

EAST NILES COMMUNITY SERVICES DISTRICT

**RULES AND REGULATIONS REGARDING
WATER AND SEWER SERVICE**

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Chapter 1: GENERAL PROVISIONS

SECTION 1

DEFINITIONS

The following terms, when used in these Rules and Regulations, shall have the following respective meanings:

1. "Applicant" shall mean any prospective user applying for water service or sewer service.

2. "Bathroom" shall mean a room containing at least two items from the following list: toilet, urinal, shower, bathtub or sink.

3. "Board of Directors" or "Board" shall mean the Board of Directors of the District.

4. "Commercial sewer service" shall mean the furnishing of sewer service to any commercial user.

5. "Commercial user" shall mean any user who is not a residential user, industrial user or institutional user.

6. "Commercial water service" shall mean the furnishing of water service to commercial user.

7. "Date of presentation" shall mean the date upon which a bill or notice is mailed or delivered personally to the consumer.

8. "District" shall mean East Niles Community Services District, a community services district organized and existing under the laws of the State of California.

9. "District sewer system" shall mean the system which is used for the collection, treatment and disposal of sewage and waste water, for the benefit of East Niles Community Services District, including but not limited to buildings, sewer lift stations, sewage collection system, treatment plant(s), work facilities, land, easements, rights of way and other rights and interests in real and personal property, necessary or convenient for said sewer system.

10. "District water system" shall mean the system which is used or useful for the production, storage, transmission and distribution of potable water, including but not limited to lands, easements, water rights, wells, reservoirs, storage tanks, water mains, meters, hydrants, valves, pumps and pumping stations, and water supply, storage, transmission and distribution facilities, and

other works, properties or structures necessary or convenient for a water system for the purpose of supplying people or lands within the District with water for domestic use, irrigation, sanitation, industrial use, fire protection and recreation.

11. "Domestic sewer service" shall mean the furnishing of sewer service to any residential user.

12. "Domestic waste" shall mean any liquid or water-carried or other human waste from a domestic sewer service.

13. "Domestic water service" shall mean the furnishing of water to any residential user for household residential purposes, including water used for sprinkling lawns, gardens and shrubbery, for watering livestock, for washing vehicles and for other similar and customary purposes.

14. "Dwelling unit" shall mean any single-family dwelling of one or more rooms having one or more plumbing fixtures suitable for residential occupancy by any number of persons living together, such as a single-family dwelling, each group of rooms constituting a dwelling unit for a single family in any multiple dwelling structure.

15. "General Manager" shall mean the General Manager of the District.

16. "Industrial sewer service" shall mean the furnishing of sewer service to any industrial user.

17. "Industrial user" shall mean any user engaged in any manufacturing or processing activity, including the manufacturing or processing of agricultural products, animals, poultry, goods, wares or other products or materials.

18. "Industrial waste" shall mean liquid and/or solids contained within a liquid, other than domestic waste, resulting from a manufacturing or processing activity employed in industrial or processing establishments, including the washing, cleaning or drain water from such processes.

19. "Industrial water service" shall mean the furnishing of water to any industrial user.

20. "Institutional sewer service" shall mean the furnishing of sewer service to any institutional user.

21. "Institutional user" shall mean any user, public or private, operating a public or non-profit school, church, hospital, lodge, club, fire department, library, memorial building or other public or non-profit activity.

22. "Institutional water service" shall mean the furnishing of water to any

institutional user.

23. "Lateral sewer" shall mean that portion of any side sewer between a main sewer and a property line and lying within a street or public easement.

24. "Main extension" shall mean the extension of water distribution pipelines, or of any trunk sewer, main sewer or lateral sewer, exclusive of service connections, beyond existing facilities, in streets or District rights-of-way up to the property line of any person.

25. "Main sewer" shall mean any sewer pipeline constructed in any street to accommodate one or more than one side sewers.

26. "Master Meter" shall mean a single meter which serves multiple dwellings, commercial, or other units.

27. "Meter rate service" shall mean the furnishing of water by measured quantities.

28. "Multiple dwelling structure" shall mean any two or more dwelling units in any single building or structure, or group of buildings or structures, including any apartment house or apartment court, but excepting any multiple lodging structure.

29. "Multiple lodging structure" shall mean any two or more lodging units in any single building or structure or group of buildings or structures, including any rooming house, motel, hotel, trailer park, or similar situation.

30. "Occupant" shall mean any person actually occupying any premises, whether as owner or tenant or under contract or otherwise.

31. "Owner" shall mean the person owning fee title to any premises as shown by the Official Records of the County Recorder of Kern County, or as otherwise proved to the District's satisfaction.

32. "Person" shall mean any person, firm, company, corporation, partnership, association, entity, any public corporation, political subdivision, city, county, district, the State of California or the United States of America, or any department or agency of any thereof. The singular in each case shall include the plural.

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

34. "Residential user" shall mean any user whose premises are used primarily for residential purposes.

35. "Rules and Regulations" shall mean the provisions contained within this document. Headings are for convenience only and are not a limitation on a provision's applicability.

36. "Sewage" shall mean domestic waste, commercial waste, institutional waste, industrial waste, or any other type of substance deposited within the District sewer system.

37. "Sewer service" shall mean the services and facilities for collection, treatment and disposal of sewage furnished or available to premises by the District sewer system.

38. "Side sewer" shall mean that part of any sewer piping beginning at the junction thereof with any house plumbing system at not closer than two feet outside the foundation wall of the building served and terminating in any main sewer, including any lateral sewer installed by the District.

39. "Street" shall mean any public highway, road, street, avenue, alley, way, easement or right-of-way in the District.

40. "User" or "Customer" shall mean any person who receives service or is responsible for payment of sewer or water service charges for premises served, and may for purposes of these Rules and Regulations include those persons who live at the Premises.

41. "Water" shall mean water furnished through the District water system.

42. "Water service" shall mean the services, facilities and water furnished or available to premises by the District water system.

SECTION 2

GENERAL PROVISIONS - CONDITIONS OF SERVICE

The District will at all times attempt to deliver to its customers a continuous and sufficient supply of water at adequate pressure at the meter to meet reasonable service demands. However, the District is not and will not be liable for any loss, damage, or inconvenience to any person by reason of shortage, insufficiency, suspension, or discontinuance of water service, or for increases or decreases in water pressure. Additionally, partial or total interruptions in service occur and are sometimes necessary for the repair, maintenance, alteration, or extension of the District's facilities and the District shall not be liable or responsible for such interruptions.

During any period of threatened or actual water shortage the District shall have the right to apportion its available water supply among users in such manner as appears most equitable under the circumstances then prevailing and with due regard to public health and safety, and the District shall not be liable for interruption, shortage, or insufficiency of water supply or water pressure or any loss or damage occasioned thereby.

The District reserves the right at any and all times to shut off water delivery or sewer service for the purpose of maintenance or for making repairs and alterations to its system. Whenever reasonably possible, advance notice of interruption of service will be given to all affected water users; however, the District cannot guarantee complete freedom from service interruption.

The District will endeavor to provide potable water (water meeting the applicable water quality requirements of the State of California Department of Public Health and applicable federal water quality standards) to its customers. The District does not and shall not accept liability or responsibility for water which meets such applicable standards at the meter but reacts or interacts with non-District-owned facilities causing damage or harm.

All water sold or dispensed by the District shall be metered or measured. By applying for and/or receiving water service from the District, each consumer irrevocably licenses the District and its authorized employees and agents to enter upon the consumer's property at reasonable times for the purpose of reading, inspecting, testing, checking, repairing, maintaining, or replacing the District's meters, customer's backflow prevention devices, and other facilities. Meters and service laterals shall be located in dedicated easements that allow entry for reading, repair and other reasonably necessary District activity by District personnel, without limitation. When the meter and service lateral are not located in a dedicated easement, the same irrevocable license provisions shall apply.

District service facilities, including meters, boxes and service laterals, from the District's water main to and through the outflow side of the meter valve shall belong to and be maintained by the District. It is the customer's responsibility for installation and maintenance of the customer service line, including all service piping, valves and appurtenances on the discharge side of the meter. The meter valve (angle stop) on the street side of the meter shall be operated by District personnel only.

Title to water furnished by the District, the risk of loss thereof, and full responsibility for the carriage, handling, storage, disposal and use thereof, shall pass from the District to the water user at the outlet of the District meter, the control valve of a fire hydrant, or the control valve for a fire service.

For liability reasons, the District shall not repair leaks nor loan equipment or material for repairs on the customer's side of the meter, unless the customer service line was originally installed by District personnel within one year of the event causing the need for repair, such as in the case of a District-installed change over, and then only after determination by the District that the District has cause to do so.

A meter shall not be used to service any parcel or unit other than as assigned by the District. A water or sewer service line may not cross a parcel or lot to reach another parcel or lot for service.

Water that has been sold by the District shall not be resold or delivered to another parcel unless specifically authorized in writing by the District.

In accordance with applicable law, a customer's water service may be discontinued for nonpayment of a bill for water service. The District may also discontinue service to any customer for violation of its rules and regulations, or where safety of the water supply is endangered, or where unnecessary waste occurs. If an unsafe or hazardous condition is found or is reasonably likely to exist on the customer's premises, or if the use of water thereon by apparatus, appliances, equipment, or otherwise is found and is reasonably suspected to be detrimental or damaging to the District or to its customer, the service may be shut off without notice.

In the event of unusual or other circumstances deemed appropriate by the District's Board of Directors, any of the rules, regulations, rates, fees, or charges, contained herein, are subject to review, variance, and/or modification as the Board of Directors may determine, in its sole and absolute discretion, on a case-by-case basis.

Owners and Customers shall at all times grant District personnel and contractors clear and safe access to District property and facilities, including but not limited to easements, wells, pumping plant facilities, meters, manholes, and any other areas where District property is located or wherever necessary for the District to properly provide water or sewer service.

The District may, at any time and for reasons deemed reasonably necessary by the General Manager, alter any conditions of providing water or sewer service.

Should any question arise regarding the interpretation of the Rules and Regulations, the District's Board of Directors' interpretation shall be final and binding.

Violation of any District rule, regulation, or policy, including these Rules and Regulations may, in the discretion of the District, result in termination of water service, sewer service, or both.

SECTION 3

CONNECTIONS; PERMITS TO CONNECT; MAIN EXTENSIONS; SERVICES

1. Water Connections. No person shall connect or cause any premises to be connected with the District water system without first obtaining permission from the District to do so, and paying all applicable charges.

2. Sewer Connections. No person shall connect or cause any premises to be connected with the District sewer system without first obtaining permission from the District to do so, and paying all applicable charges.

3. Applications. Each applicant for water service or sewer service shall be required to sign, on a form provided by the District, an application in a form and substance as may be required by the District from time to time. Two or more parties who join in one application for service shall be jointly and severally liable for payment of bills and shall be billed by means of single periodic bills.

4. Change in Use. Users making any material change in the quantity or extent of water use or sewer service shall immediately give the District written notice of the extent and nature of such change. Any material increase in use may result in additional fees or charges being imposed.

5. Verification. No application shall be conclusive as to the matters therein set forth, nor shall the submittal of any application preclude the District from collecting from the user responsible for payment by appropriate action, such sum as is actually due and payable for water service and sewer service. Each application shall be subject to verification in any manner deemed necessary or appropriate by the District, which in the case of leased premises shall typically require ownership information, a copy of a signed rental/lease agreement, verification of the Owner's signature, and/or other information which the District may require.

The District shall not be obligated to provide water service pursuant to any application for water service, or otherwise, unless and until District is provided, upon request, verification acceptable to the District that applicant has the authority to bind the landowner and/or tenant for (a) charges associated with water delivery by District and for (b) any other charges or expenses associated with services by the District or pursuant to these Rules and Regulations. Any such verification shall be of the type prescribed by District, and may change from time to time, or as deemed appropriate on a case-by-case basis.

6. Special Circumstances. The District may require a written contract with any person as a condition precedent to water service or sewer service in any case where the District determines unusual circumstances occur or where unusual

quantities of water or construction of special facilities are or will be required.

