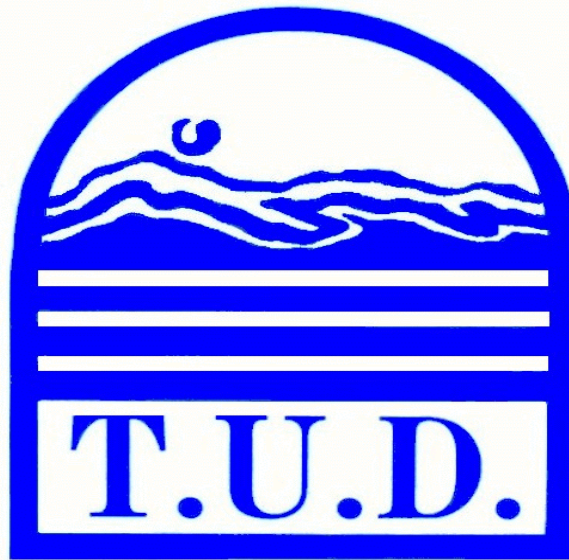


TUOLUMNE UTILITIES DISTRICT



WASTEWATER ORDINANCE

Adopted - August 24, 1993

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CHAPTER 1

GENERAL PROVISIONS

1.01 Purpose and Policy

This Wastewater Ordinance sets uniform requirements for discharges into the wastewater collection and treatment system of the Tuolumne Utilities District (hereinafter referred to as "District"). It enables the District to comply with administrative provisions of the Clean Water Grant Regulations, the water quality requirements set by the Regional Water Quality Control Board and applicable effluent limitations, national standards of performance, toxic and pretreatment effluent standards, and any other discharge criteria which are required or authorized by State or Federal law. Its purpose is to derive the maximum public benefit by regulating the quality and quantity of wastewater discharged into those systems. This Ordinance also provides for the setting of user charges and fees for the equitable distribution of cost of all users, and the issuance of permits to certain users.

1.02 Definitions

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured by Standard Methods unless expressly stated, or as established by Federal or State regulatory agency.

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

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

Beneficial Uses - Uses of the waters of the State that may be protected against quality degradation, including but not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or specified by Federal or State law.

Community Sewer - A sewer owned or operated by the District, or a sewer owned or operated by another person or entity which is tributary to and discharges into an interceptor, or a treatment or disposal facility owned or operated by the District.

Compatible Pollutant - Biochemical oxygen demand, suspended solids, PH and fecal coliform bacteria, the District's treatment works were designed to treat, and removes to a substantial degree.

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

Critical User - A user whose user classification is identified in the Standard Industrial Classifications (SIC) Manual in any of Division A, B, D, E, and I, and who (1) has a discharge flow of 50,000 gallons or more per average work day, or (2) has a discharge flow greater than 5 percent (5%) of the flow in the District's wastewater treatment system,

or (3) has in his wastes toxic pollutants in toxic amounts as defined in standards issued under Section 307(a) of the Federal Act.

Customer – Any person, including without limitation a parcel or property owner, or tenant, supplied or entitled to be supplied with wastewater service by the District in accordance with established rules, regulations, rates and charges.

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

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

District - Tuolumne Utilities District. May also be referred to as TUD.

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

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

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

Hot-Tap - Process involved in using a machine to cut a hole into an existing pipeline, which maybe actively conveying water or wastewater, for the purposes of establishing a new service lateral or branch connection to a pipeline . This activity is typically carried out by District staff with District equipment.

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

Lateral Inspection - Inspection carried out by District staff of the segment of service lateral originating at the connection to the sewer main through the property line cleanout and up to the connection to the customer's private sewer service lateral.

Private Lateral – Private lateral is the portion of the sewer pipeline upstream of the sewer cleanout or manhole that is located near the property line, provided one exists and is accessible to the District, to the points of service within the property or properties. The private lateral is owned and maintained by the property owner. If no cleanout or manhole

exists near the property line then the entire lateral from the points of service to the lateral connection at the public sewer main is considered a private lateral.

Public Lateral – Public lateral is the portion of the sewer pipeline downstream of the sewer cleanout or manhole that is located near the property line, provided one exists and is accessible to the District, to the lateral connection at the public sewer main. The public lateral is owned and maintained by the District.

Lateral Connection -The physical point in which the public or private sewer lateral meets and connects to the public sewer main..

Manager - The General Manager of the District, or his designated representative.

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

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

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

Parcel - A piece of real property designated by the County of Tuolumne by a single assessor's parcel number, or other identifying information.

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

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

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

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

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

Property Owner – See Parcel Owner.

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

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

Septic Dump Charge - The fee charged to septage haulers to cover the treatment and disposal capacity consumed by discharging septage at the District's Regional Wastewater Treatment Plant. The fee also captures the costs associated with long term capital replacement and annual operations and maintenance of the septage receiving facility.

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

Tenant – A person who occupies land or property rented from a landlord, including without limitation a parcel or property owner. See Customer.

TUD – See District.

User - Any person that discharges, causes or permits the discharge of wastewater into a community sewer.

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

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

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

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

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

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

CHAPTER 2

PROHIBITIONS, LIMITATIONS AND CONDITIONS OF SEWERAGE SERVICE

2.01 Prohibitions on Discharges

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

A fire or explosion;

Obstruction of flow in a sewer or injury of the system or damage to the wastewater collection, treatment or disposal facilities;

Danger to life or safety of personnel;

A nuisance, or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;

Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;

Interference with the wastewater treatment process;

The District's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process;

A detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the District;

Discoloration or any other condition in the quality of the District's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;

Conditions at or near the District's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency of State or Federal regulatory body;

Quantities or rates of flow which overload the District's collection or treatment facilities or cause excessive District collection or treatment costs, or which use a disproportionate share of the District facilities.

2.02 Prohibitions on Storm Drainage and Groundwater

2.02.1 Individual Connections

Storm water, groundwater, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the District. The District may approve the discharge of such water only when no reasonable alternative method of disposal is available.

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

2.02.2 Community Sewer Connections

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

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

2.03 Prohibition on Unpolluted Water

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

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

2.04 Limitation on Radioactive Wastes

No person shall discharge or cause to be discharged, any radioactive waste into a community sewer, except;

When the person is authorized to use radioactive materials by the State Department of Health or other governmental agency.

When the waste is discharged in strict conformity with current California Radiation Control Regulations, and the Atomic Energy Commission regulations and recommendations for safe disposal; and

When the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

When the person is undergoing medical procedures, treatments, or therapies.

2.05 Limitation on the Use of Garbage Grinders

Waste from garbage grinders shall not be discharged into a community sewer except:

Waste generated in preparation of food normally consumed on the premises; or

Where the user has obtained a permit for that specific use from the District and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the user charges based on the Wastewater Constituents.

Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

2.06 Limitations of Point of Discharge

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

2.07 Holding Tank Waste

A user proposing to discharge holding tank waste into a community sewer must secure a permit. Unless allowed by the District under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable service connection fees and user charges and fees and shall meet such other conditions as required by the District.

2.08 Other Limitations on Wastewater Discharged into a Community Sewer

- a. No person shall discharge into a sewer wastewater containing in excess of:
 - 0.1 mg/L arsenic
 - 0.2 mgg/L cadmium
 - 5.6 ug/L copper
 - 1.0 mg/L cyanide
 - 1.0 ug/L lead
 - 0.01 mg/L mercury
 - 1.0 mg/L nickel
 - 0.2 mg/L silver
 - 0.5 mg/L total chromium
 - 38 ug/L zinc
- b. Groundwater Remediation Projects:
 - 1.0 mg/L Benzene, Toluene, Ethyl benzene, Xylene (BTEX)
 - 10.0 mg/L Total Petroleum Hydrocarbons (TPH)
- c. No person shall discharge into a sewer any wastewater:
 - 1. Having a temperature higher than 150 degrees F (65 degrees C.)
 - 2. Containing more than 300 mg/L of oil or grease of animal or vegetable origin.
 - 3. Containing more than 100 mg/L of oil or grease of mineral or petroleum origin.
 - 4. Having a pH lower than 6.0.
 - 5. Containing in excess of 0.02 mg/L total identifiable chlorinated hydrocarbons.

6. Containing an excess of 1.0 mg/L phenolic compounds.
- d. No person shall discharge or cause to be discharged to any public sewer which directly or indirectly connects to the District sewer system any toxic or other wastes if in the opinion of the Manager such wastes may have an adverse or harmful effect on service maintenance personnel, wastewater treatment plant personnel or equipment, treatment plant effluent quality, public or private property or may otherwise endanger the public, the environment, or create a public nuisance.
- e. Grease Trap and Grease Interceptors
 1. Any type of business or other establishment such as, but not limited to, restaurants, bakeries, donut shops, takeout or drive-in eating establishments, ice cream parlors, hospitals, hotels, markets, or commercial kitchens in schools, churches, recreation or reception halls, etc., where any grease or other objectionable materials may be discharged into a public sewer main or disposal system, shall have a "gravity grease interceptor" or a "hydromechanical grease interceptor", herein referred to generally as "interceptor", unless waived by the District Engineer upon evidence that an interceptor is not required, which determination shall be made at the sole discretion of the District.. Any modification to operations upon which a waiver was granted may require installation of a grease interceptor
 2. Any type of business or facility such as, but not limited to, car washes, quick lubes, and automotive repair shops, where any grease of mineral or petroleum origin is generated and which may be discharged into a public sewer main or disposal system, shall have a "oil liquid interceptor", herein referred to generally as "interceptor", unless waived by the District Engineer upon evidence that an interceptor is not required, which determination shall be made at the sole discretion of the District. Any modification to operations upon which a waiver was granted may require installation of a grease interceptor
 3. Interceptors shall be sized and constructed in accordance with District standard specifications and the latest edition of the District's Fats, Oils and Grease Control Program. All designs shall be submitted for approval by the District Engineer prior to installation.
 4. Each interceptor shall be so installed and connected in a location that is easily accessible for inspection at all times and to provide for cleaning and removal of the intercepted grease. A gravity grease interceptor may not be installed in any part of a building where food is handled. Locations of interceptors shall meet the latest edition of the California Plumbing Code and the approval of the District Engineer.
 5. Each business establishment for which an interceptor is required shall have an interceptor, which shall serve only that business establishment.
 6. Buildings remodeled for use requiring interceptors shall be subject to these regulations.
 7. Waste discharge from fixtures and equipment in the above mentioned types of establishments which may contain grease or other objectionable materials, including, but not limited to, scullery sinks, pot and pan sinks, dishwashers, food waste disposals, soup kettles, etc., and floor drains shall not drain through the

interceptor without prior approval by the District Engineer. Toilets, urinals, and other fixtures containing fecal material may not flow through the interceptor.

