors and journals may be noticed; provided however:

(a) If there are no qualified contractors for the particular category of work to be performed on the District's contractor list, the notice inviting bids shall be sent only to the construction trade journals specified by the CUCCAC.

(b) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

Rule 66.04. AWARD OF CONTRACTS - the Manager, Business Manager and Projects Director are each authorized to award informal contract pursuant to this regulation and the adopted expenditure control system.

REGULATION 67 - CONSULTANT SELECTION

Rule 67.01. INTRODUCTION - this regulation will detail the process that MCSD will follow in selecting "Professional" consultants (architectural, engineering, surveying and construction management services) and all other consultants (i.e. auditors, environmental analysis, etc.). This regulation does not apply to either material vendors or contractors (licenses firms retained to construct works).

Rule 67.02. SELECTION OF "PROFESSIONAL" CONSULTANTS - this rule has been drafted to comply with section 4525 et seq. of the California Government Code (the Little Brooks Act) and to ensure that qualified consultants are retained to perform architectural, engineering, land surveying or construction management services. MCSD shall use the process set forth in this part to govern selection of "professional" consultants except where the service is expected to cost less than $15,000 (see Rule 67.04 for projects expected to cost less than $15,000); where the Manager determines that the services requested are technical services requiring little professional judgment (see Rule 67.03); or where the services requested relate to proprietary expertise unique to specific District software or hardware.

(a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposal (RFP) that (i.) provides an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach, and (iii.) requests that the consultant submit under separate cover an estimated budget.

i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal

requirements (# copies, six, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.

ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability.

iii. Finally, the consultant will be asked to submit a project budget under separate cover in a sealed envelope. The consultant will be expected to negotiate an agreement for the described services using this budget. The budget submittal shall break out the proposed fee and hours by staff type for each task. The consultant may include costs for optional services for the services not detailed in the RFP.

(b) **BOARD AUTHORIZATION TO PROCEED:** Staff shall present the draft RFP along with a listing of known firms with similar expertise for Board edit. If the Board authorizes the process, then staff will mail an RFP to each identified consultant and post notice of the RFP at the MCSD office.

(c) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.

i. **MINIMUM QUALIFICATIONS:** RFP's must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.

ii. **COMPARISON RANKINGS:** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence. Preference should be given for local firms where two firms are otherwise equally qualified.

(d) **RECOMMENDATION:** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. For the top three qualified consultants, staff shall open the attached budgets and compare budgets. Staff will then negotiate a proposed scope of work and cost with the top ranked consultant or consultants; including any options staff requests be included.

(e) **SELECTION:** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

Rule 67.03. SELECTION OR OTHER CONSULTANTS FOR MAJOR PROJECTS - MCSD shall use the process set forth in this rule to govern selection of all other consultants where the services are expected to cost more than $15,000 and for selection of professional consultants where the proposed services are technical services requiring little professional judgment and the services are expected to cost more than $15,000.

(a) **PREPARE DRAFT REQUEST FOR PROPOSAL:** Staff shall prepare a Draft Request for Proposals (RFP) that provides: (i.) an overview of the assignment, (ii.) requests that the consultant submit a Proposal detailing their qualifications and approach and an estimated budget.

i. The RFP overview describes the nature of the project; details the services required including a timeline for each task and work product; explains the criteria for selection; sets the due date/time for submittal; sets the submittal requirements (# copies, size, etc.), and identifies a contact person for additional information. The RFP shall reserve the right to reject proposals.

ii. Based on the overview's description of the project, the consultant will next be asked to submit a proposal detailing the firm's qualifications and approach to the assignment. This proposal must identify the experience of the firm and the project manager in relation to the project. This proposal must also document the firm's credentials and insurance capability. This proposal must include a project budget. The budget submittal shall break out the proposed fee and hours by staff type for each task. The consultant may include costs for optional services not detailed in the RFP.

(b) **BOARD AUTHORIZATION TO PROCEED:** Staff shall present the draft RFP along with a listing of known firms with similar expertise for Board edit. If the Board authorizes the process, then staff will mail an RFP to each identified consultant and post notice of the RFP at the MCSD office.

(c) **EVALUATION OF PROPOSALS:** It is not possible to foresee the specific criteria for ranking proposals until the assignment is specified. However, the following general categories will be common to any screening--(i.) minimum qualifications and (ii.) comparison rankings.

i. **MINIMUM QUALIFICATIONS.** RFPs must demonstrate that the firm has the appropriate credentials to perform the service; has appropriate insurance and can satisfy the requested project timeline.

ii. **COMPARISON RANKINGS.** If the firm satisfies these minimums, then the RFP should be rated on a numerical scale for staff qualifications, experience, approach, performance/availability, proposal quality, and historical budget/schedule adherence and price. Preference should be given for local firms where two firms are otherwise equally qualified.