7. New Connections.

a. Upon meeting all District requirements and subject to all District Rules and Regulations, and policies, and upon confirmation by the District that water service can readily be provided, the District will, upon application and payment of all applicable fees and charges, furnish and install a water service connection to the curb line, or, at the election of the District, to the property line of any premises for which a connection to the District water system is requested, provided such premises abut upon a public street or existing water main right-of-way on which a water main of the District water system is located.

b. Upon meeting all District requirements and subject to all District Rules and Regulations, and policies, and upon confirmation by the District that sewer service can be readily provided, the District will, upon application and payment of all applicable fees and charges, permit a connection to be made to the District sewer system. In each such case, the side sewer, including the lateral sewer if the District requests, shall be installed by the applicant at his or her own expense in accordance with the District's specifications and subject to inspection and approval by the District.

8. Subdivisions.

a. Any person desiring an extension for water service or sewer service to serve a new subdivision or tract within the District shall request such service(s) on forms prescribed by the District, and shall accompany such application with a legal description of the property to be served, a map of such property showing grades, elevations, locations of roads, locations of streets, alleys and utility easements, an orientation of said property with adjoining streets, alleys and utility easements, and such other information and payments as the District may require.

b. Applicant shall retain the services of a qualified licensed civil engineer to prepare plans for such subdivision.

c. Applicant shall make an initial deposit, in an amount to be determined by the District, considering the cost and complexity of the proposed service to cover the cost of engineering and inspection; if, at the time the plans are submitted by applicant, District determines that the actual cost of engineering and inspection will exceed such deposit, an estimate shall be given to applicant by District, and an additional deposit shall be made by such applicant to cover such additional cost. In the event that the engineering and inspection does not require all of such additional deposit, the balance thereof will be refunded to applicant; in the event that the engineering and inspection costs exceed the amount so deposited, applicant shall forthwith deposit a sum sufficient to cover such

deficiency.

d. In the event that additional water transmission, distribution, storage, production, pumping, or other facilities are required to furnish such proposed subdivision with water service, or in the event any additional trunk sewers, main sewers, or other facilities are required to furnish such proposed subdivision with sewer service, applicant will be required to install the same at his/her own expense. Under certain circumstances applicant may be entitled to reimbursement for a portion of the costs associated with such installation(s), as further provided under the section entitled Refund Agreements.

e. Any subdivision or new property developed shall contain easements for water and sewer service facilities, and easements satisfactory to the District shall be granted to the District without charge over such subdivisions for the purposes of the District. A subdivider or property owner may be required as a condition to receiving service, to furnish fee title to a site for well(s), pumps, tanks, storage and other facilities, and any easement or rights of way for water service or sewer service to such tract, and other related or necessary facilities.

f. Upon completion of the plans and specifications for such work, the applicant shall forward a copy of same to the General Manager, together with the cost estimate for the installation. The General Manager, upon receipt thereof, shall cause said plans to be reviewed, and upon his/her contingent approval, shall present them to the Board.

g. Upon approval by the Board of said plans, and upon compliance by applicant of any and all terms and conditions of service as determined by the District, authorization may be given to applicant to proceed with the installation upon such terms and conditions deemed appropriate by District, and arrangements shall be made with the General Manager for inspection and tests as required in the specifications.

h. Before commencement of work, applicant may be required to furnish a faithful performance and completion bond, and/or a Payment Bond, and/or an Indemnity Agreement with corporate surety guaranteeing the system free from defects for a period of one year from acceptance by the District.

i. All installation work shall be done in accordance with the plans and specifications as approved by the District, and upon completion in accordance therewith, and upon approval and complete satisfaction by District, the installation shall be conveyed to the District at no cost and free and clear of all liens and encumbrances, and shall become the property of the District. Applicant may, under certain circumstances, be entitled to repayment of a portion of the cost of installation, inspection or other charges made to connect the same with the District water system or the District sewer system.

j. Any user connecting to any extension of the District water system or the District sewer system shall be required to make application to the District for connections for water service or sewer service and shall pay all applicable District charges relating to new service. Until such extension has been accepted by the District and until all conditions to service have been met as determined by the District, no service connection shall be made to such extension.

k. The Board of Directors, in its discretion, may require any necessary extensions or other facilities to be installed by the District in lieu of requiring the applicant to install such facilities, in which event applicant shall pay to District such sum(s) as are sufficient to cover the costs of such required extension.

l. At the time that the extension and or other facility plans have been approved by the District as provided for herein, applicant shall pay, before any work is commenced, any and all charges and fees as determined by the District, which shall not be subject to refund.

9. No Rental Payments. Except as otherwise specifically set forth in these Rules and Regulations or as otherwise authorized by the District, all meters and water service connections shall be installed by the District, subject to payment by applicant of all applicable charges. No rent or other charge shall be paid by the District for any meter or other facilities located on a user's premises.

10. Side Sewers. All side sewers shall be constructed only in accordance with the specifications of the District. No connection to the sewer service facilities shall be made without prior approval of the District. Any such side sewer may be constructed either (a) by the owner of such premises if he/she complies with all specifications of the District, or (b) by any contractor licensed under the laws of the State of California who has obtained a permit therefore from the General Manager. All work done pursuant to this paragraph shall be subject to District inspection and approval before the work is covered and before connection is made to the District sewer system.

11. District Property. All service connections, meters, main extensions and installations paid for or installed by applicant (excepting only side sewers that are not lateral sewers and also water pipe service connections on the premises of any person) and all other facilities furnished or installed by the District, whether located wholly or partially on public or private property, shall be and remain the property of the District, which shall have the right to repair, replace and maintain the same and right to remove the same. The General Manager or other duly authorized agent of the District shall have at all reasonable times the right of clear and safe ingress to and egress from any user's premises for any purpose properly relating to the furnishing of water service or sewer service.

12. Cross-Connections. No water pipe on any user's premises shall

cross-connect or interconnect the District's water system or supply with any other source of water supply. Whenever there exists on any user's premises another source of water supply, or whenever a user's premises is engaged in industrial or commercial purposes using or producing processed waters or liquid industrial wastes or in handling sewage or any other dangerous substances, or in any other circumstance deemed reasonably necessary as determined by the District, the District may refuse or discontinue service until there has been installed on the user's service pipeline a suitable and approved double-check valve installation or other backflow prevention device, of a design approved by the California Department of Public Health and installed at the expense of the user in a manner approved by the District in a location that is readily available to the District for periodic inspection.

13. Damages. The District shall not be responsible for the installation of, maintenance of, or damage caused by or to any water lines beyond the outflow side of any meter. All side sewers shall be maintained by the owners or users of the premises connected to the District sewer system, and the District shall not be responsible for any damages caused by the condition or use of such side sewers.

14. User Responsibility. The District will not be responsible for any loss or damage caused by any act of any user or any other person in installing, maintaining, supplying or using any appliances, facilities or equipment for which water or water service or sewer service is furnished by the District. Each user shall be responsible for damage to the District's meters and other property comprising any part of the District water system or the District sewer system which results from use or operation of any appliances or facilities on such user's premises, including, without limiting the generality of the foregoing, damage caused by steam, hot water or chemicals.

15. Violations. It shall be a violation of these Rules and Regulations for any person to tamper with any of the property comprising the District water system or the District sewer system.

SECTION 4

APPLICANTS OUTSIDE DISTRICT

The Board may refuse use of the District water system or use of the District sewer system to any applicant whose premises are located outside the boundaries of the District, or outside the boundaries of the current District service area.

SECTION 5

BILLING AND DELINQUENCIES

1. All water service charges shall become due and payable at the office of the District ten days after bills therefore are rendered, and shall become delinquent if not paid within said time, except that closing bills, where service is discontinued, will be due and payable on date of presentation and collection will be made at time of presentation.

2. All sewer service charges that are individually billed shall become due and payable at the office of the District ten days after bills therefore are rendered, and shall become delinquent if not paid within said time.

3. If any bill is not paid in full within 30 days after it becomes delinquent, the District may charge a basic penalty of 10% of the amount of such bill for the first month delinquent, and a penalty of 1% per month of the amount of such bill and basic penalty after the delinquent date.

4. Services that have been rendered by the District and used on a parcel, but which have not been billed for by the District, must be paid for by the property owner upon invoicing by the District. The invoice amount shall be calculated by the District and shall not be for a period of over three (3) consecutive years of service.

5. It shall be the Owner's ultimate responsibility to pay for any water service or sewer service used upon any Premises or parcel. Unpaid charges and penalties may be placed on Kern County's tax roll(s) for collection.

SECTION 6

RETURNED CHECK CHARGES

If a check is received for payment of District fees, rates or charges and payment for the check is declined by the bank upon which it is drawn, for any reason, the customer will be charged a Returned Check Charge as set forth in attached Table 1 of Appendix 1. Payment to cover all outstanding charges must be made by cash, money order, cashier's check, or credit card.

SECTION 7

ENFORCEMENT MEASURES; DELINQUENCIES

The District may refuse to furnish water service or sewer service, or both, and may discontinue all services to any premises where any apparatus, appliances or equipment using water is found by the General Manager to be dangerous or

unsafe, or where the General Manager finds circumstances on such premises to be potentially detrimental or injurious to the water service or sewer service furnished by the District to other users, or where violations of District policy or these Rules and Regulations are discovered. The District may also refuse or discontinue service where the General Manager finds that negligent or wasteful use of water exists on any premises. The District shall have the right to refuse or discontinue water service or sewer service, or both, to any premises if necessary to protect itself against fraud or abuse.

In the event of violation of any terms of these Rules and Regulations, the General Manager may disconnect any premises from the District water system and/or the District sewer system after first attempting to notify the person causing, allowing or committing such violation. Except in an emergency as determined by the General Manager, such notice shall be in writing and shall specify the violation and, if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the General Manager will exercise his authority to disconnect the premises from the District water system and/or the District sewer system; provided, however, that in the event such violation results or may result in a public hazard or menace, then the General Manager may enter upon the premises without notice and do such things and expend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person or property so in violation.

Upon failure of any person billed or the owner of any premises to pay any water service charge or sewer service charge prior to delinquency, or if the owner or occupant of any premises shall violate any other provision of these Rules and Regulations, any one or more of the following actions may, or where required hereby, shall, be taken by the District or the General Manager to enforce such provision or payment. To wit:

In each case where all or any part of any bill remains unpaid for 30 days after such bill becomes delinquent, the General Manager may, in accordance with law (a) terminate service and/or disconnect the premises from the District water system and/or sewer system, (b) add to the amount of such bill any interest or penalties due, and (c) cause an action at law to be brought on behalf of the District against the person responsible for payment of such bill to recover the amount of such bill and penalties and the costs of such action, (d) place any delinquency, penalty, and interest on the tax roll for collection, (e) take any other action authorized by law.

Whenever any premises have been disconnected from the District water system or the District sewer system for any violation of these Rules and Regulations, such premises shall not be reconnected to such system until all delinquent charges and penalties have been paid, together with a reconnection charge as indicated in Table 2 of Appendix 1.

The General Manager is hereby charged with the enforcement of all of the provisions of these Rules and Regulations.

SECTION 8

CUSTOMER COMPLAINTS

Should Customer Accounts staff be unable to satisfy a customer's billing or other complaint, the customer may bring the matter to the attention of the District's Office Manager. Should the Office Manager be unable to satisfy the customer's complaint, the customer may bring the matter to the attention of the General Manager. Should the General Manager be unable to satisfy the customer's complaint, the customer may bring the matter to the attention of the Board of Directors, whose decision shall be final.

SECTION 9

WILL-SERVE LETTERS

If a property owner desires a Will-Serve letter, the owner must supply the District with a tentative project map or site plan for review and pay a "Will-Serve" fee of \$25.00. The District may require submittal and/or approval of a concept/plan or other information prior to issuance of a will-serve letter. The owner must pay all costs for the District staff and consultants, plus an overhead and administrative charge of 15% for all District costs that exceed \$25.00 and which are related to the review and/or analysis of the requested services.

If appropriate, as determined in its sole discretion and upon terms and conditions it deems appropriate, the District will provide a "Will-Serve" letter. Generally this letter will state that the District can provide service to the property, subject to all District Ordinances, Rules, Regulations, and Policies, and upon construction by the owner of any facility extensions; relocation of any existing water or sewer lines and/or existing fire hydrants; and/or construction or installation of any additional improvements or requirements which may be found necessary by the District, and the payment of all applicable charges and fees for obtaining service. All such Will-Serve letters shall be valid for a period of one year unless otherwise expressly provided.