8. The interceptors shall be maintained in efficient operating condition by periodic removal of the accumulated grease. No such collected grease shall be emptied or discharged into any drainage piping or public or private sewer. Such materials shall not be disposed of at the District's Regional Wastewater Treatment Plant.
 9. Abandoned grease interceptors shall be emptied and filled as provided for in the latest edition of the California Plumbing Code and in accordance with the requirements of the Tuolumne County Environmental Health Department
 10. The cover or lid for interceptors shall be designed for the loads imposed on the structure as required by the District Engineer. The cover shall be gas-tight on all interceptors and the waste shall enter the interceptor through the inlet pipe only. The use of proper vent per the most recent edition of the California Plumbing Code shall be required.
 11. Interceptors shall be installed in such a manner as to prevent drainage from outside the intended area of use.
 12. If, upon inspection by the District, an interceptor is found to be absent or ineffective as solely determined by the District Engineer, the owner/user shall be required to make immediate repairs or corrections within thirty (30) days after receiving written notification of deficiency from the District. If the interceptor requires pumping and servicing, as determined by the inspector, the owner/user shall be required to have the interceptor pumped by a licensed hauler within ten days after receiving notification by the inspector. Failure to make such repairs or corrections shall result in disconnection from the public sewer, and if the District supplies water service to the premises, such water service shall be shut off.
 13. The owner/user shall keep records of interceptor cleaning, maintenance, and grease removal and report on such maintenance to the District in the format and at the frequency required by the District Engineer. The District Engineer may require the owner/user to provide results of periodic measurements of its discharge which is to include chemical analysis of fats, oils and grease content.
- c. Effluent limitation promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Ordinance. Under section 307(b) of the Act, Federal pretreatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works, and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in commercial and industrial categories subject to effluent guidelines of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to adopt best practicable control technology currently available, as defined by the Administrator. Where the District treatment works was designed to and does achieve substantial removal of pollutants other than the four pollutants listed in the definition for compatible pollutants, it is not appropriate to require the commercial or industrial user to achieve best practicable control technology currently available, since this would lead to an uneconomical duplication of treatment facilities. While the term "substantial removal" is not subject to precise definition, it generally contemplates removals in the order of 80 percent (80%) or greater. Minor incidental removals in the order of 10 to 30 percent (10-30%) are not considered "substantial". For some industrial categories it may be necessary to define pretreatment guidelines for problems that may arise as a result of the discharge into publicly owned treatment works. However, any adjustment required for particular categories should be considered in connection with the District's requirements,

rather than in the national pretreatment standards. Limitations on wastewater strength in Section 2.08.a and 2.08.c of this Ordinance may be supplemented with more stringent limitations:

1. If the district determines that the limitations in Section 2.08.a and 2.08.b may not be sufficient to protect the operation of the District's treatment works, or
2. If the District determines that the limitations in Sections 2.08.1 and 2.08.2 may not be sufficient to enable the District's treatment works to comply with water quality standards or effluent limitations specified in the Waste Discharge Requirements specified by the California Regional Water Quality Control Board for the District.

2.09 Limitations on Flow

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

All applicants for new sewer service connections may be required to furnish proof of installation in residential, commercial and/or industrial buildings, ultra-low flow toilets with a maximum tank size or flush capacity of 1.6 gallons and shower heads maximum flow rates as determined by California law.

2.10 Backflow Devices

The District requires that a backflow prevention device be installed, operated, maintained and replaced at the sole expense of the parcel owner where wastewater from the public sewer may back up into the user's building sewer. Such backflow prevention device shall be installed on the property of the user and become part of the user's private sewer lateral. Protection of property from damage caused by wastewater backup from the public sewer is the sole responsibility of the user. Failure of the District to notify the user of any known or unknown hazards which may result from the user's connection to the public sewer and/or failure of the District to require the installation of such backflow prevention device shall not relieve the user of this sole responsibility. The District shall not be responsible for nor shall it compensate for damages resulting from any such backup of wastewater.

2.11 Access

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

2.12 Responsibility for Lateral or Service Line

The customer shall be responsible for the maintenance, repair and good working order of the private sewer lateral. The District shall not be responsible for damages resulting from any

inadequately maintained or repaired private sewer laterals, or abandoned private sewer laterals. If the customer installs a District approved sewer cleanout or manhole at the property line adjacent to a public right-of-way, and the cleanout or manhole is accessible to the District's satisfaction, the District will maintain the portion of the lateral downstream of the cleanout or manhole in the public right-of-way. The District may, at its sole discretion, install a cleanout at the customer's property line if the customer locates and exposes the private lateral. For all new construction, the customer shall install a cleanout at the property line. In no case will the District maintain sewer laterals on private property unless the District specifically agrees under special circumstances, such as where the lateral serves more than one parcel, and where an easement is granted to and accepted by the District.

2.13 Conditions for Service in Apple Valley Estates

Owners of property within Apple Valley Estates are required to install privately owned and maintained septic tanks with access risers on their lots at their expense. The property owner is to obtain written approval of the District and pay applicable connection fees and charges prior to installing the septic tank and connecting to the District's collection system. The District shall have access on and across all properties served by the District in order to inspect, repair, maintain, pump, and replace septic tanks, risers, and pipelines. In order to assure the safety and integrity of District facilities and to assure accessibility of facilities, the septic tanks, pipelines, and risers are to be installed to specifications of the District as to type, manner of installation, and location on the property. Property owners are responsible for maintaining and cleaning all sewer lines from the residence plumbing fixtures to the inlet of the septic tank as well as maintaining the structural and functional integrity of the tank and risers. Upon compliance to terms and conditions contained herein and following proper application and acceptance by the District, the District shall make periodic inspection of tanks and related facilities and shall pump accumulated sludge from the tanks on as needed basis, as solely determined by the District.

Property owners will be responsible for maintaining at all times full and unrestricted access to the tank and risers. Property owners, or their successors, who grade their property, install landscaping or make other changes or modifications which alter or impair the structural integrity of the tank, risers and/or pipelines, or alter their ability to properly function, or in any way impede access thereto will be responsible for the correction and repair of the same. Failure, upon thirty days written notice from the District, to undertake corrective action as directed shall relieve the District of any and all responsibilities to the property owner as to providing sewer service to the property, shall relieve the District of any responsibilities for damage which may be caused by the backing up of sewage upon the property, shall immediately invalidate and make null and void the property owners application for sewer service and result in the District's disconnection of the service from its collection system. Prior to reestablishing service, the property owner must then comply with the written directive of the District, reapply for service and pay all connection fees, or, at the option of the District and upon thirty days written notice, the District may make such corrections and/or repairs with all costs thereof being charged and becoming an obligation of the property owner. If the same is not paid upon sixty days of billing, the District may place such charges and expenses upon the tax rolls, and/or place a lien on the property for such costs.

CHAPTER 3

EXTENSION OF FACILITIES, CONNECTION TO INTERCEPTORS AND DISCHARGE PERMITS

3.01 Extension or Improvement of Facilities Agreement

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

3.01.1 Application

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

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

3.01.2 Project Approval

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

No actual construction or field work shall begin until the agreement has been signed by all parties.

3.01.3 Installation and Ownership of Extension of Facilities

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

inspection and acceptance in writing by the District, the off-site facilities shall be owned and operated by the District as part of its sewer system.

3.01.4 Sizing of Facilities

The normal minimum pipe line size for public sewer shall be six(6) inches inside diameter, however, the District Engineer may specify larger or smaller pipe line size under appropriate conditions.

For applications involving proposed developments that will have thirty (30) or more new connections at build-out, the applicant shall pay the District to model the flows from the project to the Regional Wastewater Treatment Plant or to the closest downstream sewer lift station. Billing will be in accordance with the engineering hourly rate as listed in Exhibit D of this ordinance.

3.01.5 Location of Facilities

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

3.01.6 Payment of Administration, Plan Review, and Inspection Costs

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

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

Projects with both off-site and on-site improvements shall be charged under both the "Main Line Extension" categories and "Development Number of Lot" categories in the fee

schedule listed in Exhibit D. For developments with less than five lots or equivalent single-family resident (ESFR), the Main Line Extension classification shall apply.

3.01.7 As-Built Drawings and Proof of Service Certification

Upon completion and final inspection by the District, developer shall submit a complete set of as-built drawings of the facility acceptable to the District in hardcopy form together with an Auto-Cad electronic file compatible with the current Auto-Cad Version being used by the District. This requirement may be waived with prior approval of the District Engineer. After all conditions for acceptance of the facility have been met, the District will issue written certification of proof of service to the City of Sonora Building Department and Tuolumne County Community Resources Agency.

3.01.8 Warranty Responsibility

For a period of two (2) year from the date of acceptance by the District, the developer shall warrant for the repair of all defects, leaks or failure occurring in the facilities, which are, as determined by the District, to be due to negligence in the manufacture and/or installation of the facilities, exclusive of negligence by the District or its agents, acts of a third party or acts of God. Failure by the developer to pay for any of the repairs described above after being billed by the District will result in a lien being placed against the property by the District. Infrastructure failure deemed to be an emergency may be repaired by the District, but shall remain the financial responsibility of the developer. District shall invoice developer for associated costs.

The developer, or the developer's contractor, may be required to submit a two (2) year repair surety bond, (in form acceptable to the District), certificate of deposit, or irrevocable letter of credit, in an amount not less than ten percent (10%) of the construction costs of the facilities.

3.01.9 Documentation of Project Costs

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

3.01.10 Cost Reimbursed through the District

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

- a. The District shall be under no obligation to make any reimbursement payment whatsoever, except as outlined in this section. All questions as to the meaning of any portion of this section or the reimbursement agreement shall be as interpreted by the District.
- b. Reimbursable facilities must be constructed in accordance with District's standard specifications from plans submitted and approved prior to construction, inspected by the District during and after construction and the costs must be documented to District's satisfaction. A detailed statement of construction costs must be submitted by the Developer to the District within 90 days of completion

of the project, and failure to do so will result in nullification of the District's obligation to collect or administer reimbursement.

- c. Any applicant within the area of benefit who requires service through facilities or improvements constructed by others pursuant to a reimbursement agreement and who did not contribute to the cost of construction or required in-lieu fees, shall pay a pro rata reimbursement fee prior to service being supplied. An area of benefit which identifies parcels having access to the constructed facility or improvement shall be determined by District's Engineer and a map of the area shall be attached as an exhibit to the reimbursement agreement. In no case shall reimbursement exceed the documented cost of construction less the proportionate share of the project utilized by the original developer himself. Reimbursement payments required of future applicants for service within the area of benefit shall be based solely upon parcel area according to the following formula:

$$\begin{array}{rcl} \text{Applicant's} & \text{Verified Construction} & \text{Area of} \\ \text{Payment} & \text{Cost (dollars)} & \text{Applicant's} \\ \text{Obligation} & = \frac{\text{Total Area of Benefit}}{\text{(acres)}} & \times \text{Parcel} \\ \text{(dollars)} & & \text{(acres)} \end{array}$$

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

$$\begin{array}{rcl} \text{Applicant's} & \text{Verified Construction} & \\ \text{Payment} & \text{Cost (dollars)} & \\ \text{Obligation} & = \frac{\text{Total Number of Parcels}}{\text{In Area of Benefit}} & \\ \text{(dollars)} & & \end{array}$$

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

- i. Parcel owners within the area of benefit will not be required to connect to the Developer's extension if an alternate route is preferable in the sole opinion of the District.