(d) **RECOMMENDATION.** Following closure of the submittal period, staff shall evaluate all proposals based on the criteria approved by the Board for this selection and compile a ranked listing of submitters. Staff will recommend selection of one firm and specify any options requested for inclusion.

(e) **SELECTION.** Staff will present a summary of the submittal results and the recommended scope of work/budget to the Board for approval or rejection. Should the Board approve the scope of work, staff will negotiate an agreement for subsequent Board ratification.

Rule 67.04. SELECTION OF CONSULTANTS FOR SMALL CONTRACTS - staff may retain consultants to perform budgeted services where the expected value of the service is less than $15,000.

Where the service is expected to cost more than $5,000 staff shall secure informal proposals from firms known to have the required expertise. Where the service is expected to cost less than $5,000 staff shall negotiate an agreement with the apparent best qualified consultant.

REGULATION 68 – LATENT POWERS

Rule 68.01: INTRODUCTION – This regulation will detail and clarify the Latent Powers of the District. The State of California Government Code, Title 6, Division 3, Part 3, Chapter 1, Section 61100, states "within its boundaries, a district may do any of the following:" and then lists in its subsections various latent powers. As detailed in the 2009 adopted Municipal Service Review (MSR) prepared by the Humboldt County Local Agency Formation Commission (LAFCo), the District currently provides the following services:

- Water,
- Wastewater,
- Parks and Recreation,
- Street Lighting,
- Open Space, and
- Stormwater Detention Basins.

Rule 68.02: EXERCISING LATENT POWERS – The process for activation of latent powers per the Cortese-Knox-Hertzber Act consists of the following steps:

1. Government Code Section 61106(a) If a Board of Directors desires to exercise a latent power, the district shall first receive the approval of the local agency formation commission, pursuant to Article 1.5 (commencing with Section 56824.10) of Chapter 5 of Part 3 of Division 3.
2. Government code Section 61106(b) After receiving approval of the Local Agency Formation Commission, the Board of Directors may, by ordinance, order the exercise of that power.
3. Latent powers activation does not require an election unless sufficient written protest during the protest hearing process was received.
4. A certificate of completion should be recorded to certify the exercise of new and/or different functions.

Rule 68.03: SERVICES FOR THOSE EXPERIENCING HOMELESSNESS – The Board and Staff of McKinleyville CSD are sensitive to the impact homelessness has on our community. As a California Special District, McKinleyville community Services District has specific authorities. With that in mind, MCSD has no authority or funding to serve those experiencing homelessness in our community. To address unmet needs in McKinleyville, MCSD can offer facilities to third parties to serve those experiencing homelessness in the community. This includes, but is not limited to, Parks, buildings, and undeveloped property owned by MCSD. The process for accessing an agreement with MCSD can be found in Article IV, Regulation 45: Permits, Fees and Deposits, of the MCSD Rules and Regulations. Any third party interested in utilizing MCSD facilities

for the care, support, or locating the homeless population will be required to apply for a permit consistent with these rules and regulations. Any request for these services will be reviewed on a case-by-case basis and will require action by the MCSD Board of Directors. A facility use agreement that lays out specifics, including cost and term, will be required, and must be approved by the Board in an open, public meeting.

ARTICLE VII - OPEN SPACE MAINTENANCE

REGULATION 70 - GENERAL PROVISIONS - OPEN SPACE MAINTENANCE

Rule 70.01. PURPOSE AND POLICY - this article sets forth the standards, processes and fees associated with open space maintenance services. The District desires to encourage the long-term maintenance of undeveloped or recreational land under District ownership where the maintenance is either required by Humboldt County or requested by residents of a specific area. This article is intended to implement the provisions of the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22500 et seq.) herein referred to as the "Act."

Rule 70.02. RECREATIONAL USE DEFINED - recreational use is considered any area open for safe public use that contains trails, improved footpaths, parks, tot lots, playgrounds, or those areas having access to scenic views or open space. These recreational areas shall conform to the definition of recreational facilities contained in the MCSD Parks and Recreational Master Plan.

Rule 70.03. DETENTION BASINS DEFINED - a detention basin is a facility designed to capture storm water runoff and temporarily impound this water with a release rate to the downstream receiving area of an amount not to exceed a two-year rainfall event as defined by County Standards. Detention basins, if required by Storm water Regulations of the Humboldt County Planning and Public Works Department for new development, must comply with County Standards. MCSD has design standards for basin configuration that shall be constructed or submit equivalent facilities for consideration.