SECTION 10

REFUND AGREEMENTS

Developers or property owners may be required, at their sole expense, to install or replace or upgrade existing water system facilities, including, but not limited to, water mains, valves, fire hydrants, backflow prevention devices and service connections, as a condition to receiving water service. If required, developers must furnish all labor and materials

necessary to install or replace the water system facilities, in accordance with District-approved plans and specifications.

If the District requires the installation or replacement of a water main to service an applicant's benefited parcel as a condition to receiving water service, and said water main, once installed, may provide water service to neighboring parcels other than those benefiting the applicant, the applicant may, in the sole discretion of the District, be entitled to receive partial reimbursement for eligible costs of improvements. Developers or owners may request such a reimbursement by applying for a Refund Agreement, at or prior to the time of construction.

The District may, under the terms and conditions elsewhere described, impose a Connection Fee to be paid by new connections where the property owner requesting service or predecessor-in-interest has not participated in the costs of the facilities providing service to said property. During the term of the Refund Agreement, the District shall credit the developer with up to seventy percent (70%) of said Connection Fees collected on said eligible water line.

The Refund Agreement shall expire ten years from the date of said agreement, or when the developer has been repaid 100% of the eligible costs of said improvements, whichever shall first occur. Eligible costs include, but are not limited to, engineering and surveying. Refund Agreements must be approved by the Board of Directors.

Developers may also, in the sole discretion of the District, be eligible for partial reimbursement if required to install facilities larger than would normally be needed for their proposed development alone. Each District requirement for such an "oversized" facility will be negotiated with the developer on an individual basis.

SECTION 11

ADOPTION/SPECIAL CONDITIONS/SEVERABILITY

Adoption of these rules shall not be construed as a waiver of any right or obligation owing to the District under any prior agreement, contract or commitment.

Special Conditions – In the event that conditions arise which are not specifically covered by these rules, the Board may take whatever action which, in its sole discretion, is deemed warranted. Additionally, the Board of Directors in its sole discretion may grant a waiver or variance of any provision of these Rules and Regulations upon such terms and conditions as are deemed appropriate.

Severability – If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of these Rules and Regulations, or any part thereof, is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these Rules and Regulations, or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase

thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

Chapter 2: WATER SERVICE PROVISIONS

SECTION 12

WATER CONNECTION FEES AND CHARGES

Water Connection Fees are based upon meter size, and must be paid at the time specified by District and prior to connection with the District's water system. Connection Fees are as set forth in Table 3 of Appendix 1, attached hereto and incorporated herein by reference.

Connection Fees and all other Rates, Charges and Fees associated with new water service, including but not limited to Installation Charges, can only be accepted on behalf of a parcel that has an adjacent District water main that extends completely across one or more sides of the parcel to be served, and only if said main is of adequate size, age and service pressure to serve the development proposed, and for which a meter will be installed within 90 days, or as otherwise allowed or required by the District's Board of Directors in unusual circumstances. Payment of all other Rates, Charges and Fees applicable to the proposed parcel must accompany the payment of Connection Fees, which shall not be subject to refund.

If an applicant or developer desires to serve a parcel or lot that has had no previous authorized water service from the District, and said parcel or lot is not adjacent to an existing water main of a size, condition, and service pressure deemed necessary by the District to serve the proposed development or property, the applicant or developer shall be required to construct all necessary water system facilities, including a water main line extension to and across the entire frontage of the parcel(s) to be served, at the applicant or developer's sole expense, in accordance with District specifications, rules, and regulations. In such case, the applicant or developer shall bear the entire cost of all design, construction, and inspection.

The District may at any time require the use of pressure reducing and/or pressure sustaining valves, the installation and cost of which shall be borne by the water user.

In a parcel split situation, only one division of the original parcel will be given credit for any service originally paid for. The remaining newly-formed parcel(s) shall be subject to payment of all applicable District rates currently in effect for obtaining service. In addition, in order to receive water service, the newly-created parcels must be completely fronted on at least one side by a District pipeline of a size and/or pressure adequate to service the newly-created parcels. If additional distribution pipelines or facilities are required to reach remote parcel locations, the labor and materials to install such pipelines, to District specifications, will be at the owner's or developer's sole expense. Each parcel must have

its own independent and direct connection to a water main, and meet any other conditions as required by the District.

All residential, commercial, public, industrial, agricultural and other connections shall be levied a Connection Fee based upon their meter size. Connection Fees include a one-time charge which is used to pay for or finance the upgrading and/or rehabilitation or replacement of existing capital facilities such as water supply, storage, and transmission facilities, as well as the construction of new water supply, water treatment, storage, and transmission facilities in order to service the demand caused by the new connection or development, and must be paid in advance of any service connection to the benefited parcel. It includes a charge for facilities in existence at the time a charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged. It is appropriate and necessary to provide for system facilities that have not been constructed, or that have been constructed, but for which new connections or developments have not contributed their fair share of the cost. The Connection Fees collected shall be used to cover the cost of the source of supply, storage, major transmission and distribution lines, and any additional related facilities as required to service the demand load caused by the new connection(s).

Certain properties may not be subject to Connection Fees due to a special agreement or memorandum of understanding covering the tract or property in question.

When a customer desires to individually meter a multiple unit building (residential or commercial) that is master metered, and where the Connection Fee was paid for the master metered service, and where individual meters would not constitute a material increase in capacity or demand, as determined by the District, no additional Connection Fee will be charged, however, the Customer shall pay installation charges associated with each meter as determined by the District.

A customer must notify the District of any new material increased use of water or construction upon a parcel with existing water or sewer service. If the District determines that an additional capacity or demand need will be placed upon the District's water production, transmission, and storage facilities or to sewerage facilities as a result of the new construction or new material increased use of water, the District reserves the right to charge and collect from the customer an additional Connection Fee to be determined on a case-by-case basis. Typically, the construction of a new residence or dwelling unit on a parcel that has existing water service will, except as specifically authorized by the District, require additional water connection fees and other charges pertaining to new water service.

Except in unusual circumstances, as determined by the District, private fire service shall be exempt from the payment of Connection Fees, but will not be exempt from service installation and other appropriate charges.

SECTION 13

WATER SERVICE INSTALLATION CHARGES

Service Installation Charges cover the cost of a water service lateral (from the water main to the customer's meter location) and the installation of a water meter, meter box, valves, and other appurtenances up to the discharge side of the meter. Service Installation Charges are collected at the time application for service is made. Where the premises to which water is to be furnished does not have an existing connection or existing meter on said premises, or under other circumstances as determined by the District, the applicant shall pay an installation charge based on all costs of installation, including meters, appurtenances, and appurtenant work and shall make a deposit of the estimated amount. Said charge shall be paid in advance of water service. Once installed, the water service lateral, water meter, meter box, valves, and appurtenances become the property of the District.

When District costs exceed the customer's deposit, the customer shall be billed the additional costs on a time and materials basis. Meter and service connections of 2 inches in diameter or less must be installed by the District.

Meter and service connections larger than two inches in size, or any size compound or master meter, shall be installed by a California licensed contractor at the sole cost of the applicant, but shall be subject to all District specifications and requirements, including any District inspection requirements. Once installed, the meter and service connection becomes the property and maintenance responsibility of the District, however, the applicant must warrant the installation for a period of two years.

An existing water service connection may be relocated on the same property, or upgraded, with the prior approval of the District; however, it may not be moved to a different property. All work by the District will be done on a time and material basis plus an overhead and administrative charge of 15%.

If the meter and service installation requires a backflow prevention device, as determined in the sole discretion of the District or the Kern County Health Department, the costs associated with the installation and maintenance of the backflow prevention device are the sole responsibility of the applicant/customer.

When a customer desires to individually meter a multiple unit building (residential or commercial) that is master metered, and where the Connection Fee was paid for the master metered service, and where individual meters would not constitute a material increase in capacity or demand, as determined by the District, no additional Connection Fee will be charged, however the Customer shall pay installation charges associated with each meter as determined by the District.

The District may, under special circumstances, allow or require a variance from the above-referenced rules and regulations or charges set forth above.

SECTION 14

BACKFLOW PREVENTION DEVICE TEST

The District utilizes the County of Kern to operate its backflow prevention program. All backflow prevention devices, which are required by the District or the County, must be tested on an annual basis, or as otherwise required by the District or the County. Fees for non-compliance and related consequences shall be as set forth in Table 4 of Appendix 1.

A fee will be charged when a 10-Day Notice of Termination letter is mailed and a fee will be charged when a 48-hour notice is posted at the customer's premises. Upon failure to provide successful test results within the time specified in a final notice, service shall be discontinued until the device is tested and passes, and all outstanding charges, including a turn-on charge, is paid.

The District reserves the right to require a backflow prevention device at any time, upon any connection, when in the opinion of the District or the County such device is deemed necessary or prudent for the protection of the District's water supply.

SECTION 15

DISPUTED BILLS

In the event of a disputed reading, the meter shall be reread. If the accuracy of the meter is questioned by a customer, the customer shall be given the opportunity of having the meter tested, which is typically done by an outside agency. If the results of the test show that the meter is inaccurate by more than plus or minus 2%, the meter will be replaced at no cost to the customer, and a pro-rated adjustment will be made on previous bills back to the time of the incident causing the incorrect reading if determinable, up to a maximum of six months. If the results of the test show that the meter is inaccurate by less than plus or minus 2%, the customer shall pay the actual costs of the test, plus the amount as set forth in Table 5 of Appendix 1.

SECTION 16

PERSONS RESPONSIBLE FOR PAYMENT; DEPOSITS; TEMPORARY SERVICE

Each applicant for water service who is not the actual property owner will be required to make a cash deposit in the amount set forth in attached Table 6 of Appendix 1 before receiving water service. Deposits shall be based upon meter size.

Any applicant or user who has previously been a Customer of the District water system and has had water service discontinued during the last 12 months because of

nonpayment of bills may be required to re-establish credit by making a cash deposit in the amount set forth in attached Table 6 of Appendix 1 before receiving water service to secure payment of the water bills and pay any past due balance.

All deposits made with the District to establish credit will be held by the District until service discontinuance. Upon discontinuance of service, deposits may be applied by the District to unpaid or delinquent charges, or will be refunded to the user if there are no unpaid or delinquent bills for services. Refunds shall be mailed to the last known address of the applicant on whose behalf the deposit was paid. District's refunds of deposits are without interest, and timing shall be based upon the normal payable and approval processes of the Board of Directors.

Each receipt for a cash deposit to establish or re-establish credit will contain the following type statement:

“This deposit may be applied to unpaid balances or where water service or sewer service has been discontinued by the District, because of nonpayment of bills. This deposit, less the amount of any unpaid amounts, will be refunded on discontinuance of service. No interest will be paid thereon.”

It shall be the Owner's ultimate responsibility to pay for any water service or sewer services used upon any premises or parcel and unpaid charges, penalties, and interest may be placed on Kern County's tax roll(s) for collection.

SECTION 17

AFTER HOURS AND CERTAIN EMERGENCY SERVICE CHARGES

The District will charge certain additional charges or fees for services performed after normal business hours. Such additional charges are set forth in attached Table 7 of Appendix 1, incorporated herein by reference.

In addition to the above, other customer service visits may be subject to additional service charges as set forth in attached Table 7 of Appendix 1, incorporated herein by reference.

SECTION 18

PROVISIONS OF THESE RULES AND REGULATIONS SUBJECT TO CONDITIONS OF ANNEXATION

If any provision of these Rules and Regulations or the application thereof to any person shall be inconsistent with or contrary to any condition of annexation set forth in any annexation heretofore or hereafter adopted by the Board of Directors, providing for the annexation of any territory to the District, then such provision of these Rules and Regulations shall be subject to such condition of annexation, and

such condition of annexation rather than such provision of these Rules and Regulations shall govern or apply to such person.

SECTION 19

METERED CHARGES - GENERAL

All accounts shall generally be read and billed on a monthly basis. Since it is not always possible to read meters at exactly the same intervals every month, the period between reading dates may vary slightly. Meters will be read as nearly as possible on the same day of each month. Special readings will be made on commencement and termination of service for purposes of pro-rating opening and closing bills. The District is not able to modify meter reading schedules for individual property locations.

If a meter fails to register correctly or cannot be read due to a malfunction or due to inability to read the meter for whatever reason, the usage may be estimated using the customer's historical consumption for the same period of time for the previous year, if available, or estimated by taking into consideration seasonal water demand, or any other factors that are material and significant to arriving at fair usage, or the District may use any other reasonable method deemed appropriate after consultation with the customer. The District will endeavor to correct in a timely manner those situations that prevent a meter from being read so that the meter reading will not have to be estimated for a second consecutive billing period.