3.01.11 Environmental Impact Report Charge

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

3.02 Connections to Interceptors

Connection of individual parcels or single family residences to Regional sewer interceptors shall be allowed under the following conditions:

3.02.1 Gravity Flow Connections

Connections to gravity flow sections of a Regional interceptor shall be made subject to the following conditions:

- a. Connections must be made to a manhole, either existing or newly constructed to District standards, unless the District Engineer determines that a manhole connection is unnecessary.
- b. The pipeline capacity must either be the District minimum of 6-inch diameter or sized to accommodate District's projected flows from the drainage basin in which the connection is made, whichever is greater.
- c. If an applicant's parcel is between the interceptor and parcels that may request or require sewer service from the interceptor an easement shall be granted to the District along the applicant's property line to the parcels and at minimum impact to the applicant's parcel as solely determined by the District.

3.02.2 Pressurized Connections

Connections to pressurized sections of a Regional interceptor shall be made subject to the following conditions:

- a. Connections must be made at a location predetermined by the District that represents the logical point of connection that would serve the drainage basin in which the point of connection is located.
- b. When, in the sole discretion of the District, a pump station is required, it shall be constructed to the minimum District pump station requirements or to the capacity needed to serve the ultimate reasonable development of the drainage basin in which the connection is located, whichever is greater. Minimum requirements shall include, but not be limited to, duplex pumps, backup power supply, additional overflow tank, telemetry, and building housing the control system.
- c. Pumps shall be grinder style unless otherwise approved by the District Engineer.

- d. The connection force main and site dimensions for the pump station shall be sized to accommodate the ultimate reasonable development of the drainage basin in which the connection is located as determined by District.
- e. If an applicant's parcel is between the interceptor and parcels that may request or require sewer service from the interceptor, an easement shall be granted to the District along the applicant's property line to the parcels and at minimum impact to the applicant's parcel as solely determined by the District.

3.02.3 Exceptions

Exceptions to the above requirements may be granted by the District Board of Directors subject to the following conditions:

- a. A letter is received from the Tuolumne County Department of Environmental Health Services to the Tuolumne Utilities District stating that the connection is necessary because the existing condition constitutes either a) a health hazard, or b) measured degradation of water quality to surface and ground waters in the area.
- b. No exception shall be granted for new construction.

3.02.4 Shall be Subject to Later Assessment Proceedings

In areas where the District Engineer determines that future improvement or assessment districts may be required to provide sewer facilities to the area, then, as a condition, permission to connection of said interceptor facilities under this Section 3.02, whether or not a rules variance is granted by the Board of Directors per paragraph 3.02.3 above, the applicant shall sign a recordable agreement describing the subject property and which must acknowledge and agree, for the applicants(s) and for successor-owners of the property as follows:

- a. that notwithstanding the permitted sewer connection, an assessment or assessments may be levied in the future on the property as a part of the construction of an area-wide system to serve the property together with a larger area, and
- b. that the connection allowed by the District shall not be a basis for opposing the inclusion of the property into such an assessment district or the levying of a pro rata share of the assessment upon the property.

3.02.5 Connections According to Design

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

3.03 Wastewater Discharge Permits

3.03.1 Mandatory Permits

All critical users proposing to connect or to discharge into the District's sewer system must obtain a Wastewater Discharge Permit before connecting to or discharging into a

community sewer. All existing critical users connected to or discharging into a community sewer must obtain a Wastewater Discharge Permit within ninety (90) days after the effective date of this Ordinance.

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

3.03.2 Permit Application

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

- a. Name, address and SIC number of applicant;
- b. Volume of Wastewater to discharge;
- c. Wastewater constituents and characteristics including but not limited to those mentioned in Section 2.08 as determined by a laboratory approved by the District.
- d. Time and duration of discharge;
- e. Average and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers and appurtenances by size, location and elevation;
- g. Description of activities, facilities and plant process on the premises, including all materials, processes and types of materials which are or could be discharged.
- h. Each product produced by type, amount, and rate of production;
- i. Hours of work;
- j. Any other information as may be deemed by the General Manager to be necessary to evaluate the permit application.

The General Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the General Manager may issue a Wastewater Discharge Permit, subject to terms and conditions provided herein.

3.03.3 Duration of Permits

Permits may be issued for a specified time period. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the user is not notified by the District thirty (30) days prior to the expiration of the permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, if any limitations or requirements as identified in Section 2.08 are modified, changed or made more stringent. The user shall be informed of any proposed changes in his permit at least thirty (30) days

prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

3.03.4 Transfer of a Permit

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

3.03.5 Changes in Operation or Discharge

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

3.03.6 Revocation of Permit

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

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

3.04 Discharge Reports

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

3.05 Monitoring Facilities

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

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

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

3.06 Inspection and Sampling

The District may inspect the facilities of any user to ascertain whether any purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling or in the performance of any of their duties. The District shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards, so that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

3.07 Pretreatment

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and must be acceptable to the District.

3.08 Protection from Accidental Discharge

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

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

3.09 Special Agreements

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

3.10 Approval of Plans for Sewerage Construction

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

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

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

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

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

3.11 Inspection of Construction

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

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

3.12 Plan Approval Not Transferable

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

3.13 Manhole Reconstruction Notification and Improvements

Access to District manholes shall not be obstructed for a period longer than forty-eight (48) hours without written approval of the District. Adjustments to District manholes shall be performed in accordance with established procedures of the District. A designated person from the entity proposing to perform work necessitating the adjustment of manholes on District's sewers to a new grade shall be responsible for notifying the District in advance of the work at least forty-eight (48) hours prior to performing the work.

3.14 Temporary Service

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

CHAPTER 4

CLASSIFICATION OF USERS, DEMAND FLOW, CHARGES AND FEES

4.01 Classification of Users

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

4.02 Determination of Wastewater Volume Discharge Demand, Constituents and Characteristics by User Classification

4.02.1 Normal Determination

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

4.02.2 Uniformity of Determination

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

4.03 Establishment and Purposes of Service and Connection Charges and Fees

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

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

4.04 Other Charges and Fees

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

- a. Monitoring Service. The cost of monitoring wastewater volume discharge demand, constituents or characteristics.
- b. Application Fees. The cost of administration, engineering or other related or required costs to process permit application.
- c. Appeal Fees. The cost of administration, engineering, legal or other related costs to process appeals.
- d. Standby Assessments. The cost of maintaining capacity in a readiness to serve status for the benefit of unimproved parcels of land.

4.05 Basis of Charges and Fees

- a. The basis for the allocation of the cost of providing a service shall be "demand flow", per occurrence, per connection or other basis related to the nature of the cost of service provided. Service connection fees and service or user charges shall be based on "demand flow" units, or per occurrence, or per connection as set forth in the exhibits attached hereto.
- b. Subject to a written agreement with the District, a bonafide commercial entity registered as such with the State of California may opt to deposit its capacity fee as calculated by the District and the District will monitor the actual water usage of the applicant for a period of one (1) year and if justified will adjust the capacity fees for sewer in accordance with actual use of water at the conclusion of the one (1) year monitoring period. In no event will the capacity fee be adjust lower than the amount of a capacity fee that would be due for a use of one (1) ESFR. The provision of this Section shall not apply to residential developments.

4.06 Special Charges for Apple Valley Estates and Mi Wuk

The user charges for Apple Valley Estates and for the Mi Wuk sewer system shall include in addition to the standard service charges, a septic tank maintenance charge as set forth in Exhibit B.

4.07 Special Connection Fee Surcharge for Portions of Crystal Falls and Sonora Meadows Subdivisions

A connection fee surcharge of \$215 per lot shall be added to standard connection fees for applicable lots in Crystal Falls and Sonora Meadows subdivisions. Such surcharge shall be reimbursed to the designated revolving fund. Applicable lots shall be defined as all unsewered lots which benefit from connection to the Crystal Falls Sewer Collection System Design which was designed by Psomas and Associates, presented to and approved by the Board of Directors February 26, 1990, and which was funded by the revolving fund.

4.08 Connection Fees for Mi Wuk Sewer System

Applicants requesting sewer service in the Mi Wuk Sewer System shall be charged connection fees as described in Exhibit C.

4.09 Special Charges for Reimbursement to Clean Waters Assessment District #2

Applicants requesting sewer service from facilities constructed from the Clean Waters Assessment District #2, and who were not included in the assessment district or who were assessed for less than the requested service, shall be required to pay the fee as described on Exhibit B.10.5.

4.10 Payment of Administration, Plan Review, and Inspection Costs

All applicants requesting a line extension shall be charged those Administration, Plan Review and Inspection Costs as specified in Exhibit D.

4.11 Standby Assessments

Standby assessments shall be calculated and levied against all parcels in any subdivision containing fifty parcels or more and which are approved for service by the Board of Directors after adoption of this regulation. Such assessments shall be a condition of approval of providing service to the subdivision to fund the cost of maintaining the wastewater system and its capacity in a readiness to serve status for the benefit of unimproved parcels of land in the subdivision.

Unless such assessments are provided for by a recorded agreement with the developer prior to the sale of the parcels in the subdivision, the District shall direct the preparation of the necessary Assessment Engineer's Report and conduct the required election in accordance with the applicable provisions of the State Constitution. All costs associated with the preparation of the Engineer's Report and conduct of the election, including reasonable District administrative expenses, shall be paid by the project developer. The standby fee or charge will be detailed in the Agreement between the Developer and the District. Standby Assessments shall terminate for each parcel upon application for wastewater service and payment of applicable connection fees and charges.

CHAPTER 5

BILLING POLICY, ADMINISTRATION, COLLECTION AND DISPUTES

5.01 Service Connections

5.01.1 Application for Service

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

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

In areas where the District provides both water and sewer service, applications and connection fees for both services shall be required simultaneously.

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

5.01.2 Payment of Connection and Capital Facilities Fees

- a. The District shall determine the amount of service connection and Capital Facilities fees payable in accordance with the provisions of applicable exhibits of this Ordinance using rates in effect at the time service is applied for. All such fees must be paid before a service connection will be allowed.
- b. All applicable Capital Facilities charges must be paid to the District before service will be provided. The Capital Facilities charges for sewer shall be paid by the individual service applicant prior to the activation of service by the District. The individual service applicant will be required to pay all Capital Facilities charges not paid for or capacity not constructed by the developer. Where applicable, at the discretion of the District Engineer, if adequate capacity does not exist the developer will be required to either pay for or construct the necessary capacity prior to acceptance of all developer constructed facilities and prior to installation of any individual sewer service.
- c. Service accounts for wastewater discharge permits that may be temporary, such as for groundwater remediation projects, may be paid over a ten year period. In such cases, the connection fee will be divided into 120 equal payments, due each month, and added to the monthly service billing charges. If service is no

longer needed and inactivated prior to the end of the ten year period, the remaining portion of unpaid connection fees will be waived.