Rule 70.04. RECREATIONAL AREAS AND NON-RECREATIONAL AREAS AS DETENTION BASINS - if a developer wishes to submit an application to the MCSD for consideration of A Detentions Basin as an Open Space Zone and petition the District to maintain said zone there must be an application filed with the District. Each basin will be considered independently with no District obligation of acceptance. The basin direct may or may not have a nexus to recreation use as defined in 70.02. Recreational use and open space designation is not required for consideration of acceptance. The applicant proposing any specific area as a recreational amenity must submit maps delineating the recreation area and a justification of why this area of recreational use should be considered for Open Space Zone consideration. Such areas must be accessible to the public and meet any other specifications as required by the District as a condition of development. If the District Board of Directors agrees to the proposed open space concept the District will consider Maintenance of the Open Space Zone as set forth in Section 72 of the District Rules and Regulations. The detention basin and/or recreational area shall be dedicated “in fee” to MCSD as a condition of approval at the time of recordation.

Rule 70.05. DETENTION BASIN CONSTRUCTION REQUIREMENTS - engineered plans proposing a Detention Basin area for primary recreational use shall be submitted along

with the required design drawings for water, sewer and street light facilities. These basins must comply with the County Standards for Storm water management and treatment. Generally, these basins are excavations within the subdivision or consist of a berm formed across a natural drainage channel. Earthen berms or dikes shall be compacted with clayey materials to 90% compaction. Side slope of the berm shall not exceed a 1:3 ratio of rise over run. Piping and drains in the basin shall be sized to release storm water at a two-year rainfall rate, using a ten-minute storm duration. Release structures will have the bottom drain and overflow piping covered with cast iron grating and/or trash racks to prevent debris, animals and etcetera from entering into the piping. The overflow piping will be a vertical pipe in the face of the berm eighteen inches below the lowest point on the berm. At the location of the overflow the berm shall be protected with a four-inch reinforced concrete slab (or filter fabric with six inch fractured rock, 10# rock) to prevent berm erosion. Six-inch rock and filter fabric is to be placed on the downstream side of the overflow area to prevent erosion at the base of the concrete or rock spillway in the event of a high rainfall event or blockage of the drains creating an overflow condition in the basin. The width of the concrete spill way and the area of rock placement will be determined in the design phase based upon the slope and size of the basin. Generally, a ten foot wide spillway sloped toward the center will be sufficient. All disturbed areas will be seeded with a grass mix to stabilize the ground and prevent erosion of the site. The District may consider other equivalent designs upon the submittal of engineered plans.

REGULATION 71 - MAINTENANCE STANDARDS

Rule 71.01. ACCEPTANCE OF UNDEVELOPED LAND - the District reserves the right to accept or reject ownership and maintenance responsibility for any area of land. Nothing herein set forth shall be construed as a limitation upon the power vested in the District's Board of Directors by virtue of the Act or by other provisions of law. The District will not accept environmentally impaired land unless the environmental impairment is resolved by the donor.

Rule 71.02. ESTABLISHMENT OF MAINTENANCE LEVEL - the District reserves the right to set the type of maintenance work and the level of maintenance effort necessary to adequately maintain each specific piece of property for which maintenance services are proposed. The District will not accept maintenance responsibility for road or drainage facilities on such lands.

Rule 71.03. OWNERSHIP INTEREST - the District must own each specific piece of property in fee simple title before the District will supply maintenance services to that piece of property except for property for which fee simple title ownership is not possible. Where District fee simple title ownership is not possible the District may supply maintenance services on deeded easements. Sufficient access rights must accompany the title to facilitate the District's maintenance responsibility.

Rule 71.04. MAINTENANCE ASSESSMENTS - an assessment district which includes and describes the properties responsible for paying maintenance assessments adequate to fund future maintenance responsibility must be established before the District will supply maintenance services to any parcel.

Rule 71.05. DIVISION OF COSTS - the monthly maintenance assessment for each property located in an assessment district shall be equal to the total monthly maintenance charges for that district, including administrative charges as prescribed by Rule 63.03, apportioned among the properties within the assessment district in a manner which fairly allocates the costs among the properties on the basis of the relative benefits received by each lot or parcel.

REGULATION 72 - ASSESSMENT DISTRICT FORMATION

Rule 72.01. APPLICATION TO FORM ASSESSMENT DISTRICT - any person may apply to form an assessment district by filing the form provided by the District and paying the prescribed fees. The application shall include all required information and documentation. Applications to form assessment districts within inhabited areas shall be signed by at least fifty percent of the property owners within the proposed assessment district.