If a meter is not registering water usage, through no fault of the customer, the non-working meter will be repaired or replaced by the District as soon as reasonably possible.

If a meter cannot be read due to a customer-caused obstruction, damage, or any other customer-caused situation that prevents the reading of a meter and said obstruction/situation cannot be easily remedied by the District, the customer will be notified to correct the obstruction/situation in a timely manner, and the usage will then be estimated for billing purposes until the meter can be properly read by District personnel. At the District's sole discretion, the customer may be billed for expenses incurred by the District to remedy the obstruction/situation, including time and materials plus an overhead and administrative charge of 15%.

Meter boxes will be inspected from time to time and meters will be replaced, as circumstances dictate, in a prompt manner. The District must be given access to all meters at all times.

To increase the operating efficiency of the District and provide better service to customers, the 5/8 x 3/4-inch meter is the standard size meter for the District's smallest sized water service.

SECTION 20

METER EXCHANGES

A customer, upon request, may exchange an existing meter for a meter of lesser or greater size, subject to District approval. Installation of the new meter and service lateral, if required, will be billed on a time and material basis plus an overhead and administrative charge of 15%. New meters, 3" or larger, or compound meters, shall be purchased and installed at the sole cost of the applicant, but installation must be inspected and approved by the District. Once installed, the meter and service connection becomes the property and maintenance responsibility of the District; however, the applicant must warrant the installation for a period of one year. The District is not responsible or liable for any consequences resulting from a customer's decision to upsize or downsize a meter.

Customers shall only be allowed to exchange meters with the approval of the District, and the meter and installation charge shall be computed on an individual case-by-case basis.

Inasmuch as Connection Fees are based upon meter size, any customer/developer who requests a larger meter will be responsible for payment of the then current Connection Fee differential between the size of the meter being replaced and the larger meter size, in addition to payment of time and material costs plus an overhead and administrative charge of 15% associated with the actual meter and the installation charge.

In the event that a customer requests a meter exchange for the purpose of downsizing his/her service, the District will not refund any portion of the Connection Fees differential between the current meter size and the requested smaller meter size.

Single-family residential customers will not generally be permitted to exchange an existing meter for a meter size greater than one inch, since such request shall constitute a significant change in water demand and service. If the District requests the change in meter size, charges, if any, will be determined on an individual case-by-case basis.

SECTION 21

MASTER/COMPOUND METERS

Generally, all residential units must be individually metered, and multiple meters are encouraged for conservation purposes; however, master metering may, at the sole discretion of the District, be allowed with respect to residential developments, under the following circumstances:

1. The property served is a single parcel, owned by a single person, entity, or organization and consisting of more than three residential units.

2. All master meters permitted shall be in the owner's name and all bills shall be the primary responsibility of and shall be paid by said owner. Any agent of the owner shall have their name on file with the District.

3. The master meter shall be located at the property line adjacent to the street or easement, in a location approved by the District.

4. The District reserves the right to require additional meters or to impose conditions in special or unusual circumstances, such as for heavy landscaping or for widely separated buildings on large parcels.

5. An approved backflow prevention device(s) will be required for all master meters, installed and maintained by the owner, at the owner's expense.

6. Secondary residences built or located upon the same lot or parcel as an existing user may be authorized by the District to obtain water service from the existing meter connection, upon such terms and conditions deemed appropriate by the District in its sole discretion, based upon the then existing circumstances.

The meter size, as required for any particular development, shall be approved by the District, in the District's sole discretion, based upon information provided by the applicant and investigation by the District. In the case of more than one service to the same development, the total charge shall be the sum of the appropriate individual charges. The District reserves the right to require an increase in meter size at any time. The owner-applicant must, at that time, pay any additional fees due, including but not limited to Connection Fees or other capacity-type charges.

Generally, all commercial, public, industrial, and agricultural units must be individually metered, and multiple meters are encouraged for conservation and safety purposes; however, master metering may, at the sole discretion of the District, be allowed with respect to commercial, public, industrial, and agricultural developments in circumstances where separate meters would be impractical, such as hotels and motels or facilities of common use such as common bathrooms or washrooms. If master metering is allowed, an approved backflow prevention device(s) must be installed and maintained by the owner, at the owner's expense. There shall be at least one separate meter for each separate sewer lateral. There shall be a separate meter to each customer for which a backflow prevention device is required. There shall be a separate meter for each culinary establishment, each commercial/industrial establishment which uses water as a part of its commercial or industrial business or process, each medical and dental office, each veterinary clinic and animal grooming or boarding or sales establishment, each grocery and food handling or sales establishment, and as otherwise required by the District in its sole discretion, whether or not such establishments are in separate freestanding buildings and whether or not such establishments require backflow prevention devices. There shall also be a separate meter for all commercial and industrial establishments which contains fifty or more fixture units per Uniform Plumbing Code.

SECTION 22

DISCONTINUANCE OF SERVICE BY CUSTOMER

Any water user who is named on the water service account may have their water service discontinued by giving written notice requesting discontinuance not less than two days prior to the requested date of discontinuance. Each such water user shall pay all water charges up to and including the date of discontinuance stated in such notice, provided however that it shall be the owner's ultimate responsibility to pay for any water service used upon any premises or parcel.

SECTION 23

WATER RATES AND CHARGES

1. For the purpose of providing necessary funds for the payment of District costs and expenses related to providing water service, the rates and charges set forth in Table 8 of Appendix 1, shall be imposed for water furnished or available by the District water system.

All water service will be furnished by the District only on a meter rate service basis, except under emergency or unusual circumstances.

2. Until the Board of Directors shall otherwise provide, the rates and charges for any water furnished or available to premises outside the boundaries or service area of the District shall be in amounts at least equal to the rates and charges which would be applicable if the premises were located within the District.

3. Except under emergency or unusual circumstances, no water and no services or facilities of the District water system shall be furnished to any user or to any person free of charge.

4. Except under terms and conditions deemed acceptable to the District in its sole discretion, no user shall resell any water furnished by the District through the District water system.

SECTION 24

WATER THEFT

California law, including but not limited to Penal Code sections 498, 624 and 625, reference various crimes regarding water theft and related matters. In the event that a suspected water theft or other crime involving the District's water system is discovered, District personnel will contact law enforcement personnel. To prevent further water delivery or crimes from occurring, the District may remove or lock the meter or confiscate the equipment or materials that allow the unauthorized connection. The

customer/individual will be charged all costs incurred by the District associated with reporting the incident including but not limited to labor, materials and equipment used to report the incident and all costs incurred by the District to replace or repair any District facilities or other items that were tampered with, damaged, or removed for the purpose of receiving water without paying the full lawful charge. No further service will be allowed at the address until all fees and charges are paid in full. Water theft and related conduct can result in the District pressing criminal charges or taking other legal action.

SECTION 25

WATER CONSERVATION

The District encourages water conservation measures by its customers and users. Wasting or the unreasonable use of water is not in the best interests of the District or its customers and may be subject to such fines and/or penalties as may be imposed by the District's Board of Directors or the State of California.

The District may at any time develop and adopt water use regulations and/or restrictions, which shall be binding on District customers and users. Violation of any such regulations or restrictions may result in fines, penalties, and/or discontinuance of service.

Chapter 3: SEWER PROVISIONS

SECTION 26

SCOPE

The provisions of these Rules and Regulations shall apply to the direct or indirect discharge of all liquid-carried wastes to sewer facilities of the District. These Rules and Regulations, among other things, provide for the regulation of sewer construction in areas within the District, the quantity and quality of discharged wastes, the degree of waste pretreatment required, the setting of waste discharge fees to provide for equitable distribution of costs, the approval of plans for sewer construction, the issuance of approvals and/or permits for industrial wastewater discharge and of other miscellaneous approvals and/or permits, and the establishment of penalties for violation of this chapter.

SECTION 27

DEFINITIONS

The definitions given in this section shall be used in the interpretation of these Sewer Provisions, the issuance of permits, the making of charges for service, and all other operations of these Sewer Provisions unless another meaning for the word is apparent from the context.

1. "BOD" or "biochemical oxygen demand" means the measure of decomposable organic material in domestic or industrial wastewaters as represented by the oxygen utilized over a period of five (5) days at 20°C and as determined by the appropriate procedure in "Standard Methods."
2. "Chlorine demand" means the difference between the amount of chlorine added to a wastewater sample and the amount remaining at the end of a thirty-minute period as determined by the procedures given in "Standard Methods."
3. "COD" or "chemical oxygen demand" means the measure of chemically decomposable material in domestic or industrial wastewater as represented by the oxygen utilized as determined by the appropriate procedure described in "Standard Methods."
4. "Collecting sewer" or "main line sewer" means the sewer facilities usually eight inches or larger in diameter and used to collect wastewater from house connection and industrial connection sewers and transport it to trunk sewers.
5. "Discharger" means any person that discharges or causes a discharge to a public sewer.
6. "Dissolved solids" or "dissolved matter" means the solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in "Standard Methods."
7. "Domestic wastewater" means the water-carried wastes produced from noncommercial or nonindustrial activities and which result from normal human living processes.
8. "Effluent" means the liquid outflow of any facility designed to treat, convey or retain wastewater.
9. "Emergency" means a situation which reasonably appears to present an imminent endangerment to the health or welfare of persons, or the environment, or which threatens to interfere with the operation of the District's or Treatment Agency's system.
10. "Formula" means user rates and charges (industrial wastewater treatment surcharges) established by the District or the Treatment Agency governing body.
11. "Gravity separation interceptor" means any facility designed, constructed and operated for the purpose of removing and retaining dangerous, deleterious or prohibited constituents from wastewater by differential gravity separation before discharge to the public sewer.

12. "House connection" means the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying domestic wastewater.

13. "Industrial connection sewer" means the sewer connecting the building sewer or building waste drainage system to the public sewer for the purpose of conveying industrial wastewater.

14. "Industrial user" means any user who discharges nondomestic wastewater to any of the District or the Treatment Agency's sewerage systems or any other system tributary thereto.

15. "Industrial wastewater" means all water-carried wastes and wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation where the wastewater discharged includes significant quantities of wastes of nonhuman origin.

16. "Inspector" means a person authorized by the District or Treatment Agency to inspect wastewater generation, conveyance, processing and disposal facilities.

17. "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

a. Inhibits or disrupts the District's sewerage collection system, or the Treatment Agency's treatment processes or operations, or its sludge processes, use or disposal; and

b. Therefore is a cause of a violation of any requirement of the Treatment Agency's Waste Discharge Order (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal to be in compliance with such regulatory requirements and restrictions which govern the Treatment Agency's treatment or disposal processes

18. "Local sewerage agency" or "Treatment Agency" means the public agency legally authorized to construct, maintain and operate a system of main or collecting sewers and/or sewer treatment facilities, including the District and/or entity that actually treats the sewage in question.

19. "National Categorical Standards" means National Pretreatment Standards (or successor standards) specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to the Treatment Agency sewerage system by existing or new Industrial Users in specific industrial subcategories.

20. "National Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with section 307 (b) and (c) of the Clean Water Act, which applies to Industrial

Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5 and successor regulations.

21. "New source" means:

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 Clean Water Act which 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 process of the building, structure, facility or installation is 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 subsection a.(ii) or a.(iii) of this section 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:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) 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 is 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.

22. "Pass through" means 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 POTW's Waste Discharge Requirements (including an increase in the magnitude or duration of a violation).

23. "Peak flow rate" means the average rate at which wastewater is discharged to a public sewer during the highest thirty-minute flow period in the preceding twelve (12) months.

24. "Pollutant" means any constituent or characteristic of wastewater on which a discharge limitation may be imposed either by the Treatment Agency or the regulatory bodies empowered to regulate the Treatment Agency.

25. "Pretreatment requirements" means any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on an Industrial User.

26. "Public corporation" means this state and any political subdivision thereof, any incorporated municipality therein, any public agency of the state or any political subdivision thereof, or any corporate municipal instrumentality of this state.

27. "Public Owned Treatment Works" or POTW means a "treatment works," as defined by Section 212 of the Clean Water Act (33 U.S.C. §1292) or successor statutes which is owned by the Treatment Agency or other public agency. 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.