- d. All applications for sewer service must be accompanied by a valid building permit issued by the Tuolumne County Community Resources Agency or the City of Sonora before the District can accept the application and the connection and facilities fees. If sewer service has not commenced within six months of application for service, sewer service and charges shall nevertheless commence and be payable after the expiration of such six month period.

5.01.3 Inspection of Service Connection

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

5.01.4 Unauthorized Service Connections

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

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

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

5.01.5 Change of Use

If an existing user modifies, changes or adds to the use made of the premises on a service connection, then a new application must be completed and approved by the District Inspections, testing repair and upgrading of the service laterals may be required at owner's expense, pursuant to Chapter 9 hereof. If the change of use results in a higher or lower demand flow classification, then a commensurate change shall be made

in the monthly sewer service charge for the account. A change in use may incur additional capacity fees. The business owner or property owner is responsible to obtain change of use approvals from the district prior to commencing operation. Any lowering of the monthly service charge shall be based on evidence such as Assessors use classification and shall commence upon the date of notification to the District of reduced usage and raising of the monthly service charge shall be retroactive to the time at which increased usage was implemented on the premises.

Retroactive refunds of sewer billing resulting from overcharges may be granted, at District's sole discretion, upon District's receipt of verifying evidence that the usage has been reduced. Such evidence may be in the form of water usage records and reduction shall be limited to a period of twelve (12) months from the date of notification of reduced usage.

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

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

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

5.01.6 Backflow Prevention Devices

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

5.02 Service or User Charges

5.02.1 Billing

A monthly charge for sewer service will be billed to all customers that are connected to TUD's sewer system regardless of vacancy, or usage. Bills for sewer service will be mailed or sent via e-mail, to the address of the property owner or tenant. If a tenant does not pay the bill, it becomes the responsibility of the property owner. The bills are payable

upon receipt and are delinquent thirty (30) days after the billing date. The owner of the property in which service is furnished is the customer and shall be responsible for the payment of all rates, charges and fees, including penalties, thereon regarding such furnished service. Unpaid obligations shall run with the land, and shall lead to delinquency and termination of service for the residential unit or other real property involved without regard to any changes of residency or occupancy by persons different than the persons shown on District records as obligated to pay said bill. User shall be responsible to keep the District advised of the address to which bills are to be mailed. Non-receipt of a bill shall not relieve owner of any obligation to the District.

5.02.2 Billing Interval

Bills for sewer service or user charges shall be rendered to users at not more than bi-monthly intervals. Bills are due and payable upon presentation and become delinquent thirty (30) days thereafter.

5.03 Payment

Bills shall be due and payable on mailing, e-mail statement or presentation. Payment shall be mailed to the District at 18885 Nugget Blvd., Sonora, CA 95370, made at the District office, paid online through the District's website, www.tudwater.com, or to a collector authorized by the District.

5.04 Returned Checks or ACH

A charge of \$25.00 per occurrence shall be paid for each check or ACH tendered as a payment to the District that is not honored by the bank.

5.05 Prorated Bills

For bills calculated for less than a full billing period, the bill will be prorated from the first day of the billing period to the date of termination of service or from the commencement of service until the last day of the billing period.

5.06 No Credits Or Discounts

No credit or discount will be allowed or approved for any vacant properties.

5.07 Disputed Bills

5.08.1 Review

The Notice of Delinquency shall inform the user that any disputed portion of the billing may be reviewed with the General Manager or Finance Director within thirty (30) days of the date of the Notice. The person requesting review shall send a written statement supporting the basis for dispute to the District office, attention of the General Manager. Billing adjustments may be considered based on a history of no greater than 6 months from the date of most recent billing period.

5.08.2 Payment to Avoid Discontinuance of Service

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

5.08 Direct Billing of Tenants

As a courtesy, owners that rent or lease property with sewer service may have the billing sent directly to the tenant or tenant's agent. To accomplish this, the owner shall complete an Owner – Water/Sewer Application. The tenant is then required to complete a Tenant – Water/Sewer Application and pay the amount of the security deposit as detailed in Exhibit B.13 prior to the District changing the billing name and address. The owner will be responsible, however, for all billings to the tenant that are not paid promptly by the tenant and any penalties thereon. The owner shall have access to information regarding the account status of their tenant upon request.

If the tenant becomes over 30 days delinquent, TUD may revoke tenant billing privileges and the account will be closed in the tenant's name and billing will be placed back into the property owner's name. The tenant's security deposit will be applied to the delinquent bill and any remaining delinquent balance will be transferred to the owner's account. Billing shall remain in owner's name if tenant privileges have been revoked.

5.08.1 Delinquent Notices

Delinquent notices of past due amounts shall be sent to both tenants and property owners of the property receiving water service.

5.08.2 Security Deposits

A deposit is required for all tenants that wish to establish a sewer account with The District. Once the application and deposit have been processed, upon moving out of the property, the deposit will be used towards the remaining portion that is owed to The District. If there is a remaining credit on the account, the tenant will receive a refund check, without interest, within 30 days of closing their account.

5.08.3 Security Deposit Amount

Equal to The District's current bi-monthly fixed sewer rate as detailed in Exhibit B.9

5.08.4 Subscriber and User Billings

TUD sewer service user charges are contained in Exhibit B of this Ordinance. Charges to subscribers (i.e. other public or private utilities discharging into the District's system) shall be billed based on demand flow factors contained in Exhibit A and the rates contained in Exhibit B.

5.09 Temporary Suspension of Service

The District may allow a maximum six month suspension of monthly service charges at the request of the customer if each of the following conditions are met:

- a. The service has been continuously utilized and maintained by the customer, and in an active billing status for at least one-year.
- b. Any applicable monthly surcharges under Exhibit B.3 shall be charged to the customer's account and be payable during any suspension period.
- c. The request is the result of a catastrophic event such as fire where the structure is uninhabitable.
- d. Customer's account must be paid current to be considered for suspension of service. Upon written request of the property owner and written agreement with the General Manager, such suspension period may be extended on a month to month basis up to a total of three (3) additional months in the event of documentable delays in reconstruction of the structure with circumstances beyond the control of the property owner. District will be notified as early as possible when use is resumed and no later than fourteen (14) days before full service billing is to commence. If the sewer is found to be in use during such time as suspended service is in effect, user/owner will immediately become liable for two (2) times the normal full charges which would have been billed during suspension period.

5.10 Discontinuance of Service for Delinquent Bills

The following procedure for termination of service for nonpayment of bills shall be followed:

5.10.1 Delinquent

Unpaid sewer bills shall become delinquent thirty- (30) days after the billing date.

5.10.2 Notice of Delinquency and Impending Termination

If a customer's account is not paid 35 days after the billing date (5 days delinquent), a \$10 penalty and 1% interest charge will be applied to the past due balance on a monthly basis until paid. If a customer's account is not paid 45 days after the billing date (15 days delinquent), a written notice of delinquency and impending termination shall be mailed to the service address and the owner of record. The written notice shall specify the date of service termination, which shall be no less than fifteen (15) days after the date on which the written notice is mailed to the service address and the owner of record.

5.11 48-Hour Notice

A second notification, either in person or by mail to the service address and to the owner of record, shall be given 48-hours prior to the termination of service. An additional penalty charge of \$10 shall be added to amounts due and payable for continued water service upon implementation of the 48 hour termination notice.

5.12 Interest and Penalties

A delinquent account shall continue to accrue interest from the delinquent date at the rate of 1% per month until the past due amount, plus interest and penalties, is paid in full.

5.13 Discontinuance of Service for Delinquent Bills

From and after the time that a sewer bill has been delinquent for sixty (60) days, the General Manager may, if the delinquent bill, with penalties, is not paid within fifteen (15) days after mailing a Notice of Delinquency and Discontinuance of Service by first class mail, to the address of the premises to which service is billed according to District Records, shut off sewer service to the premises by any appropriate means; and if the District supplies water to the premises, shut off the water supply until said bill is paid. Reconnection shall be made only upon prior payment of charges, penalties and interest due, plus the actual cost of disconnection and reconnection as determined by the General Manager and payment of a security deposit.

5.14 Establishment of Liens Against Property

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

5.15 Placing Unpaid Charges on the County Tax Rolls

In addition to, or as an alternative to the procedure outlined above in 5.05.3, the amount of any charges for sewer service requested in writing by the owner of the property that are delinquent and unpaid for sixty (60) days or more on or before July 1, shall upon notice being given to the owner thereof be added to and become a part of the annual taxes upon such property, and shall constitute a lien on that property as of the same time and in the same manner as general taxes upon such property, all as provided for in Sections 31701.5-31701.6 of the Water Code; provided that in such cases, the District Auditor/Controller shall furnish to the County Board of Supervisors and the County Auditor a statement of such delinquent and unpaid charges on or before August 10 of that year.

5.16 Payment of Connection Charges After Termination of Service

In the event that service to property for which there are delinquent and unpaid sewer charges has been discontinued, and the property is foreclosed upon resulting in the extinguishment of any

District's liens upon the property for such delinquent charges, service shall not be restored to the property until the District Connection and Capital Facilities charge set forth in Exhibit B.9 for new services is paid, unless the applicant pays in lieu thereof all of the delinquent sewer charges on the property, penalties and costs of reconnection.

5.17 Collection by Legal Action

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

5.18 Restoration of Service Upon Payment of Charges

Restoration of service to property which has been terminated (physically disconnected) requires a new service application and payment of the District's Connection Fees applicable to new services, plus, as applicable any unpaid expenses related to the District's original disconnection of the service, as determined by the General Manager. Service to a property which has been in an inactive status (physically connected but not being billed) for less than 5 years shall require payment of the total amount of service charges that would have been paid from the time the service was inactivated until the date in which service is restored. For services that have been inactive in excess of five (5) years the District's Connection Charges applicable to new services must be paid.

5.19 Disconnection by Customer from Sewer System Prohibited

Once capacity fees have been paid for a parcel, the service connection shall not be allowed to be disconnected by the property owner at any time and the property owner shall be responsible for service charges related thereto. No refunds of connection or capacity fees shall be allowed. Capacity shall not be allowed to be transferred amongst parcels except through the conditions of approval contained in a development agreement for a subdivision which development agreement is issued by the District.

CHAPTER 6

ENFORCEMENT

6.01 Accidental Discharge

6.01.1 Notification of Discharge

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

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

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

6.01.2 Notice to Employees

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

6.02 Issuance of Cease and Desist Orders

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

1. Comply forthwith;
2. Comply in accordance with a time schedule set forth by the District; or
3. Take Appropriate remedial or preventive action in the event of a threatened violation.

6.03 Submission of Time Schedule

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

6.04 Appeals

Except in the case of disputed billings under Section 5.07, any user, permit applicant, or permit holder affected by any decision, action, or determination, including Cease and Desist Orders, made by the Manager, interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the Manager a written request for reconsideration within ten (10) days of such decision, action, or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days after notification of District action, file a written appeal to the District's Board of Directors. If the written appeal is not received within ten (10) days, then the General Manager's ruling shall be final. If the written appeal is filed, it shall be heard by the Board within thirty (30) days from the date of filing. The Board of Directors shall make a final ruling on the appeal within ten (10) days of the close of the meeting. The General Manager's decision, action, or determination shall remain in effect during such period of consideration by the Board.