Rule 72.02. PROPOSAL - the application to form an assessment district shall be accompanied by a detailed proposal describing the land to be the subject to maintenance services or other improvements, the type of maintenance services or improvements requested and the level of maintenance effort proposed. The proposal shall be accompanied by a survey compiled by an independent consultant documenting the presence or absence of environmental impairments including toxic wastes. The proposal shall be reviewed by the manager who shall determine if it is complete. If the manager determines that the proposal is not complete, the applicant shall submit additional information until the application is deemed complete.

Rule 72.03. ENGINEER'S REPORT - once the application is deemed complete, the District Engineer shall compile a report to the Board identifying all parcels which will have a special benefit conferred upon them and upon which an assessment is proposed to be imposed; the proportionate special benefit derived by each identified parcel; the entirety of the capital cost of the public improvements; and the maintenance and operation expenses related to those improvements or service to be provided.

Rule 72.04. PROTEST HEARING NOTIFICATION - once the District Engineer has submitted the draft Engineer's Report, MCSD staff shall give written notice of the proposed hearing date to the recorded owner of each parcel proposed for assessment. Said notice shall be mailed no less than 45 days prior to the hearing and include the proposed assessment for each identified parcel; the total amount of assessments chargeable to the entire zone; the duration of such payments; the reason for such assessment; the basis upon which the

proposed assessment was calculated; the date, time and location of the public hearing; a ballot; a summary of the procedures applicable to completion, return and tabulation of the ballots together with a disclosure statement that the existence of a majority protest will result in the assessment not being imposed. The ballot shall include MCSD's address for receipt of any such ballots once completed by the owner; reasonable identification of the parcel and reasonable identification of the voting blocks for support or opposition to the assessment.

Rule 72.04.A. PROTEST HEARING - after closing the protest hearing the Board may consider the adoption of a resolution initiating formation of the zone. The Board shall not impose the assessment if the weighted vote submitted in ballots from owners in opposition to the assessment is greater than the weighted vote submitted in ballots in favor of the assessment. The weighting shall be proportional to the financial obligation of each affected property relative to the total assessment.

Rule 72.05. RESOLUTION OF FORMATION - following the adoption of a resolution of intention, the Board shall conduct further proceedings in accordance with the Act. Levies of assessments shall be assessed against the properties within the assessment district pursuant to a resolution of formation of the assessment district adopted pursuant to Section 22594 of the Act.

Rule 72.06. APPLICATION FEE - the application fee for formation of a maintenance zone shall be three hundred and fifty ($350) dollars.

REGULATION 73 - RATES AND CHARGES.

Rule 73.01. BASIS FOR DETERMINATION OF CHARGES - the District Business Manager will determine the charge for each month for each property owner residing in an assessment district based on the total monthly maintenance charges for that assessment district as set forth in rule 73.02, the number of property owners in the assessment district, the formula for division of costs as set forth in the assessment district formation resolution and the current administrative charge as set forth in Rule 73.03.

Rule 73.02. MAINTENANCE CHARGES - where the District opts to directly conduct the work, total monthly maintenance charges shall be based on the manpower, supply, insurance and replacement requirements for the assessment district detailed in the final maintenance plan multiplied by the then current cost per increment of each such components as set forth annually by the Board by resolution. Where the District opts to retain a private vendor to contract for the maintenance work, total monthly maintenance charges shall be based on the vendors bid to complete the work plus the district's manpower cost to supervise the vendor, and the insurance and replacement requirements for the assessment district detailed in the final maintenance plan multiplied by the then current costs per increment of each such component as set forth annually by the Board by resolution. Copies of the current resolution shall be posted at the District office.

Rule 73.03. ADMINISTRATIVE CHARGES - the District shall charge a fifty cent ($.50) administrative charge per customer per month.

Rule 73.04. NOTIFICATION - the District business manager shall notify each property owner of changes in the maintenance charge or administrative charges.

Rule 73.05. ADMINISTRATION - opening and closing bills for less than normal billing period shall be prorated on a daily use basis. Bills for assessments levied shall be rendered at the beginning of each billing period and are payable upon presentation, except as otherwise provided. Every owner of property is liable for maintenance charges for any premises they have rented in the event that any tenant thereof does not pay the assessment.

Rule 73.06. CONSOLIDATED BILL - the District will collect its assessments with the rates for other utility services furnished. The assessment charges shall be itemized, billed upon the same bill, and collected as one item, together with and not separately from such utility service charges.

Rule 73.07. DISCONTINUING SERVICE - if all or part of the bill described in rule 73.05 is not paid when due, the District may discontinue water or sewer service until such bill is paid.