28. "Public sewer" means any sewer dedicated to public use and whose use is controlled by a public entity.

29. "Radioactive material" means material containing chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms.

30. "Section" means a section of this chapter.

31. "Sewage" means wastewater.

32. "Sewage pumping plant" means any facility designed and constructed to raise wastewater in elevation or to overcome head losses due to pipeline friction.

33. "Sewerage" means any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

34. "Sewerage system" means a network of wastewater collection, conveyance, treatment and disposal facilities interconnected by sewers, and owned or controlled by the District and/or Treatment Agency or treatment provider.

35. "Significant Industrial User."

a. Except as provided in paragraph (b) of this subsection, the term Significant Industrial User means:

i. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N (and successor regulations); and

ii. Any other industrial user that:

(1) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

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

(3) Is designated as such by the District or Treatment Agency on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6) or successor regulations).

b. Upon a finding that an industrial user meeting the criteria in paragraph a.(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the District or Treatment Agency may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6) or successor regulations, determine that such industrial user is not a significant industrial user.

36. "Slug discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill of a non-customary batch discharge.

37. "Solid wastes" means the non-liquid carried wastes normally considered to be suitable for disposal with refuse at sanitary landfill refuse disposal sites.

38. "Standard Methods" means the current edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, or its successor organization.

39. "Suspended solids" or "suspended matter" means the insoluble solid matter suspended in wastewater that is separable by laboratory filtration in accordance with the procedure described in "Standard Methods."

40. "Trade secrets" includes but shall not be limited to any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

41. "Treatment Agency Engineer" means the engineer of the Treatment Agency.

42. "Trunk sewer" means a sewer constructed, maintained and operated by the District or Treatment Agency that conveys wastewater to the Treatment Agency's or other public agency's treatment facilities and into which lateral and collecting sewers discharge.

43. "Uncontaminated water" means any wasted water of the community not contaminated or polluted with wastewater and which is suitable or could readily be made suitable for discharge to the municipal stormwater drainage system.

44. "User" for purposes of sewer related matters means discharger.

45. "Waste" for purposes of sewer-related matters means sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

46. "Waste Discharge Requirements" means requirements issued by the California Regional Water Quality Control Board for disposal of treated wastewater.

47. "Wastewater" means the water-carried wastes of the community derived from human or industrial sources including domestic wastewater and industrial wastewater; rainwater, groundwater or drainage of uncontaminated water is not wastewater.

SECTION 28

STANDARDS – SEWER SERVICE

1. The subdivider or owner of all subdivisions or developments in the District not now being served with sewer and water shall, in addition to putting in the water service as required by the District, construct and install a sewer collecting system in accordance with District specifications.

2. All sewer work to be constructed within the District to serve a particular property shall be subject to District approval and at the sole cost and expense of the property owner, including then current plan check and inspection fees.

3. No sewer service shall be provided by the District except to a subdivider or owner who has made satisfactory arrangements with the District to install such sewer collection system.

4. All installations by subdividers and owners shall be at the sole cost of such owner or subdivider and no credit shall be given such subdivider on any construction work done, except as specifically authorized in writing by the District's Board of Directors (which may include a Refund Agreement).

5. Any and all sewer collection system improvements, except side sewers, shall be transferred to the District on completion of construction and acceptance by District, without cost, and thereafter shall become a part of the District's sewer system and be subject to the same charges, assessments and taxes as provided for in other parts of the District.

6. The District shall be provided a one year warranty of all sewer system improvements that are constructed by an owner or developer. The one-year period shall not begin to run until after formal acceptance of the facility by the District.

SECTION 29

DUTY TO CONNECT PREMISES PRODUCING SEWAGE WITH DISTRICT SEWER SYSTEM

1. No person owning any premises within the District and no user of any premises within the District on which sewage is produced (a) on which premises the nearest outlet of the plumbing system is located within 200 feet from the point at which a connection can be made to the District sewer system, or (b) having no plumbing system, but in which a plumbing system could be installed with the nearest outlet located within 200 feet from the point at which a connection could be made to the District sewer system, shall use any means of sewage disposal other than through the District sewer system.

2. There shall be a separate connection to the District sewer system for each building or structure served, except that pursuant to a written authorization from the General Manager any two or more buildings or structures on the same lot may be served by one sewer connection.

3. Further maintenance or use of cesspools, septic tanks or other local means of domestic waste or industrial waste disposal on any premises so located shall constitute a public nuisance and the District may invoke any legal means to abate the same.

4. No premises shall be connected to the District sewer system without also being connected to the District water system unless the user shall have first obtained a permit from the General Manager permitting such premises to be connected only to the District sewer system. The issuance of any such permit shall be subject to compliance by such user with such reasonable conditions, including payment of such connection charges and the making of such deposit to establish credit, as shall be determined by the General Manager or the Board, or these Rules and Regulations.

5. No person owning any premises within the District on which industrial waste is produced shall discharge industrial waste into the District sewer system without first obtaining a permit from the General Manager for such connection. The issuance of permits pursuant to this paragraph by the General Manager shall be conditioned upon the installation by the applicant of such protective devices as shall be determined by the General Manager or the Board.

6. In a parcel split situation, only one division of the original parcel will be given credit for any service originally paid for. The remaining newly-formed parcel(s) shall be subject to payment of all applicable District rates currently in effect for obtaining service. In addition, in order to receive water or sewer service, the newly-created parcels must be completely fronted on at least one side by a District pipeline of a size and/or pressure adequate to service the newly-created parcels. If additional distribution pipelines or facilities are required to reach remote parcel locations, the labor and materials to install such pipelines, to District specifications, will be at the owner's or developer's sole expense. Each parcel must have its own independent and direct connection to a sewer main, and meet any other conditions as required by the District.

SECTION 30

APPROVAL OF PLANS, ISSUANCE OF PERMITS AND INSPECTION CERTIFICATE

1. The District will approve plans for sewerage construction, issue a permit and/or approval for wastewater discharge or any other permit and/or approval pursuant to these Rules and Regulations only if it appears to the District that capacity exists, and the sewerage construction, sewer connection, wastewater discharge or other procedure conforms to the requirements of this Policy, and any other policies, rules, or regulations of the District, and as applicable, the Treatment Agency.

2. If requested to do so, the District will issue an inspection certificate indicating satisfactory completion of required work, when all work required by the approved plans or permit has been completed and approved by the District and Treatment Agency's inspectors.

3. All required fees and charges shall be paid before approval of plans or issuance of a permit or an inspection certificate.

4. The approval of plans or the issuance of a permit shall not relieve the discharger of any duty imposed upon him pursuant to any policies, rules, or regulations of the District, or other Treatment Agency requirement.

SECTION 31

NOTICE - TIME LIMITS

Any time limit required by the District that is provided in any written notice or in any provision of these Rules and Regulations may be extended by a written directive of the District Manager.

SECTION 32

INSPECTIONS

1. Inspection of every facility that is involved directly or indirectly with the discharge of wastewater to the District's sewerage system may be made by the District as deemed necessary. Inspections may be made to determine that such facilities are maintained and operated properly, in accordance with District policy, and are otherwise adequate for their intended and actual purpose. Violations will be subject to termination of services or other remedies as provided for within these Rules and Regulations, or as otherwise provided by law.

2. Access to facilities directly or indirectly connected to the District's sewerage system shall be given to authorized personnel at all reasonable times, including

emergency conditions. Any permanent or temporary obstruction to easy access to the sewerage facility to be inspected shall promptly be removed by the facility user or owner at the written or verbal request of District personnel and shall not be replaced.

3. No person shall unlawfully interfere with, delay, resist or refuse entrance to an authorized District inspector attempting to inspect any facility connected directly or indirectly to the District's sewerage system.

SECTION 33

SEWER SERVICE RATES AND CHARGES

1. The District has established rates, fees, and charges related to the costs of providing sewer services, which include but are not limited to costs associated with collection, conveyance, and treatment, in the amount set forth in attached Table 9 of Appendix 1, which shall be reviewed and revised from time to time as determined appropriate by the District.

2. No sewer service and no facilities of the District sewer system shall be furnished to any user or to any person free of charge.

3. The Board of Directors reserves the right to change the aforesaid rates from time to time as shall be found necessary.

4. Separate premises under single control or management shall be furnished sewer service through separate individual service connections unless the Board authorizes otherwise. Separate houses or buildings on the same lot, or on adjoining lots, under a single ownership, shall be furnished sewer service, at the option of the District, by either of the following methods:

a. Through separate service connections to each such house or building; or

b. Through a single service connection to supply all such houses and buildings, in which case one monthly charge shall be applied for each house or building and the responsibility for payment of charges for all sewer service furnished shall be assumed by the user having such control or management, with ultimate responsibility for such charges being borne by the Owner.

SECTION 34

PAYMENT REQUIREMENTS

1. Sewer Connection Charges shall be due and payable upon application for a connection, and may include all costs associated with connection to the District's sewerage system and any treatment capacity needed for such connection.

2. Surcharges and user charges, as well as any other fees or charges applicable to commercial, industrial, or other users shall be due and payable as indicated in the tax roll or other billing therefor, and become delinquent sixty (60) days after billings are mailed. If any bill is not paid in full within 30 days after it becomes delinquent, a basic penalty of 10% of the amount of such bill may be added to it for the first month delinquent, and a penalty of 1% per month of the amount of such bill and basic penalty may be required to be paid after the delinquent date. Should the District or the Treatment Agency initiate court action to collect amounts due, the District and/or Treatment Agency shall also be entitled to collect its reasonable costs therein.

SECTION 35

ESTIMATES ON QUANTITIES AND VALUES

Unless otherwise provided in these Rules and Regulations, whenever the fees, rates, or charges are based on estimated values or estimated quantities, the District and/or Treatment Agency shall make such determinations in accordance with established estimating practices or other reasonable method.

SECTION 36

APPROVAL OF PLANS FOR SEWERAGE CONSTRUCTION

1. No person, other than as authorized by the District shall construct or cause to be constructed, or alter or cause to be altered, any sewer, lateral sewer, house connection or connection sewer over six (6) inches in diameter, sewage pumping plant, or other sewerage facility within the District where existing or proposed wastewater flows will discharge directly or indirectly to facilities of the District without first obtaining approval of sewerage construction plans from the District.

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

3. Plans for sewerage construction shall not be approved by the District for any facility which will convey industrial wastewater unless the discharger has first

obtained a permit for industrial wastewater discharge as deemed necessary by District from the District or Treatment Agency.

4. Plans and specifications for sewerage construction and facilities connected to District sewer facilities shall meet all requirements as established by the District from time to time.

5. An approval of plans for sewerage construction shall expire one (1) year after date of approval unless construction has been initiated and completed with due diligence.

SECTION 37

LIQUID WASTE DISPOSAL POLICY

1. To comply with stated policies of the federal government and to permit the District and Treatment Agency to meet increasingly higher standards of treatment plant effluent quality, the District or Treatment Agency may establish quantity and quality limitations on industrial wastewater discharges and may determine methods of cost recovery from industrial wastewater dischargers where the discharges impose inequitable collection, treatment or disposal costs.

2. Optimum use of the collection and treatment facilities may necessitate that the District or Treatment Agency require that certain industrial wastewaters be discharged during certain levels of flow in the sewerage systems.

SECTION 38

PERMIT FOR SEWER CONNECTION

1. Any person desiring to connect to a District sewer facility shall first obtain approval from the District.

2. A sewer connection approval will not be issued for any sewer which will convey industrial wastewaters unless the discharger has first advised the District of the intended discharge and received approval from the District, and Treatment Agency if appropriate.

SECTION 39

PLAN APPROVALS AND PERMITS NOT TRANSFERABLE

Approval of plans for sewerage construction and sewer permits are not transferable from one person to another person or from one location to another location.

SECTION 40

INSPECTION OF CONSTRUCTION

1. All sewers to be attached directly to a trunk sewer shall be inspected by personnel of the District during construction.
2. At least forty-eight (48) hours prior to cutting into the District's sewer, the District shall be notified.
3. On making a connection to a trunk sewer, no physical alteration of the District's facilities shall commence until authorized by a District representative who is physically present at the location.

SECTION 41

MAINTENANCE OF HOUSE CONNECTION SEWER

All property owners shall maintain the premises' side sewer from all points on their property to the public sewer. It is the responsibility of all property owners to repair any blockage of or damage to the premises' side sewer.