CHAPTER 7

ABATEMENT

7.01 Public Nuisance

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

7.02 Injunction

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

7.03 Damage to Facilities

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

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

7.04 Civil Damages and Penalties

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

7.05 Criminal Penalties

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

7.06 Falsifying of Information

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

7.07 Termination of Service

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

CHAPTER 8

MANDATORY HOOK-UP AND ABATEMENT OF PUBLIC NUISANCE

8.01 Use of Septic Tanks, a Public Nuisance (Clean Waters Assessment District No. 2)

It is hereby found and determined that in the communities of Willow Springs, Mono Vista, and Rancho Poquitos (hereinafter referred to as Clean Waters Assessment District No. 2), because of soil percolation rates, soil depths, topography, shallow groundwater, water quality, lot sizes, and septic system operations, the continued use of on-site wastewater disposal facilities in said areas will result in: significant water quality degradation of underground and surface water supplies, health hazards; will unreasonably affect such waters for beneficial uses; and will be offensive to the senses and an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life and property. It is further found, determined, and declared, pursuant to Section 31103 of the Water Code, that from and after the completion of the sewer system within said Clean Waters Assessment District No. 2, the continued use of septic tanks for sewage disposal therein will be and is a public nuisance. All buildings used by human beings in Clean Waters Assessment District No. 2 which are within 100 feet of the public sewer system shall be connected to the public sewer by January 1, 1991.

8.02 Mandatory Connection to Sewer by District at Owner's Expense (Clean Waters Assessment District No. 2)

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

8.03 Enforcement of Lien

The liens provided for herein shall be enforced in the same manner as those provided for in (commencing with Section 8000), Part 6 of the Civil Code.

8.04 Placing Forced-Connection Costs on County Tax Rolls

Alternatively to the enforcement of the lien as provided in Section 8.02 and 8.03 above, the Board may in such cases declare that the amount of the costs of such work and the administrative expenses incurred by the Board, together with connection charges and other applicable charges,

be transmitted to the County Assessor and Tax Collector, whereupon it shall be the duty of such officers to add the amount of the assessment to the next regular bill for taxes levied against the lot or parcel of land.

8.05 Lien on Property When Owner Requests Connection

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

8.06 Authorization for this Chapter

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

CHAPTER 9

PRIVATE SEWER LATERALS

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

9.01 Owner Responsibility for Maintenance and Repair of Private Sanitary Sewer Facilities

The owner of a property served by the District's sanitary sewer system shall at all times maintain, at the owner's cost and expense, the private sanitary sewer facilities serving the property in a good condition and repair and which does not allow the infiltration, inflow or discharge of stormwater, rainwater, groundwater, subsurface or street drainage into the District's sanitary sewer system. The owner shall be responsible for the operation, maintenance, and repair of such private sanitary sewer facilities, including pipelines and all devices or safeguards required by this section which are part of the such private sanitary sewer facilities serving said property (collectively, "private sanitary sewer facilities"). The owner's operation, maintenance, and repair responsibility is from the building to the connection at the District's sewer main, or to the cleanout at the property line on the sewer lateral when a cleanout has been installed that is accessible to the District's satisfaction.

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

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

All private sanitary sewer facilities found in need of repair as a result of testing procedures required by this chapter shall be repaired, upgraded and/or installed to the standards set forth in the District Standards at the owner's expense. If the repairs are not made promptly pursuant to notice being given and to the satisfaction of the District, the District may take any of the abatement actions described in Chapter 7 of this Ordinance, including the termination of service to the premises. The District may also at its option cause the improvements or repairs to be made by the District at the owner's cost and to collect the same as a delinquent account by any of the procedures described in Section 5.05 for delinquent accounts, including the establishment of a lien against the property.

The District may also notify the county or city building inspector, county health inspector, health officer, or other affected county or city office of any apparent violation of a city or county

ordinance or state law related to sanitary sewers, or any contamination, pollution as nuisance relating thereto.

Any of the following shall constitute the giving of notice by the District under this section: Notice to both the owner and to any tenant, either by notice in person, by telephone, or by hand delivery of a notice , or;

Posting such notice in a conspicuous place on the premises and the expiration of 48 hours after posting, plus the mailing of notice by first class mail with postage prepaid in the U.S. mail to the owner and any such tenant and the expiration of 72 hours after such mailing.

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

9.02 District Program for Testing, and Conditions Requiring Testing by Owners of Private Sanitary Sewer Facilities

- a. It is the intent of the District to test and as necessary, video inspect the private sewer laterals, pipelines, and connections of customers served by the District's sewer system on a rotating basis, at a frequency determined by the District, or when one of the events described in subsection B of Section 9.02 occurs, for the purposes of reducing sanitary sewer overflows and eliminating inflow and infiltration into the District's sewer system. Video inspection may be used to identify defects in the private sanitary sewer facilities including, but not limited to unacceptable construction materials, leaks, breaks, plugs, blockages, root intrusion, grease accumulation, offset joints, flat spots or bellies.

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

- b. Testing will apply to all private sanitary sewer facilities and pressurized (septic effluent) lateral sewers, including those serving or intended to serve residential, multiple residential, commercial, and industrial users connected to the District's sanitary sewer system. Testing procedures are listed in Section 9.03 and testing shall be conducted at the owner's expense when any of the following occur:
1. Remodeling of the house, building, or property served to an extent of more than 25 percent of the square footage before improvements;
 2. Repair or replacement of all or part of the private sanitary sewer facilities, including sewer lateral(s), or private lift station components;
 3. Installation of an additional sewer lateral pipeline;
 4. Change of use of the house, building, or property serviced from residential to business or commercial, or from non-restaurant commercial to restaurant commercial;
 5. Addition of living quarters, such as accessory dwelling on the property served, or conversion of garages into living quarters with plumbing fixtures, or addition of structures on the parcel that may, in the opinion of the District, impact an existing sewer lateral or increase fixture units;

6. When an inspection by the District indicates reasonable cause; or
7. Upon determination of the District that testing or sanitary sewer facility replacement is required for the protection of the public health, safety, and welfare.

9.03 Testing and Inspection Procedures for Private Sanitary Sewer Facilities

- a. The owner of a house, building, or property connected to the District's sanitary sewer system shall conduct all private sanitary sewer facility upgrades and testing required pursuant to Section 9.02 at the owner's sole expense and shall notify the District 48 hours prior to testing. Testing and repair or replacement shall be conducted by a contractor determined qualified by the District. All testing shall be witnessed by a District Inspector and carried out in accordance with one of the methods described in subsection D below.
- b. At new construction, the owner shall call the District during working hours at least forty-eight (48) hours in advance for sewer inspection as part of acceptance and occupancy. All underground piping, including the connection to the District sewer, shall be open for complete viewing and examination by the District Inspector.
- c. For new construction: once the connection has been constructed to District standards, the sewer lateral shall be tested at the owner's expense per one of the methods described in subsection D, below.
- d. Sanitary Sewer Pipeline Testing Procedures: All sewer laterals and privately owned sewer pipelines shall be tested by either an air or water method, at the discretion of the District.

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

Privately owned sewer pipelines shall be tested their full length.

Testing shall be in accordance with one of the following:

1. Air test, consisting of plugging each end of the pipeline and applying a pressure of 3.5 pounds per square inch to the section being tested. The pipeline shall be allowed a loss in pressure of up to $\frac{1}{2}$ pound per square inch in five (5) minutes. If the loss exceeds $\frac{1}{2}$ pound per square inch, the test may be attempted one additional time. A second loss of pressure over $\frac{1}{2}$ pound per square inch constitutes a failure of the pipeline, whereupon the pipeline shall be replaced or repaired, as needed, and retested in accordance with this section.
2. Water test, consisting of plugging the downstream end of a pipeline, and placing a vertical water column of at least seven (7) feet above the bottom of the pipe at the building cleanout. If a seven (7) foot high water column cannot be created or the water column height at the property line cleanout exceeds twelve (12) feet, the air test method must be used.

The pipeline shall be allowed a maximum loss of water level of 1 inch in 5 minutes for a 4-inch or 6-inch pipeline per ninety (90) feet in length. If the loss exceeds the allowable, the pipeline may be retested one additional time. A

second loss exceeding the allowable constitutes a failure of the pipeline, whereupon the pipeline shall be repaired or replaced, as needed, and re-tested in accordance with this section.

3. No allowances shall be made for length, age, or material.
4. If a cleanout has not been installed at the easement/property line, a cleanout per District standards shall be installed prior to testing. If there is no cleanout located outside the building foundation (within two (2) feet of the foundation wall), then a cleanout per District standards shall be installed. A backflow prevention device shall be installed, per District standards, on at least one cleanout. If the building lateral exits the foundation under an existing deck or concrete patio, the location of the building cleanout near the foundation may be modified on a case-by-case basis as determined by the District. The owner shall be responsible for such installation.
5. In the event of a failed test, the Owner or the Owner's Contractor must do one of the following:
 - a. Replace the entire sewer lateral from the building cleanout to the property line cleanout or;
 - b. Arrange for a video inspection of the sewer lateral extending from the house to the property line cleanout in order to ascertain the location needing repair. A copy of the video inspection shall be furnished to the District for review. Following completion of a video inspection, the property owner may opt, with approval from the District Engineer, to undertake one of the following:
 1. Dig and replace the entire sewer lateral from the building cleanout to the property line cleanout;
 2. Dig and spot repair deficient sections of the lateral as identified in the video inspection. The method of repair must be approved by the District Engineer; or
 3. Arrange for trenchless rehabilitation of the entire sewer lateral from the building cleanout to the property line cleanout. The method of rehabilitation must be approved by the District Engineer.
 - c. All permits including, but not limited to, encroachment permits, building permits, etc. necessary to complete the repair or replacement work will be the property owner's responsibility to obtain and said work shall be in compliance with the conditions of such permits.

9.04 Time Limits for Completion of Initial Testing

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

- a. Within thirty (30) days of written notification from the District of a defective sewer discovered by video inspection, service call, or maintenance records; or
- b. Immediately if it is determined by the District that testing and repair are necessary to protect public health and the integrity of the sanitary sewer system.

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

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

9.05 Payment of District Inspection Costs

A fee will be charged for each District inspection required by this section, including observation of air or water tests, re-inspections and District review of video inspections. The fee shall be the current per hour inspection rate listed in Exhibit D of the District's Wastewater Ordinance.

9.06 Time Limits for Completion of Repairs and Retesting, Guarantees of Completion, and Disconnection

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

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

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

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

Repairs or replacement of 50 percent or more of a sanitary sewer pipeline may be cause for total pipeline replacement as determined by the District. In the case of total pipeline replacement, the pipeline shall be installed in accordance with the District standards.