Rule 73.08. COLLECTION ON TAX ROLL - the District may provide for collection of all such delinquent charges upon the tax roll in the manner provided by law therefore.

Rule 73.09. COLLECTION - all laws applicable to the levy, collection and enforcement of general taxes of the District, including but not limited to those pertaining to the matters of delinquency, correction, cancellation, refund and redemption are applicable to assessments levied pursuant to this article.

Rule 73.10. USE OF REVENUE - revenues derived under this article shall be used only for maintenance costs and the administration of maintenance services.

Rule 73.11. PROCESSING FEE - prior to commencing service a non-refundable fee of twelve ($12) dollars will be required of all customers.

Rule 73.12. STORM WATER CAPACITY FEE - Storm Water Capacity is available at the Hiller East Marsh for the following fees and charges:

(a) Surface area capacity is to be charged at the rate of $115,000.00 per acre or $2.64 per square foot. The District is willing to discuss terms for a conservation easement if that is a necessary requirement of an Agency mitigation requirement at this site.

(b) Developer capacity charge will be at a minimum of $58,351.00 per acre-foot or $1.34 per cubic foot if one acre-foot or more is purchased. For capacity amounts less than one acre-foot the charge will be $1.68 per cubic foot.

(c) Maintenance fees: Monthly maintenance fees will be $2.00 per Equivalent residential Unit (ERU). The monthly fee will be billed with the monthly sewer and water billing. Nonpayment may result in the loss of service to the applicant's residence and is

subject to remedy as set forth in related sections of this Ordinance applicable to Water and Sewer Payment.

(d) These fees are subject to increase if Local, State or Federal Regulatory Action causes increased expenses for the District to monitor or maintain this wetland site. Further, annual adjustment will be made to the fee structure based upon the annual Price and Population Increase as provided by the State Department of Finance. District Labor cost will be increased annually based upon COLA indexes as defined in the Personnel Policy Manual.

Appendix A – Current Special Fee Schedule

McKinleyville Community Services District
Fee Schedule FY 2017-18 with calculations and parameters

$ 8.33	**Bulk Water**	Rate:	Use current rates per CCF		
	(RR 14.09)	Fee:	0.10 Hr times	Loaded Ops P/R - avg per hour	
	Customer Deposits:	2 1/2 times the monthly average for that class of customer			
$ 60.00	(RR 5.01, 10.03)	Residential - water only		Mo.Avg:	$24.00
$ 120.00		Residential - water/sewer		Mo.Avg:	$48.00
$ 550.00		Fire Hydrant		Mo.Avg:	$220.00
Exempt	**Regular call-outs for:**	all sewer issues			
	(no fee for these!)	water quality issues: pressure, taste/odor/color			
$ 42.19	**Special call-outs** (during business hours):		0.50 hour, FY 2017-18		
$ 163.13	**After-hours call-outs**		2.00 hours OT FY 2017-18		
	(no RR)		0.50 hours Utility Truck		
$ 56.25	**Reconnection Fee**		40 minutes, FY 2017-18		
	(RR 10.03)				
$ 100.99	**Meter Removal/Reinstallation**		1.00 hour, FY 2017-18		
	(no RR)		1.00 hour Utility Truck		
			16.61 Lock Cost		
	Meter Reinstallation w/replacement of angle-stop, out of sidewalk		1.50 hour, FY 2017-18		
			1.00 hour Utility Truck		
$ 207.16	3/4" x 5/8"		$98.60 Parts		
$ 215.04	1" x 5/8"		$106.48 Parts		
$ 244.73	1" x 1"		$136.17 Parts		
	Meter Reinstallation w/replacement of angle-stop, in sidewalk		2.00 hour, FY 2017-18		
			1.00 hour Utility Truck		
$ 231.35	3/4" x 5/8"		$98.60 Parts		
$ 239.23	1" x 5/8"		$106.48 Parts		
$ 268.92	1" x 1"		$136.17 Parts		
	Replacement of angle-stop out of sidewalk		1.50 hour, FY 2017-18		
			1.00 hour Utility Truck		
$ 190.55	3/4" x 5/8"		$81.99 Parts		
$ 198.43	1" x 5/8"		$89.87 Parts		
$ 228.12	1" x 1"		$119.56 Parts		
	Replacement of angle-stop in sidewalk		2.00 hour, FY 2017-18		
			1.00 hour Utility Truck		
$ 214.74	3/4" x 5/8"		$81.99 Parts		
$ 222.62	1" x 5/8"		$89.87 Parts		
$ 252.31	1" x 1"		$119.56 Parts		