SECTION 42

IMPROPER USE OF CONNECTED SEWERS

1. The District reserves the right to inspect any facility that discharges wastewater directly or indirectly to trunk sewers. If it is found that such lateral or collecting sewers are improperly used or improperly maintained, thereby causing discharge of septic wastewater, excessive groundwater, debris or any other objectionable substance, the District may give notice of the unsatisfactory condition to the offending discharger and shall direct that the condition be corrected and/or take any other action as deemed appropriate by the District, including but not limited to the levying of costs, fines, penalties, or surcharges.
2. In cases of continued noncompliance with the District's directive, the District may disconnect the offending sewer from the District's or the Treatment Agency's sewerage system, and may terminate any other service provided by the District, including water service.
3. Industrial sewer users shall notify the District immediately of all discharges that could cause problems to the District or Treatment Agency's sewerage system, including any slug discharges, by the industrial user.
4. There shall be no material increase in quantity or quality of wastewater discharges without the prior written approval of the District and/or the Treatment Agency.

SECTION 43

EXCESSIVE SEWER MAINTENANCE EXPENSE

1. No person shall discharge or cause to be discharged to a trunk sewer, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, any reduction in sewer capacity or any other damage to sewers or sewerage facilities. Any additional or excessive sewer or sewerage maintenance expenses or any other expenses attributable thereto will be charged to the offending discharger.

2. Any refusal to pay additional or excessive maintenance expenses duly authorized by the District shall constitute a violation of these Rules and Regulations.

SECTION 44

PROHIBITED DISCHARGES

1. The District or Treatment Agency may create and modify from time to time, a list(s) of constituents which may be regulated, including prohibited substances. No person or entity shall discharge in violation of such list(s).

2. Except as otherwise provided for in these Rules and Regulations, no person shall discharge or cause to be discharged to a public sewer, which directly or indirectly connects to the District's and/or Treatment Agency's sewerage systems, the following wastes:

a. Any waste containing pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 °F or 60 °C using the test methods specified in 40 CFR 261.21 or successor regulations.

b. Any waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system;

c. Any waste having a pH less than 6.0 or greater than 12.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the sewerage system;

d. Any solids or viscous substances of such size or in such quantity that they may cause obstruction to flow in the sewer or be detrimental to proper wastewater treatment plant operations; these objectionable substances include, but are not limited to,

asphalt, dead animals, offal, ashes, sand, mud, straw, process shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, bones, hair and fleshings, entrails, paper dishes, paper cups, milk containers, or other similar paper products, either whole or ground;

e. Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays, swimming pool drainage, or any other uncontaminated water, unless specifically authorized by the District and/or the Treatment Agency;

f. Any water added for the purpose of diluting wastes which would otherwise exceed applicable maximum concentration limitations;

g. Any nonbiodegradable cutting oils, commonly called soluble oil, which form persistent water emulsions;

h. Any excessive concentrations of nonbiodegradable oil, petroleum oil or refined petroleum products;

i. Any dispersed biodegradable oils and fats, such as lard, tallow or vegetable oil in excessive concentrations that would tend to cause adverse effects on the sewerage system;

j. Any waste with an excessively high concentration of cyanide;

k. Any unreasonably large amounts of undissolved or dissolved solids;

l. Any wastes with excessively high BOD, COD or decomposable organic content;

m. Any strongly odorous waste or waste tending to create odors;

n. Any wastes containing over 0.1 milligram/liter of dissolved sulfides;

o. Any substance promoting or causing the promotion of toxic gases;

p. Any waste having a temperature of 150°F or higher or which would result in influent temperatures at the treatment plant in excess of 104°F;

q. Any wastes requiring an excessive quantity of chlorine or other chemical compound used for disinfection purposes;

r. Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds;

- s. Any excessive amounts of deionized water, steam condensate or distilled water;
- t. Any waste containing substances that may precipitate, solidify or become viscous at temperatures between 50°F and 100°F;
- u. Any garbage or waste that is not ground sufficiently to pass through a 34-inch screen;
- v. Any wastes containing excessive quantities of boron, chromium, phenols, plastic resins, copper, nickel, zinc, lead, mercury, cadmium, selenium, arsenic or any other objectionable materials toxic to humans, animals, the local environment or to biological or other wastewater treatment processes; in no event shall the below-specified limits for Treatment Plant 2 be exceeded:

	<u>Plant 2</u>
Arsenic	0.81 mg/l.
Cadmium	0.11 mg/L
Chromium (total)	4.28 mg/L
Copper	3.97 mg,IL
Lead	0.90 mg/L
Mercury	0.20 mg/L
Molybdenum	0.80 mg/L
Nickel	0.75 mg/L
Selenium	0.59 mg/L
Silver	2.41 mg/L
Zinc	6.93 mg/L
Benzene	0.50 mg/L
1,2-Dichlorobenzene	0.30 mg/L
1,4-Dichlorobenzene	1.20 mg/L
Ethylbenzene	7.920 mg/L
Methylene chloride	31.0 mg/L
Phenols	2000 mg/L
Tetrachloroethene	Zero mg/L
Toluene	3.390 mg/L
Total Dissolved Solids	3500 mg/L
pH	6 - 12 unit

Notwithstanding the limitations that are specified above in this section:

- i. The District or Treatment Agency may impose more restrictive standards or requirements on discharge if it is deemed necessary.
- ii. The District or Treatment Agency may authorize discharges containing higher concentrations on a site-specific basis, provided that the concentrations of such discharges shall not cause pass through or interference. Upon approval by the

District or Treatment Agency, site-specific limitations shall be established through the terms specified in the discharger's Wastewater Discharge Permit. The District or Treatment Agency may impose mass limitations in addition to, or in place of, concentration-based limitations. However, no special agreement shall be allowed to contravene Federal, State or local pretreatment standards.

3. No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District's sewerage system any wastes, if in the opinion of the District or Treatment Agency engineer such wastes may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property, or may otherwise endanger the public, the local environment or create a public nuisance. The District and the Treatment Agency engineer, in determining the acceptability of specific wastes, shall consider the nature of the waste and the adequacy and nature of the collection, treatment and disposal system available to accept the waste.

4. The District and/or the Treatment Agency may from time to time prepare a list of the maximum permissible quantities or concentrations of certain constituents in wastewater flows and otherwise issue detailed directions for meeting the requirements of this section. The District and/or the Treatment Agency may also from time to time set flow or quality limitations or restrictions upon any user(s) or connection(s); the violation of such limitations or restrictions will be deemed a violation of these Rules and Regulations which may subject the user to fines, penalties, surcharges, or other costs, or actions as deemed appropriate by the District and/or Treatment Agency.

SECTION 45

HOSPITAL/MEDICAL WASTES

The District and/or the Treatment Agency may from time to time prepare a list of prohibited and/or maximum permissible quantities or concentrations of certain constituents regarding hospital or medical related wastewater flows (including but not limited to wastewater flows from clinics, medical doctor offices, rehabilitation or convalescent homes) and otherwise issue detailed directions for meeting the requirements of this section.

The following shall not be discharged to the sewer by any means, except to the extent permitted by the District or Treatment Agency:

1. Wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease;
2. Recognizable portions of the human anatomy;
3. Equipment, instruments, utensils and other materials or waste of a disposable nature that may harbor or transmit pathogenic organisms and that are used in

the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by public health agencies; or

4. Wastes excluded by other provisions of these Rules and Regulations.

SECTION 46

INDUSTRIAL WASTEWATER DISCHARGE PERMIT REQUIREMENTS GENERALLY

1. No person shall discharge or cause to be discharged any industrial wastewaters directly or indirectly to sewerage facilities owned by the District or Treatment Agency without first obtaining a District and/or Treatment Agency permit for industrial wastewater discharge.

2. The permit for industrial wastewater discharge may require pretreatment of industrial wastewaters before discharge, restriction of peak flow discharges, discharge of certain wastewaters only to specified sewers of the District or Treatment Agency, relocation of point of discharge, prohibition of discharge of certain wastewater components, restriction of discharge to certain hours of the day, payment of additional charges to defray increased costs of the District or Treatment Agency created by the wastewater discharge and such other conditions as may be required to effectuate the purpose of these Rules and Regulations. Specific discharge limits may be included in each permit; provided, however, that if no such limit has been established, the District or Treatment Agency engineer may ascertain the limit to be applied to the discharger and such limit shall be incorporated in the permit. Those limits set by the Treatment Agency engineer shall be no less stringent than applicable state and National Categorical Standards, and shall be subject to modifications as deemed necessary by the District or Treatment Agency.

3. No person shall discharge industrial wastewaters in excess of the quantity or quality limitations set by the permit for industrial wastewater discharge or otherwise permitted by the District or Treatment Agency. Any person desiring to discharge wastewaters or use facilities which are not in conformance with the industrial wastewater permit or desiring to change its discharge parameters, shall apply to the District for approval. An amended permit shall be secured before discharging at limits in excess of the current permit condition. New or increased contributions of pollutants to the District or Treatment Agency sewerage system by Industrial Users, where such contributions do not meet applicable National Pretreatment Standards and the requirements set forth by the Treatment Agency or where such contributions would cause the Treatment Agency to violate its waste discharge requirements, are prohibited, and no amended permit shall be issued for such contributions.

4. A schedule for complying with any industrial effluent limitations, self-monitoring requirements or other requirements deemed necessary by the District or Treatment Agency engineer to insure compliance with District, city, county, state or

federal rules and regulations shall be submitted to the District and Treatment Agency for approval. The District or Treatment Agency engineer may require compliance schedule progress reports, a report on final compliance with effluent limitations and standards, and periodic reports on continued compliance.

5. On a periodic basis, the District or Treatment Agency engineer may evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The District or Treatment Agency engineer may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Treatment Agency engineer may develop such a plan for any user. An accidental discharge/slug control plan shall address, 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 District and Treatment Agency engineer of any accidental or slug discharge; 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.

SECTION 47

INDUSTRIAL WASTEWATER DISCHARGE PERMIT APPLICATION PROCEDURE AND CONDITIONS FOR APPROVAL

1. Applicants for a permit for industrial wastewater discharge shall complete a District or Treatment Agency application form available at the office of the District or Treatment Agency engineer. The District or Treatment Agency may require additional information on the characteristics of the wastewater discharge beyond that required on the application form.

2. Upon approval of the application, an industrial wastewater discharge permit will be issued and the application, plans, specifications and data (the compliance schedule in the case of an interim permit) submitted in support will be considered as part of the discharge permit.

3. The application shall be approved if the applicant has complied with all applicable requirements of the District and if the District and Treatment Agency determine

that there is adequate capacity in the Treatment Agency's facilities to convey, treat and dispose of the wastewaters.

SECTION 48

INDUSTRIAL WASTEWATER DISCHARGE PERMIT CHANGE OF RESTRICTIONS

1. The District or Treatment Agency may change the restrictions or conditions of a permit for industrial wastewater discharge from time to time as circumstances may require.

2. The District or Treatment Agency may allow an industrial discharger a reasonable period of time to comply with any changes in the industrial wastewater permit required by the Treatment Agency.

SECTION 49

INDUSTRIAL WASTEWATER DISCHARGE PERMIT SUSPENSION AND CONDITIONS FOR REINSTATEMENT

1. The District or Treatment Agency may suspend a permit for industrial wastewater discharge when such suspension is necessary in order to stop a discharge which presents an actual or threatened hazard to the public health, safety or welfare, to the local environment, or to the District or Treatment Agency's sewerage system.

2. Any discharger notified of a suspension of their industrial wastewater permit shall immediately cease and desist the discharge of all industrial wastewater to the sewerage system. In the event of a failure of the discharger to comply voluntarily with the suspension order, the District or Treatment Agency may take such steps as are reasonably necessary to insure compliance. In the event of an emergency, the District or Treatment Agency may terminate the discharge of any or all industrial wastewater to the sewerage system immediately.

3. The District or Treatment Agency may reinstate the industrial wastewater permit upon proof of satisfactory compliance with all discharge requirements of the District and Treatment Agency.