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

9.07 Waiver of Testing Requirements

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

- a. The private sanitary sewer facility was newly installed and tested within a prior twenty (20) year period and there have been no substantial changes to the property including

the addition of landscaping, property grading, decks or other improvements which may have damaged the sewer; or

- b. The existing private sanitary sewer facility was tested within a prior ten (10) year period and, due to pipe material type and site conditions, there is good reason to believe that such testing is not necessary; or
- c. The private sanitary sewer pipeline is of such a length that testing is not practical; or
- d. The private sanitary sewer facilities are part of a central private sanitary sewer system and the District has an established written agreement concerning specific testing requirements.

CHAPTER 10

SEVERABILITY

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

EXHIBIT A

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

ESFR Classification	Unit	ESFR Capacity Factor
Residential		
Single Family Residences (including MH not in park)		
1 Bedroom Home, Accessory Dwelling, Studio	1 Bedroom Home	0.7
2 Bedrooms	2 Bedroom Home	0.7
3 Bedrooms	3 Bedroom Home	1.0
4 Bedrooms or more	4 or More Bedroom Home	1.5
Apartment		
	2 or Less Bedroom Apartment	0.7
	3 Bedroom Apartment	1.0
Senior Only Apartment or MH in Park (2 bed)		
Each unit with laundry washer	Apartments/MH	0.4
Each unit without laundry washer	Apartments/MH	0.4
Apartment or MHP Centralized Laundry Facility	Units (Served by Machines)	0.04
Temporary Occupancy		
Bed and Breakfast	Rooms	0.3
Campground or RV Park with Central Facilities	By Calculation	
RV with Individual Hookup	By Calculation	
Motels and Hotels	Rooms	0.5
Retail and Commercial		
Automobile Repair Shop	Bays	0.2
Bakeries, Catering, Cottage Food	Employee	0.7
Beauty Salons	Stations	0.1
Bars, Card Rooms, Saloons	Seats	0.1
Car Wash Drive Thru	By Calculation	
Car Wash Self-Serve	Stall	1.5
Continued on next page		

ESFR Classification	Unit	ESFR Capacity Factor
Gas Station		
Without food prep	Pumps	0.2
With food prep	Pumps	0.6
Grocery Store	By Calculation	
Gyms and Health Clubs	By Calculation	
Laundry Self-Serve	Machine	0.6
Laundry, Commercial	By Calculation	
Live Performance Theater, Indoor	Max Seats	0.01
Movie Theater	Max Seats	0.01
Professional Offices	Employees	0.2
Restaurants		
Fast Food with disposable service ware	Seats	0.09
Dine-in	Seats	0.09
Coffee Shops	Seats	0.09
Coffee Kiosks	By Calculation	
Retail		
Small (SF<10,000)	Flat Fee	0.8
Medium (10,000<SF<18,000)	Flat Fee	1.8
Large (SF<18,000)	Flat Fee	4.0
Note: Subject to review after 2 years.		
Institutional and Medical		
Daycare	Students/Staff	0.01
Dentist Office	Stations	0.2
Hospitals	By Calculation	
Long Term Care Facilities	Beds	0.2
Meeting Halls and Churches	Max Seats	0.01
Medical Clinic and Offices	Doctors/PA/Nurse Practitioner	0.5
Public Swimming Pools	By Calculation	
Public Restroom Facilities	Toilets/Stalls	1.4
Schools		
K-8	Students/Staff	0.03
High Schools and Colleges	Students/Staff	0.05

Minimum ESFR Demand Factor for determination of Capacity Fees: 0.7 ESFR

Minimum ESFR Demand Factor for purposes of Monthly Billing: 1.0 ESFR

EXHIBIT B

SEWER SERVICE CHARGES, CONNECTION AND CAPITAL FACILITIES FEES, AND OTHER RATE SCHEDULES

B.1 Charges for Sewer Service

The following rates and changes shall be effective as indicated below:

B.1.1. Monthly Fixed Charges

Monthly Sewer Charge Based on 1 Single Family Residence				
1/1/2016	1/1/2017	1/1/2018	1/1/2019	1/1/2020
\$40.00	\$43.00	\$46.00	\$49.00	\$51.00

A Monthly Fixed Charge will be collected on each *Single Family Residence*, regardless of size or *Equivalent Single Family Residence* (ESFR) classification under "Exhibit A" of this Wastewater Ordinance. For purposes of assigning *Sewer Service Charges* each Single Family Residence shall be classified as one (1) Monthly Fixed Charge. For all Non-Single Family Residences the ESFR allocation in "Exhibit A" shall be used as the basis of assigning Monthly Fixed Charges for sewer services.

B.1.2 Subscribers Monthly User Charges

The Monthly User Charges below are per Equivalent Single Family Residence (ESFR).

District	Effective 1/1/2016	Effective 1/1/2017	Effective 1/1/2018	Effective 1/1/2019	Effective 1/1/2020
THCSD	\$ 19.00	\$ 21.00	\$ 22.00	\$ 23.00	\$ 24.00
Jamestown SD	\$ 4.20	\$ 4.40	\$ 4.60	\$ 4.80	\$ 5.00

B.2 Grease Trap and Interceptor Monitoring Charge

(Applied to Commercial Users with Grease Traps or Grease Interceptors) \$5.00 per month

B.3 Apple Valley Septic Tank Maintenance Charge \$4.00/ESFR per month

B.4 Mi Wuk Septic Tank Maintenance Charge \$4.00/ESFR per month

B.5 Gibbs Purchase Repayment Surcharge \$2.02/ESFR per month

B.6 Septic Dump Charge (See Exhibit I)

Minimum Charge per load: \$113.00
Usage over 1500 gallons per gallon: \$ 0.08

Septage Dump Charges to be indexed to a 3-year running average of the Engineering News and Record 20-cities construction cost index and adjusted each fiscal year with an annual cap of 3.5%. The General Manager will implement the fee increase on July 1st annually.

B.7	Wastewater Discharge Permittees	Per Agreement
B.8	Reclaimed Water Charge (annual charge, requires contract)	
	Firm Supply	Per Agreement
	Interruptible Supply (when available)	Per Agreement
B.9	Security Deposit Amount	\$ 60.00
B.10	Connection and Capital Facilities Fees (Payable Prior to Connection)	Fee per Equivalent Single Family Residence (ESFR) *

B.10.1 Wastewater Connection and Capital Facilities Charge** Components

	TUD	JSD ¹	THCSD ²
Collection & Transmission (See Exhibit E)	\$ 1,882.00	-	\$ 888.00
Treatment (See Exhibit F)	\$ 2,144.00	-	\$ 2,144.00
Disposal (See Exhibit G)	\$ 973.00	\$ 1,218.00	\$ 973.00
Total Connection and Capital Facilities Fee (Base Year 2015)	\$ 4,999.00	\$ 1,218.00	\$ 4,005.00
Administration Fee	\$ 320.00		
TOTAL ³	\$ 5,319.00	\$ 1,218.00	\$ 4,005.00
Lift Station Capacity Adder⁴ (See Exhibit H) (per Lift Station per ESFR)	\$ 246.00	-	-

Notes:

1. The Jamestown Sanitary District pays an additional \$240/ESFR on their disposal component for capacity used in the Jamestown Effluent Pump Station.
2. The Twain Harte Community Services District pays a reduced collection component of the connection fee because the capacity they use is strictly related to the Twain Harte and East Sonora Sewer Interceptors.
3. Connection fees to be indexed to a 3-year running average of the Engineering News and Record 20-cities construction cost index and adjusted each fiscal year with an annual cap of 3.5%. The General Manager will implement the fee increase on July 1st annually.
4. For any sewer service that must pass through a sewer lift station prior to reaching the Regional Wastewater Treatment Plant, there shall be a lift station adder charge per ESFR per lift station that the service flows through.
5. Service for developments larger than one single family equivalent connection may require, at the sole discretion of the District, an agreement that specifies conditions for service, including improvements or fees other than those addressed in this Ordinance necessary to address mitigation for capacity demands placed upon the wastewater system by the proposed development. All fee components addressed above, unless otherwise stipulated by an agreement, may be paid for at the time that service is ready to commence.

B.10.2 Construction of Service Lateral	Actual Cost
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B.10.3 Tenant Deposit Amount	\$ 60.00
B.10.4 Crystal Falls Sewer Facilities Design Charge	\$ 215.00/Lot/***
B.10.5 Clean Waters Assessment District #2 Equity Charge	\$ 1,000.00/ESFR

This charge shall apply to any applicants for sewer service from facilities constructed and financed under the 1982 Clean Waters Assessment District #2 program for the Willow Springs, Ranchos Poquitos, Mono Vista areas, and who were assessed for a lesser sewer allocation than the requested service. This charge will apply to parcels within the assessment district that were under assessed and for parcels outside of the assessment district that are adjacent to the facilities. Equity charges collected under this ordinance shall be placed in a separate fund solely for the purpose of debt repayment on the outstanding principal balance of the Clean Waters Assessment District #2 bonds.

B.10.6 Rogue River Court Reimbursement	\$ 4,452.00/Lot
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*** Calculations.** Sewer Service Charges and Connection and Capital Facilities fees for all users shall be determined by multiplying the "Wastewater Volume Discharge Demand Factor" set forth in Exhibit A times the rate or amount shown above for each user, subscriber or applicant, except for connection fee cost element number B.10.1, administration and inspection, which shall be payable for each physical connection.

**** Wastewater Connection and Capital Facilities Charge.** The Wastewater Capital Facilities Charge is collected to construct improvements to any of the sewer facilities described in B.10.1 for the purpose of increasing or replacing collection, treatment, or disposal system capacity used up by new connections to the sewer system.

***** Crystal Falls Sewer Facilities Design Charge.** The Crystal Falls Sewer Facilities Design Charge is applied to each new connection to the sewer collection system in the Crystal Falls area as shown on the plans designed by the District's consultant, Psomas and Associates, for that area for the purpose of recovering funds previously expended by the District for the design costs and to facilitate the orderly progression of future pipeline extensions by private parties on as needed basis.

Description of Sewer Systems

Regional Sewer System

The Regional Sewer System, sometimes known or referred to as the "North Tuolumne Basin Wastewater Management Program", was initiated and constructed in the 1970's. This Regional Sewer System consists of a Regional Wastewater Treatment Plant located at 1400 Southgate Avenue in Sonora, several Regional Interceptor pipelines including the Twain Harte Interceptor, Standard-Mono Village Interceptor, Ranchos Poquitos Interceptor, East Sonora Interceptor, Columbia Interceptor, Gibbs Interceptor, and CJC Interceptor, and the reclamation effluent disposal system for reuse of treated wastewater. The interceptor pipelines and connected District and subscriber collection systems serve the communities and adjacent areas of Sonora, Columbia, East Sonora, Cuesta Center, Standard, Mono Village, Ranchos Poquitos, Mono Vista, Willow Springs, Bellevue Oaks, portions of Crystal Falls, and Twain Harte. The community of Jamestown operates and maintains its own collection and treatment system with discharge into TUD's reclamation effluent disposal system. The interceptor system consists of pipelines from the various communities along with certain pump stations and related facilities and conveys the sewage to the Sonora Regional Wastewater Treatment Plant southeast of the community of Sonora. The Sonora Regional Wastewater Treatment Plant consists of various

equipment and processes to treat the wastewater to a disinfected secondary level before the reclaimed wastewater is conveyed by pipeline to Quartz reservoir and various properties south and west of Sonora and Jamestown for use for agricultural purposes.