SECTION 50

DISCHARGE PERMIT - REVOCATION

The District or Treatment Agency may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. Failure to notify the District or Treatment Agency of significant changes to the wastewater quantity or quality and obtaining District approval prior to the changed discharge;
2. Failure to provide prior notification to the District or Treatment Agency of changed conditions;
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsifying self-monitoring reports;
5. Tampering with monitoring equipment;
6. Refusing to allow the District or Treatment Agency timely access to the facility premises and records;
7. Failure to meet effluent limitations;
8. Failure to pay fines;
9. Failure to pay sewer charges;
10. Failure to meet compliance schedules;
11. Failure to complete a wastewater survey or the wastewater discharge permit application;
12. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
13. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

SECTION 51

RESTRICTIONS OR REFUSAL OF SERVICE PURSUANT TO AVAILABILITY OF TREATMENT AGENCY'S FACILITIES

1. If sewerage capacity is not available, as determined by the District, the District or Treatment Agency may require the industrial wastewater or any other discharger to restrict his discharge until sufficient capacity can be made available.
2. The District or Treatment Agency may refuse service to persons locating facilities in areas where their proposed quantity or quality of industrial or other wastewater is unacceptable in the available treatment facility.

SECTION 52

PRETREATMENT - DEVICES REQUIRED

1. An industrial wastewater pretreatment system or device may be required by the District or Treatment Agency to treat commercial or industrial flows prior to discharge to the sewer when it is necessary to restrict or prevent the discharge to the sewer of certain waste constituents, to distribute more equally over a longer time period any peak discharges of wastewaters, or to accomplish any pretreatment result deemed necessary by the District and/or Treatment Agency. All pretreatment systems or devices shall be approved by the District or Treatment Agency, but such approval shall not absolve the discharger of the responsibility for meeting any effluent limitation required by the District or Treatment Agency including all applicable federal, state and local limitations and requirements. In special cases, the District or Treatment Agency engineer may require construction of sewer lines by the discharger to convey certain wastes to a specific Treatment Agency trunk sewer. All pretreatment systems determined by the District or Treatment Agency to require engineering design shall have plans prepared and signed by an engineer of suitable discipline licensed in the state. In no case shall a waste discharger be absolved of the responsibility of complying with applicable standards or requirements and any standards or requirements which may be enacted or promulgated by the federal, state, or local government.

2. Normally a gravity separation interceptor, equalizing tank, neutralization chamber, control manhole or other monitoring facility, and a spill containment system, will be required respectively to remove prohibited settleable and floatable solids, to equalize wastewater streams varying greatly in quantity and/or quality, to neutralize low or high pH flows, to facilitate inspection, flow measurement and sampling, and to prevent discharge to the sewer of quantities of toxic materials due to rupture of a tank or pipeline or other such accidental occurrences. Spill containment systems shall conform to requirements established by the Treatment Agency and shall in no event be dependent upon electrical or other energy. No industrial or other waste discharger shall operate a spill containment system that allows incompatible liquids to mix thereby creating hazardous or toxic substances in the event of the failure of more than one container. Floor drains from

commercial, industrial, or manufacturing buildings, warehouses or multi-use structures shall not discharge directly to the sewer, but shall first discharge to a gravity separation interceptor.

All domestic wastewaters from restrooms, showers, drinking fountains, etc., shall be kept separate from all industrial wastewaters until the industrial wastewaters have passed through any required pretreatment system or device and the industrial wastewater monitoring facility or station.

SECTION 53

SAMPLING, ANALYSIS AND FLOW MEASUREMENTS

1. Periodic measurements of flow rates, flow volumes, BOD and suspended solids for use in determining the annual industrial wastewater treatment surcharge and such measurements of other constituents believed necessary by the District or Treatment Agency shall be made by industrial or other wastewater dischargers, unless specifically relieved of such obligation by the District or Treatment Agency. All sampling, analyses and flow measurements of such wastewaters shall be performed by a state certified independent laboratory, by a laboratory of a discharger approved by the District or Treatment Agency, or by personnel of the District or Treatment Agency. Prior to submittal to the District or Treatment Agency of data developed in the laboratory of a discharger, the results shall be verified by a responsible administrative official of the discharger under penalty of perjury.

2. All wastewater analyses shall be conducted in accordance with the appropriate procedure contained in the federal guidelines establishing test procedures for the analysis of pollutants" 40 CFR part 136, Test Procedures" (or successor regulations). If no appropriate procedure is contained therein, the standard procedure of the industry or a procedure deemed satisfactory by the Treatment Agency engineer shall be used to measure wastewater constituents. Any independent laboratory or discharger performing tests shall furnish any required test data or information on the test methods or equipment used, if requested to do so by the Treatment Agency engineer.

3. All dischargers making periodic measurements shall furnish and install at the control manhole or other appropriate location a calibrated flume, weir, flow meter or similar device approved by the District or Treatment Agency and suitable to measure the industrial wastewater flow rate and total volume. A flow indicating, recording and totalizing register may be required by the District or Treatment Agency engineer in lieu of wastewater flow measurement. The District or Treatment Agency may accept records of water usage and adjust the flow volumes by suitable factors to determine peak and average flow rates for the specific industrial wastewater discharge.

4. The sampling, analysis and flow measurement procedures, equipment and results shall be subject at any time to inspection by the District and/or Treatment Agency.

Sampling and flow measurement facilities shall be such as to provide safe access to authorized personnel.

5. Those wastewater dischargers required by the District or Treatment Agency to make periodic measurements of wastewater flows and constituents shall annually make the minimum number of such measurements required. The minimum requirement for such periodic measurements shall be at least two twenty-four (24) hour measurements per year. Representative samples of the wastewater shall be obtained at least once per hour over the 24-hour period, properly refrigerated, composited according to measured flow rates during the twenty-four (24) hours and analyzed for the specified wastewater constituents. Dischargers required to sample on only a few days per year shall sample during the periods of highest wastewater flow and wastewater constituent discharges. Users with large fluctuations in quantity or quality of wastewater may be required to provide continuous sampling and analyses for every working day. When required by the District or Treatment Agency, dischargers shall install and maintain in proper order automatic flow proportional sampling equipment and/or automatic analysis and recording equipment.

6. Measurements to verify the quantities of waste flows and waste constituents reported by dischargers may be conducted on a random basis by personnel of the District and/or Treatment Agency.

7. Each industrial discharger, including those subject to self-monitoring and reporting requirements, shall retain for a minimum of three (3) years records of monitoring activities and results and shall make such records available upon request for inspection and copying by inspectors and other authorized personnel of the District or Treatment Agency. Such records shall be retained during the pendency of any litigation regarding industrial discharge or for such additional periods as may be requested by county, state or federal entities.

SECTION 54

REPORTING REQUIREMENTS FOR CERTAIN USERS

1. Baseline Monitoring Reports. Users subject to Pretreatment Standards may be required to submit to the District or Treatment Agency a report which contains the information listed below. At least 90 days prior to commencement of discharge, new sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, may be required to submit to the District or Treatment Agency a report which contains the information listed below. New sources may also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs d. and e. below.

a. Identifying information. The user shall submit the name and address of the facility including the name of the operator and owners;

b. Permits. The user shall submit a list of any environmental control permits held by or for the facility;

c. Description of operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification 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;

d. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

i. Regulated process streams; and

ii. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) or as otherwise required by the Treatment Agency. The Treatment Agency may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

e. Measurement of Pollutants.

i. The user shall identify the Pretreatment Standards applicable to each regulated process;

ii. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Treatment Agency) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;

iii. A minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques where feasible. The District or Treatment Agency may waive flow-proportional composite sampling for any user that demonstrates that flow-proportional sampling is infeasible. In such cases, samples may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged;

iv. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

v. 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 order 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) or appropriate guidelines as determined by the Treatment Agency, this adjusted limit along with supporting data shall be submitted to the Treatment Agency;

vi. Sampling and analysis shall be performed in accordance with the techniques prescribed by the Treatment Agency;

vii. The Treatment Agency 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 pretreatment measures; and

viii. The baseline report shall indicate the time, 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.

f. Certification. The user shall submit a statement, reviewed by an authorized representative of the user and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the user to meet the Pretreatment Standards and Requirements; and

g. Compliance schedule. If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards, the user shall submit the shortest schedule by which the user will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

i. Where the user's categorical Pretreatment Standard has been modified by a removal allowance, the combined wastestream formula, and/or a Fundamentally Different Factors variance at the time the user submits the report required above, the information required by paragraphs 6 and 7 of this section shall pertain to the modified limits; and

ii. If the categorical Pretreatment Standards are modified by a removal allowance, the combined wastestream formula, and/or a Fundamentally Different Factors variance after the user submits the report required herein, any necessary amendments to the information requested pursuant to this section shall be submitted by the user to the Treatment Agency within 60 days after the modified limit is approved.

2. Report on compliance with categorical Pretreatment Standard deadline. Within 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 Pretreatment Standards and Requirements shall submit to the Treatment Agency a report containing the information described pursuant to this section. For users subject to equivalent mass or concentration limits established by the Treatment Agency in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

3. Periodic reports on continued compliance.

a. Any user subject to a categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Treatment Agency during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Treatment Agency or the Approval Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period and the Treatment Agency may require more detailed reporting of flows or other reporting criteria or reporting periods.

b. Where the Treatment Agency has imposed mass limitations on users, the report required by this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge from the user.

c. For users subject to equivalent mass or concentration limits established by the Treatment Agency, the report required by paragraph 3.a. shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by paragraph 3.a. shall include the user's actual average production rate for the reporting period.

4. Reporting requirements for users not subject to categorical Pretreatment Standards. The District or Treatment Agency may require reporting from those users with discharges that are not subject to categorical Pretreatment Standards. Significant Noncategorical users shall submit to the Treatment Agency at least once every six (6) months (on dates specified by the Treatment Agency) a description of the nature, concentration, and flow of the pollutants required to be reported by the Treatment Agency. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described by the

Treatment Agency. This sampling and analysis may be performed by the District or Treatment Agency in lieu of the significant noncategorical user. Where the District or Treatment Agency itself collects all the information required for the report, the noncategorical significant user will not be required to submit the report.

5. Notice of Violation/Resampling Requirement. If sampling performed by a user indicates a violation, the user shall notify the District and Treatment Agency 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 District and Treatment Agency within thirty (30) days after becoming aware of the violation, except the user may not be required to resample if:

a. The District or Treatment Agency performs sampling at the user at a frequency of at least once per month, or

b. The District or Treatment Agency performs sampling at the user between the time when the user performs its initial sampling and the time when the user receives the results of this sampling.

6. Notice of slug discharge. In the event a slug discharge occurs, the discharger shall notify the District and Treatment Agency immediately by phone, followed with a written notification. Said written notification discussing circumstances and remedies shall be submitted to the District and Treatment Agency within five (5) days of the occurrence.

7. Notice of discharge of Hazardous Wastes.

a. All users shall notify the District and Treatment Agency, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261 or similar or successor laws or regulations. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

b. Dischargers are exempt from the requirements of paragraph 7.a. of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) or similar or successor laws or regulations. Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a

calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e) or successor regulations, requires a one-time notification.

Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

c. In the case of any new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the District and Treatment Agency, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

d. In the case of any notification made under section 7. of this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has been determined to be economically practical.

SECTION 55

DISCREPANCIES BETWEEN ACTUAL AND REPORTED DISCHARGE QUANTITIES

1. Should measurements or other investigations reveal that the industrial discharger is discharging a flow rate, or a quantity of flow, biochemical oxygen demand or suspended solids in excess of that stated on the industrial wastewater permit or in excess of the quantities permitted by or reported to the District or Treatment Agency by the discharger and upon which the industrial wastewater treatment surcharge is based, the discharger shall apply for an amended industrial wastewater permit and shall be assessed for all delinquent or associated charges together with the penalty and interest. Before these charges shall be assessed, at least two additional 24-hour samples and flow measurements shall be obtained by the District or Treatment Agency with all costs of sampling and analyses to be paid by the discharger.

2. For the purpose of establishing the correct treatment surcharge, the data obtained in these samplings along with any other relevant information obtained by the District or Treatment Agency or presented by the discharger, shall be used by the District or Treatment Agency in determining the quantity parameters for use in the surcharge formula. An industrial discharger found in violation shall, in the absence of other evidence, be presumed to have been discharging at the determined parameter values over the preceding three (3) years or subsequent to the previous District or Treatment Agency verification of quantity parameters, whichever period is shorter.

SECTION 56

DISCHARGE CLASSIFICATIONS – PARAMETER ESTABLISHING SURCHARGE

The District or Treatment Agency may classify dischargers by categories and establish a wastewater treatment surcharge based upon average flow quality and flow quantity for the category adjusted by some commonly-recognized parameter selected by the District or Treatment Agency that establishes the relative size of the discharger being charged.

SECTION 57

DAMAGE CAUSED BY PROHIBITED DISCHARGE, SLUG DISCHARGES, OR BY OTHER CAUSES

Any wastewater discharger who discharges or causes the discharge of prohibited wastewaters or slug discharges which cause damage to District or Treatment Agency's facilities, detrimental effects on treatment processes, or any other damages resulting in costs to the District or Treatment Agency shall be liable to the District and Treatment Agency for all damages occasioned thereby.

The District and/or Treatment Agency may at any time impose any service restrictions, limitations, surcharges, fees, or other costs deemed necessary by either or both of them in order to minimize or eliminate the damage or risk of damage to District and/or Treatment Agency facilities, to minimize or eliminate additional treatment costs, or to provide services in a more equitable manner, to protect health and safety, or for any other reasonable reason or purpose as determined by the District.

In the event additional fees or charges are imposed upon the District by the Treatment Agency because of activities and/or discharges of a user, the user who caused the additional fees and charges to be levied shall, immediately upon presentation of such charges, reimburse the District for such amounts.

Chapter 4: VIOLATIONS

SECTION 58

VIOLATION - PENALTY

1. In addition to the provisions contained within Section 7 of these Rules and Regulations, any person who violates any provision of these Rules and Regulations, or the Treatment Agency ordinances, policies, or rules and regulations corresponding to sewer service, may be liable to the District and/or Treatment Agency for such violation. In the event of such violation, the Treatment Agency and/or District may limit or terminate service and/or may petition the Superior Court to recover such sums.

2. Each day during which any violation described in subsection 1 continues may constitute a separate offense punishable as provided in subsection 1 of this section.

3. In addition to any other remedy provided by law, including the remedy of revocation of permit and/or temporary or permanent disconnection of water or sewer service, any violation of the provisions of these Rules and Regulations and/or the Treatment Agency ordinance or rules and regulations, or discharge of waste contrary to the requirements of these Rules and Regulations, is determined and declared to be a public nuisance and may be abated and enjoined pursuant to law. The Treatment Agency ordinance and these Rules and Regulations may also be enforced by injunction issued from the Superior Court upon suit by the Treatment Agency or District.

4. The remedies provided for in this section are not exclusive, but are in addition to any other remedies previously set forth in the these Rules and Regulations or the Treatment Agency ordinance, or that may be provided by any federal, state, or local law. In addition, the District and/or Treatment Agency may pursue any, all, or any combination of these remedies against any person who violates any provision of these Rules and Regulations or the Treatment Agency's ordinances.

APPENDIX 1

TABLE 1

RETURNED CHECK CHARGES *(Section 6)*

THERE SHALL BE AN ADDITIONAL CHARGE OF TWENTY-FIVE DOLLARS (\$25.00) FOR ANY RETURNED CHECK.

TABLE 2

WATER SERVICE RECONNECTION CHARGE *(Section 7)*

THERE SHALL BE A TWENTY-FIVE DOLLAR (\$25.00) CHARGE TO RECONNECT/TURN ON WATER SERVICE THAT HAS BEEN TERMINATED BECAUSE OF NON-PAYMENT OR OTHER VIOLATION OF THE DISTRICT'S RULES AND REGULATIONS.

TABLE 3 *(Section 12)*

WATER CONNECTION FEES AND CHARGES

WATER CONNECTION FEES ARE BASED UPON METER SIZE, AND MUST BE PAID PRIOR TO CONNECTION WITH THE DISTRICT'S WATER SYSTEM. CONNECTION FEES ARE AS SET FORTH IN ATTACHED TABLE 1 BELOW.

<u>METER SIZE</u>	<u>CONNECTION FEE</u>
5/8X3/4-INCH	\$5,000
1-INCH	\$13,330
1 ½-INCH	\$16,670
2-INCH	\$33,330
3-INCH	\$50,000
4-INCH	\$66,670
6-INCH	\$166,670
8-INCH	\$500,000
12-INCH	\$1,100,000

TABLE 4
(Section 14)

BACKFLOW PREVENTION DEVICE RELATED FEES AND CHARGES

A FEE OF \$5 WILL BE CHARGED WHEN A 10-DAY NOTICE OF TERMINATION LETTER IS MAILED AND A FEE OF \$15.00 WILL BE CHARGED WHEN A 48-HOUR NOTICE IS POSTED AT THE CUSTOMER'S PREMISES. UPON FAILURE TO PROVIDE SUCCESSFUL TEST RESULTS WITHIN THE TIME SPECIFIED IN A FINAL NOTICE, SERVICE SHALL BE DISCONTINUED UNTIL THE DEVICE IS TESTED AND PASSES, AND ALL OUTSTANDING CHARGES, INCLUDING A \$25.00 TURN-ON CHARGE IS PAID.

TABLE 5
(Section 15)

DISPUTED BILL FEES AND CHARGES

IF THE RESULTS OF THE TEST SHOW THAT THE METER IS INACCURATE BY LESS THAN PLUS OR MINUS 2%, THE CUSTOMER SHALL PAY THE ACTUAL COSTS OF THE TEST, PLUS A \$25 ADMINISTRATIVE FEE.

TABLE 6
(Section 16)

WATER SERVICE DEPOSITS

DEPOSITS FOR WATER SERVICE SHALL BE AS FOLLOWS:

<u>5/8 X 3/4 INCH</u>	<u>\$75.00</u>
<u>1 INCH</u>	<u>\$75.00</u>
<u>1½ INCH</u>	<u>\$100.00</u>
<u>2 INCH</u>	<u>\$200.00</u>
<u>3 INCH</u>	<u>\$400.00</u>
<u>4 INCH</u>	<u>\$500.00</u>
<u>6 INCH</u>	<u>\$600.00</u>
<u>8 INCH</u>	<u>\$700.00</u>

TABLE 7

(Section 17)

AFTER HOURS AND SPECIAL SERVICE CHARGES

<u>NEW ACCOUNT CHARGE (AFTER HOURS TURN-ON)</u>	<u>\$75.00</u>
<u>NONPAYMENT OFF/ON CHARGE (AFTER HOURS TURN-ON)</u>	<u>\$75.00</u>

IN ADDITION TO THE ABOVE, OTHER CUSTOMER SERVICE VISITS MAY INCLUDE, BUT ARE NOT LIMITED TO, EMERGENCY TURN-OFFS, TURN-ONS AND METER RE-READINGS AND MAY BE SUBJECT TO A \$25.00 CHARGE DURING REGULAR WORKING HOURS OR A \$75.00 CHARGE DURING NON-WORKING HOURS.

TABLE 8
(Section 23)

WATER SERVICE CHARGES

MONTHLY READINESS-TO-SERVE CHARGE:

Meter Size	2016-17 Charge	2017-18 Charge	2018-19 Charge	2019-20 Charge	2020-21 Charge
5/8 X 3/4 inch	\$ 38.90	\$ 39.90	\$ 40.90	\$ 41.90	\$ 42.90
1 inch w/Fire	\$ 40.80	\$ 41.90	\$ 42.90	\$ 44.00	\$ 45.00
1 inch	\$ 97.30	\$ 99.80	\$ 102.30	\$ 104.80	\$ 107.30
1 1/2 inch	\$ 194.50	\$ 199.50	\$ 204.50	\$ 209.50	\$ 214.50
2 inch	\$ 311.20	\$ 319.20	\$ 327.20	\$ 335.20	\$ 343.20
3 inch	\$ 875.30	\$ 897.80	\$ 920.30	\$ 942.80	\$ 965.30
4 inch	\$ 1,750.50	\$ 1,795.50	\$ 1,840.50	\$ 1,885.50	\$ 1,930.50
6 inch	\$ 3,890.00	\$ 3,990.00	\$ 4,090.00	\$ 4,190.00	\$ 4,290.00
8 inch	\$ 7,780.00	\$ 7,980.00	\$ 8,180.00	\$ 8,380.00	\$ 8,580.00
10 inch	\$ 13,615.00	\$ 13,965.00	\$ 14,315.00	\$ 14,665.00	\$ 15,015.00

NOTES: MONTHLY READINESS-TO-SERVE CHARGES APPLIED TO ALL SERVICES AND ANY QUANTITY OF WATER USED IS AN ADDITIONAL CHARGE COMPUTED AT THE QUANTITY RATE.

QUANTITY RATES (PER HUNDRED CUBIC FEET):

	2016-17	2017-18	2018-19	2019-20	2020-21
Quantity Rate:	\$1.48	\$1.49	\$1.52	\$1.56	\$1.60
Quantity Rate: Constr/Hyd.	\$3.60	\$3.60	\$3.70	\$3.80	\$3.90

MONTHLY PRIVATE FIRE PROTECTION SERVICE CHARGE:

	2016-17	2017-18	2018-19	2019-20	2020-21
1 1/2 inch	\$10.50	\$10.75	\$11.00	\$11.25	\$11.50
2 inch	\$14.00	\$14.50	\$14.75	\$15.25	\$15.50
3 inch	\$21.00	\$21.50	\$22.00	\$22.50	\$23.00
4 inch	\$28.25	\$29.00	\$29.75	\$30.50	\$31.25
6 inch	\$42.00	\$43.00	\$44.25	\$45.25	\$45.50
8 inch	\$56.00	\$57.50	\$59.00	\$60.50	\$62.00
10 inch	\$70.25	\$72.00	\$73.75	\$75.75	\$77.50
12 inch	\$84.00	\$86.00	\$88.25	\$90.50	\$93.00

OTHER CHARGES:

<u>RECONNECTION</u>	<u>\$25.00</u>
<u>NON-SUFFICIENT FUNDS</u>	<u>\$25.00</u>
<u>48-HOUR SHUTOFF NOTICE</u>	<u>\$15.00</u>
<u>METER CHANGE</u>	<u>ACTUAL</u>

TABLE 9
(Section 33)

SEWER SERVICE CHARGES

Description	Multipliers	Annual Rate	Monthly Rate
Single Family Unit	1.00	176.24	14.69
SFU Capital Tract	1.00	176.24	14.69
Restaurants (Food and Beverage)	10.73	1,891.00	157.58
Timber and Produce Plant	1.60	281.98	23.50
Recreational	5.13	904.09	75.34
Petroleum	3.10	546.33	45.53
Services Shop	1.72	303.12	25.26
Churches	1.26	222.06	18.50
Large Food Processing Plant	257.70	45,415.79	3,784.65
Light Industrial	1.60	281.98	23.50
Combination Store & Office	1.12	197.38	16.45
Storage-Warehouse	3.44	606.25	50.52
Large Store	11.36	2,002.03	166.84
Convenience Store	1.10	193.86	16.15
Markets	13.52	2,382.70	198.56
Office & Financial Building	3.29	579.81	48.32
Institutional Hospital (/Bed)	0.65	114.55	9.55
Multi Family (/Unit)	0.75	132.18	11.01
Hotel/Motel, R.V. Park (/Unit)	0.34	59.92	4.99
Sales/ Industrial Sales	3.00	528.71	44.06
Nurseries	0.64	112.79	9.40
Small Shopping Center	1.12	197.38	16.45
Institutional Ambulance, Etc.	5.41	953.43	79.45

Mobile Home Park (/Unit)	0.75	132.18	11.01
Rest/ Retirement Home (/Bed)	0.65	114.55	9.55
Small Store or Small Office	1.10	193.86	16.15
Mortuary	5.41	953.43	79.45
Car Wash	16.49	2,906.12	242.18
Schools (/ADA)	0.05	8.81	0.73
Service Shop and Residence	2.72	479.36	39.95
Convenience Store & (2) SFU's	3.10	546.33	45.53
(4) Multi Family & (2) SFU's	5.00	881.18	73.43
Food and Beverage & Combo Store	10.73	1,891.00	157.58
Single Family/Mobile Home	1.75	308.41	25.70
(2) Single Family Units/(2) Multi-Family Units	3.50	616.82	51.40
Food Packing	1.60	281.98	23.50
Single Family Unit & Studio Apt	1.75	308.41	25.70
Single Family Unit & (2) Apartments	2.50	440.59	36.72
Laundromat (/Machine)	1.00	176.24	14.69
Medical Office	1.00	176.24	14.69