Subscribers

Subscribers consist of various entities that maintain their own sewer collection system (and treatment facilities in the case of Jamestown) but who otherwise discharge into TUD facilities for transmission through the interceptors, treatment, and disposal via reclamation. Those entities include Twain Harte Community Services District, and Jamestown Sanitary District.

Various Sewer Collection Systems

Numerous communities are served through the Regional Sewer system, most of which are referenced above. The sewer collection systems are operated and maintained by TUD other than those exceptions described herein.

Mi Wuk Sewer System

The Mi Wuk Sewer System is operated and maintained by TUD. It was established as County Service Area No. 1 (C.S.A. #1) in 1967 by the Tuolumne County Board of Supervisors to provide sewer service to 52 assessed parcels "Assessment District No. 17" and several additional commercial parcels. The system is isolated from other Regional Sewer facilities and primarily consists of a collection system, pumping facilities, and a subsurface septic treatment and disposal system serving the majority of the commercial properties along State Highway 108 in the Mi Wuk area and a limited residential area in the same vicinity. The Connection and Capital Facilities Charges applicable to Mi Wuk area are set forth in Exhibit C.

EXHIBIT C

CONNECTION AND CAPITAL FACILITIES FEES APPLICABLE TO MI WUK WASTEWATER SERVICE AREA

- C.1 Connection and Capital Facilities Fees (payable prior to connection). Fee per Equivalent Single Family Residence (ESFR)*

	Mi Wuk (TUD)
Collection (Mi Wuk Only)	\$590.00
Treatment and Disposal (Mi Wuk Only)	\$831.00
Total Connection and Capital Facilities Fee (Base Year 2015)	\$1,421.00
Administration Fee	\$320.00
TOTAL¹	\$1,741.00
Lift Station Capacity Adder² (See Exhibit H) (per Lift Station per ESFR)	\$246.00

Notes:

Connection fees to be indexed to a 3-year running average of the Engineering News and Record 20-cities construction cost index and adjusted each fiscal year with an annual cap of 3.5%. The General Manager will implement the fee increase on the first of July, annually.

SCHEDULED INCREASES IN CONNECTION AND CAPITAL FACILITIES FEES:

<u>Effective Date</u>	<u>Maximum % Increase to Each Fee Component</u>
July 1, 2016	3.5%
July 1, 2017	3.5%
July 1, 2018	3.5%
July 1, 2019	3.5%
July 1, 2020	3.5%
July 1, 2021	3.5%

For any sewer service that must pass through a sewer lift station prior to reaching the Mi Wuk Septic Tank and Leach Field, there shall be a lift station adder charge per ESFR per lift station that the service flows through.

Mi Wuk Pines Subdivision Reimbursement Area	\$1,529.00
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*Connection and Capital Facilities fees for all other Mi Wuk users shall be determined by multiplying the "single family equivalent unit" set forth in Exhibit A times the rate for a single family equivalent, except for connection fee cost element number C.1.2, Administration and Inspection, which shall be payable per physical connection.

C.2 Connection Fee Application

	Total
1. Parcels Within Original CSA #1	\$320.00**
2. Parcels Annexed to CSA #1	\$1,670.00
3. Annexed Parcels in Mi Wuk Pines Reimbursement Area	$\$1,670.00 + \$1,529.00 = \$3,199.00$
4. A.D. #17*** Parcels 1-12	$\$320.00 + \$1,529.00 = \$1,849.00$

**For the first ESFR only. Improvements over and above one ESFR are subject to full Connection and Capital Facilities Fees per ESFR.

***Special Assessment District in CSA #1 as established in 1967 by the County of Tuolumne.

EXHIBIT D

PROJECT ADMINISTRATIVE CHARGE, ENGINEERING, INSPECTION AND CONSTRUCTION DEPOSITS AND LABOR AND EQUIPMENT RATES¹¹

D.1 Labor Deposit Schedule

	Inspection and/or Hot Tap		Mainline Projects ³			Development Projects ³		
	Lateral Inspection	Hot Tap and Inspection	≤300 lf ⁴	>300 lf ≤1200 lf	>1200 lf	≤4 ESFR ⁵	>4 ESFR ≤30 ESFR	>30 ESFR
Project Admin. Charge ²	\$80	\$80	\$150	\$200	\$250	\$100	\$300	\$500
Engineering Labor Deposit ^{1,6}	\$0	\$0	\$300	\$400	\$600	\$600	\$900	\$1,100
Inspection Labor Deposit ^{1,7}	\$105	\$205 ¹⁰	\$300	\$500	\$700	\$1,100	\$2,100	\$4,100
DEPOSIT AMOUNT	\$185	\$285	\$750	\$1,100	\$1,550	\$1,800	\$3,300	\$5,700

D.2 Construction Deposit^{1,9}

Construction deposits are required for all projects where District construction staff and equipment are requested by the applicant to construct and/or repair facilities including, but not limited to, service laterals, hydrants, mainlines and sewer cleanouts. Construction deposit charges are determined by District Engineering Department staff on a case by case basis and shall be paid prior to commencing construction of facilities. An estimate of typical project costs may be provided prior to the initiation of construction. In addition to estimated labor and material costs, the construction deposit shall include a minimum project administrative charge of \$320.

D.3 Labor Rates

Engineering Labor Rate ⁶	\$130 per man hour
Inspection Labor Rate ⁷	\$105 per man hour
Flow Analysis Modeling Labor Rate ⁸	\$105 per man hour
Construction and Hot Tap Labor Rate ⁹	\$100 per man hour

D.4 Equipment Rates

Camera Truck Equipment	\$35 per hour plus \$100 per man hour
Mini Cam Equipment	\$35 per hour plus \$100 per man hour
Flush Truck Equipment	\$60 per hour plus \$100 per man hour
Vacuum Truck Equipment	\$60 per hour plus \$100 per man hour
Vac-Con	\$115 per hour plus \$100 per man hour

¹ Deposits paid are credited to the charges incurred. Expended time will be rounded to the nearest ½ hour. Any funds collected but not used will be refunded and any incurred charges will be billed monthly toward the deposit. If the charges incurred exceed the deposit during the course of construction, another deposit in the same amount as the first is required from the applicant. For larger projects this could occur several times.

² *Project administration charge is a one-time charge paid at the time of application that covers staff time involving assistance to the applicant regarding District procedures, agreement preparation, agenda scheduling and accounting.*

³ *For the purposes of this fee structure, should both off-site mainline extension and on-site development both apply, charges for both project classifications shall apply.*

⁴ *For hydrant and fire sprinkler system connections requiring a lateral installation the deposit charge for a <300ft mainline project shall apply.*

⁵ *ESFR: Equivalent Single Family Residential connection. For the purposes of this fee structure, in certain cases, lots or parcels may be substituted for the ESFR to determine the deposit charge amount for development projects.*

⁶ *Engineering labor includes CEQA review, plan reviews, easement review, and project management.*

⁷ *For actual time expended on construction site facility inspections. Inspection charge deposits will be paid prior to commencing construction of facilities and any additional inspection or testing charges will be billed monthly through project completion and acceptance by the District. This hourly rate applies to time spent by TUD personnel for inspections, and any camera testing, pressure testing, vacuum tests, etc. that requires the services of personnel in addition to inspection staff.*

⁸ *If the District is requested to perform flow analysis modeling, a charge in the amount of \$105.00 per man hour will be required for any time expended over and above thirty (30) minutes. Should a deposit for flow analysis modeling be required the minimum project administrative charge of \$80.00 shall apply.*

⁹ *In the event that District field crews are requested or required for assistance with construction, the charges above will apply to actual time expended. Expended time outside normal working hours will be charged at 1 ½ times the labor rates listed above.*

¹⁰ *This inspection labor deposit amount includes one man hour at the construction labor rate to perform hot- tap.*

¹¹ *The General Manager shall update labor and equipment rates annually.*



EXHIBIT E
COLLECTION SYSTEM COMPONENT
Wastewater Connection and Capital Facilities Fee

TUD Sewer Collection System

Collection System Dia	Pipeline Inventory LF	Weighting Factor	Size Distribution %	Installation Cost (\$ per dia-inch per ft)	\$
2	18,115	36,230	3%	434,760	\$
3	12,200	36,600	2%	439,200	\$
4	53,700	214,800	8%	2,577,600	\$
5	38,345	191,725	6%	2,300,700	\$
6	349,015	2,094,090	50%	25,129,080	\$
8	98,152	785,216	14%	9,422,592	\$
10	51,671	516,710	7%	6,200,520	\$
12	53,139	637,668	8%	7,652,016	\$
14	2,903	40,642	0%	487,704	\$
15	10,778	161,670	2%	1,940,040	\$
16	3,183	50,928	0%	611,136	\$
18	4,041	72,738	1%	872,856	\$
Totals	695,242	4,839,017	100%	Total System Replacement Value	\$ 58,068,204

* Does not include sewer manholes or financing costs

Weighted Average Diameter =
Collection System Capacity =

6.96 inches
5.20 mgd
3609 gpm

Characteristic Diameter
Matches RWWTP Hydraulic Capacity

Flow Capacity of a 7-inch Gravity Sewer

Depth/Diameter = 0.7
Slope = 0.5%
Mannings Coefficient = 0.013
Capacity = 225 gpm

Industry standard is 0.7-0.8 for design capacity of gravity sewers
Pipeline capacity governed by the individual segment with the flattest slope.
Industry standard for pipe roughness.

Flow Contribution from 1 ESR

Base Flow = 160 gpd
Diurnal Peaking Factor = 1
Daily Peak Flow = 0.11 gpm
ESFR % of 7 inch Capacity = 0.049%

TUD Peaking Factor at RWWTP
gpm

# ESRs (current)	8,813	esfr
System Capacity in ESRs =	32,479	esfr (Based on base flow entering the plant)
Cost to provide total system capacity in 2015 (\$)	58,068,204	
ESFR Cost Share =	\$ 1,788	Value of collection system capacity dedicated to 1 ESR.
ESFR Cost Share (THCSD only) =	\$ 843	Value of capacity consumed in the interceptors conveying flow from Twain Harte to the RWWTP.



EXHIBIT F
TREATMENT COMPONENT
Wastewater Connection and Capital Facilities Fee

ESFRs Treated

Existing and Future Equivalent Single Family Residential Units

	Existing ESFRs ¹	Future ESFRs ²	Total ³
ESFRs	9488	7916	17404
MGD (Avg Dry Weather Flow)	1.41	1.19	2.60
Percentage	55%	45%	100%

¹Includes 8,813 directly connected ESFRs + 675 ESFRs (flow and strength based) associated with septage.

²Remaining ESFR capacity. For purposes of analysis we will continue to assume that approximately 7.1% of all future ESFRs will be associated with septage.

³Sets the total capacity of the plant on a flow basis (2.6MGD / 160 gpd) + an additional 7.1% of ESFRs associated with septage.

Small Community Wastewater Grant TUD Regional WWTP and Disposal System Feasibility Report

	Cost	Financing Cost (Interest)*	Total Cost	Existing ESFRs 55%	Future ESFRs 45%
Improvement					
Replace RWWTWP and add Nitrogen Removal (2.6 MGD)	\$ 20,617,885	\$ 6,949,961	\$ 27,567,846	\$ 15,028,367	\$ 12,539,479

*3% typical 20-yr term based on semi-annual payments using the "fixed payment" method of amortization.

Treatment Plant Impact Fee

	Total Future ESFRs	Future Direct Connections	Future Septage
	100.0%	92.9%	7.1%
Treatment Cost Allocated to Future Customers	\$ 12,539,479	\$ 11,646,942	\$ 892,537.25
Future Treatment ESFRs	7916	7353	563
Cost/ESFR	\$ 1,584	\$ 1,584	\$ 1,584

Biosolids Digestion Capacity

	Existing		Future ESFRs	
	Direct Connection ESFRs	Septage ESFRs	Direct Connections	Total
ESFRs	8812	675	7353	7916
Cubic Feet Digestion Capacity	60300	46732	3581	50314
Percentage	92.9%	7.1%	92.9%	100%



EXHIBIT F
TREATMENT COMPONENT
Wastewater Connection and Capital Facilities Fee

Small Community Wastewater Grant TUD Regional WWTP and Disposal System Feasibility Report						
Improvement	Cost	Financing Cost (Interest)*	Total Cost	Existing ESFRs	Direct Connections	Future ESFRs
3rd Anaerobic Digester	\$ 2,682,500	\$ 904,228	\$ 3,586,728	0%	\$ -	\$ 3,331,431
*3% typical 20 yr term based on semi-annual payments using the "fixed payment" method of amortization.						
					\$ 255,297	\$ 7.1%

Digestion Impact Fee

	Total Future ESFRs	Future Direct Connections	Future Septage
	100.0%	92.9%	7.1%
Digestion Cost Allocated to Future Customers	\$ 3,586,728	\$ 3,331,431	\$ 255,296.75
Future Treatment ESFRs	7916	7353	563
Cost/ESFR	\$ 453	\$ 453	\$ 453

Summary

Treatment Plant Capital Facilities Fee	\$ 1,584
Digestion Capital Facilities Fee	\$ 453
Total Treatment Capital Facilities Fee/ESFR	\$ 2,037



EXHIBIT G
DISPOSAL FEE COMPONENT
Wastewater Connection and Capital Facilities Fee

**Reclamation Storage Capacity of Disposal System
Existing and Future Equivalent Single Family Residential Units**

	Existing	Future ESFRs	Total
ESFRs	10,418	2,072	12,490
Acre-Feet	1,367	249	1,616

83% 17%

Note: Based on TUD (7,177 ESFR) THCSD (1,605) JSD (1,636 ESFR)

Reclamation Storage Cost Allocation

	Cost	Financing Cost	Total Cost	Existing ESFRs 83% (See note)	Future ESFRs 17% (See note)
Improvement Reserve Pool Project (150 Acre-Feet)	\$ 1,580,000	\$ -	\$ 1,580,000	\$ 1,311,400	\$ 268,600
Betty West Ranch Land Purchase	\$ 1,242,364	\$ -	\$ 1,242,364	\$ -	\$ 1,242,364

0% 100%

Note: Approximately 83% of Quartz Reservoir's storage is allocated to existing ESFRs; whereas, 17% is unused capacity reserved for future ESFRs.

Betty West Ranch is 140 acres suitable for siting a new 650 acre-foot storage reservoir. Using the same ratio as currently exists for Quartz, 650 af could serve an additional 5,023 esfrs.

Reclamation Storage Capital Facilities Fee

Cost Allocated to Future Customers	\$ 1,510,964
Future ESFRs	7,095
Reclamation Storage Capital Facilities Fee/ESFR	\$ 213

Land Disposal (Irrigation) Capacity of Reclamation System

	Existing	Future ESFRs	Total
ESFRs	10,418	2,072	12,490
Acres	672	143	815

Note: From Water Balance and additional 133 acres will be needed to land dispose of the full active volume of Quartz Reservoir in one irrigation season.

Land Disposal (Irrigation) Cost Allocation

	Unit Cost	Unit	Quantity	Total Cost	Existing ESFRs 0% (See note)	Future ESFRs 100% (See note)
Improvement						
Irrigation System	\$ 7,500	acre	143	\$ 1,072,500	\$ -	\$ 1,072,500
Dry Year Land Bank Purchase	\$ 10,000	acre	40	\$ 400,000	\$ -	\$ 400,000
				Total	\$ -	\$ 1,472,500

Note: System is at capacity right now. New land disposal areas will be needed for any new development. 100% of the cost of new capacity is allocated to future ESFRs.



EXHIBIT G
DISPOSAL FEE COMPONENT
Wastewater Connection and Capital Facilities Fee

Land Disposal (Irrigation) Capital Facilities Fee	
Cost Allocated to Future Customers	\$ 1,472,500
Future ESFRs	2,072
Land Disposal Capital Facilities Fee/ESFR	\$ 711

Summary	
Reclamation Storage Capital Facilities Fee	\$ 213
Land Disposal (Irrigation) Capital Facilities Fee	\$ 711
Total Disposal Capital Facilities Fee/ESFR	\$ 924
Total JSD Disposal Capital Facilities Fee/ESFR	\$ 1,157

Note: JSD pays an additional \$233/ESFR for capacity consumed at the effluent pump station.



EXHIBIT H
LIFT STATION COMPONENT
Wastewater Connection and Capital Facilities Fee

Item	Qty	Units	Unit Cost	Total Cost	
Fixed Acquisition	Q-1	ese	\$ 100,000	\$ 10,000	
Site Work	1	ls	\$ 18,000	\$ 18,000	Assumes this is granted by the developer.
Control Building	256	sf	\$ 125	\$ 32,000	Grading, access road, drainage, underground work.
Sumps, Pumps, and Valving	1	ls	\$ 80,000	\$ 80,000	Assumes 16'x16' CMU Bldg with metal roof.
Electrical & Controls	1	ls	\$ 25,000	\$ 25,000	Assumes 1 primary sump and 1 overflow sump.
Standby Generator & Propane Tank	1	ls	\$ 30,000	\$ 30,000	Includes electrical service and SCADA
Fencing	260	lf	\$ 40	\$ 10,400	Propane gas standby generator w/ transfer switch.
Paving	2400	sf	\$ 6.00	\$ 14,400	Chainlink with 3-strand barbed wire.
		Total		\$ 209,800	

Capacity for standard lift station to produce 2.5 fps in 4" force main =	100 gpm
ESFR Capacity per lift station =	900 esfr
Capital Facilities Fee/Esfr per Lift Station =	\$ 233 per esfr

Does not account for peak flows.

Pay based on how many lift stations you flow through.



**EXHIBIT I
SEPTAGE FEE CALCULATION**

Septage Fee Evaluation

Average Gallons per Year	3,153,000	gal septage	* 4-year average (2011-2014)
Average Gallons per Day	8,638	gal septage	
Average Gallons per Load	1,877	gal septage	* 4-year average (2011-2014)
Average Loads per Day	4.6	loads/day	
Average BOD Concentration per Load	3,089	mg/l BOD	* Average from 10 grab samples.
Average lbs BOD per Day	223	lbs BOD/day	
Average lbs BOD per Gallon	0.026	lbs BOD/gal	
Average lbs BOD per Load	48	lbs BOD/load	
Average TSS Concentration per Load	19,620	mg/l TSS	* Average from 10 grab samples.
Average lbs TSS per Day	1,414	lbs TSS/day	
Average lbs TSS per Gallon	0.164	lbs TSS/gal	
Average lbs TSS per Load	307	lbs/load	

Proportional Share of Flow and Strength Calculation

Avg Residential Flow	160	gpd	lb/day
Avg Residential BOD	267	mg/L	0.356 2014 Average Sierra Foothill Lab
Avg Residential TSS	409	mg/L	0.546 2014 Average Sierra Foothill Lab
Flow based share of ESFRs	60%		
Strength based share of ESFRs	40%		

in calculating the total ESFRs - 60% of the ESFRs will come from Flow and 40% of the ESFRs will come from strength. The strength will be divided out as 50% associated with BOD loading and 50% associated with TSS loading. The corresponding equation is 0.60 (Flow ESFRs) + 0.20 (BOD ESFRs) + 0.20 (TSS ESFRs) = Total ESFRs

Daily Septage Contribution

Avg Daily Septage Flow	8,638	gpd
Avg BOD lbs/day	223	lbs/day
Avg TSS lbs/day	1,414	lbs/day
Flow based Septage ESFRs	54	ESFRs
BOD based Septage ESFRs	625	ESFRs
TSS based Septage ESFRs	2,590	ESFRs
Total Strength based Septage ESFRs	3,215	ESFRs
Total Septage Related ESFRs	675	ESFRs
% of Current ESFRs Associated with Septage	7.1%	
Average # ESFRs per Septage Load	147	ESFRs

Current Components of Rate Relevant to Septage

Treatment	\$	9.39	\$ month/ESFR
Outfall	\$	2.37	\$ month/ESFR
Regulatory Compliance Outfall	\$	1.54	\$ month/ESFR
Capital Reserve Treatment	\$	3.15	\$ month/ESFR
Capital Reserve Outfall	\$	0.94	\$ month/ESFR
Total	\$	17.39	\$ month/ESFR
	\$	0.58	\$ day/ESFR

Septage Load Treatment Cost Share \$ 85.06 \$ per load upto 1,500 gal.

Cost per gallon over 1,500 gallons \$ 0.08 \$ gallon

Annual O&M of Septage Facility

(Replacement of Basket, Brushes, Blower)

Annual Cost for Replacement of Worn Parts	\$	25,000
Loads per year		1,680 loads/yr.
Additional Cost per Load Reserved for Facility Replacement	\$	14.88 \$ per load

Facility Capital Replacement

Initial Capital Cost (Base Year)	\$	493,622 (\$1996)
Present Day Value at 3% Annual Inflation	\$	865,569.16
Estimated Useful Life of Facility		40 yrs
Expected Number of Loads in Facility Life		67,192 loads
Present Day Cost share per load	\$	12.88 \$ per load

TOTAL PROPOSED FEE \$ 112.82 USE --> \$ 113.00 per load

EXHIBIT J
AMENDMENTS

	Date	Resolution No.
Adopted:	August 24, 1993	
Amended:	July 23, 1996	
	August 12, 1997	
	December 8, 1998	
	May 23, 2000	
	February 13, 2001	
	June 24, 2003	
	May 25, 2004	
	July 12, 2005	
	February 23, 2010	
	April 28, 2015	
	November 17, 2015	
	September 27, 2016.....	35-16