WEST BAY
SANITARY DISTRICT

CODE OF GENERAL REGULATIONS

OF THE

WEST BAY SANITARY DISTRICT

Revised: October 14, 2026

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ARTICLE I

GENERAL PROVISIONS

SECTION 100. Purpose.

The purpose of this Code of General Regulations hereinafter referred to as the “Code” is to establish standards and conditions, and to provide for fees, relating to the use of sanitary wastewater facilities of the West Bay Sanitary District, San Mateo County, California. It is further the purpose of this Code to establish uniform requirements for discharges into the wastewater collection and treatment system used jointly with other public entities. It is further the purpose of this Code to enable the District to comply with and meet applicable laws, regulations, standards and conditions established by Federal and State agencies, or by agencies thereof in implementation of such laws. The District Board of the West Bay Sanitary District hereby finds and declares that the health, safety and welfare of the people of the West Bay Sanitary District require the enactment of the provisions of this Code of General Regulations.

SECTION 101. Mailing Address and Offices of the District.

The mailing address and offices of the West Bay Sanitary District is as follows:

West Bay Sanitary District
500 Laurel Street
Menlo Park, CA 94025
(650) 321-0384

info@westbaysanitary.org

SECTION 102. Superseding Previous Regulations,

This Code shall supersede all previous regulations and policies of the District governing items covered in this Code.

SECTION 103. Distribution of Revenue.

All fees and charges payable under the provisions of this Code shall be paid to the West Bay Sanitary District, County of San Mateo, State of California, and any revenue derived pursuant to this Code shall be allocated as follows:

(01) The General Fund

The General Fund shall be credited with all revenue derived from sewer service charges, sewer permit and inspection fees, franchises, interest, and other miscellaneous revenue. Sewer user charge revenues designated for the replacement of District facilities shall be subsequently transferred and credited to the District’s Capital Assets Fund.

(02) The Capital Assets Fund

The Capital Assets Fund shall be credited with sewer user charge revenues designated for replacement of District facilities and all revenue derived from infrastructure capacity fees and annexation fees assessed new applicants for wastewater service. A separate account shall be maintained within the Capital Assets Fund for that portion of infrastructure capacity fee revenue assessed for future Authority expansion costs and expansion costs paid to the Authority.

(03) The Debt Service Fund

The Debt Service Fund shall be credited with all revenues derived from the property tax roll or otherwise as payment of bonded indebtedness.

(04) The Clean Water Grant Fund

The Clean Water Grant Fund shall be credited with all revenues derived from Clean Water Grants from the Federal and State governments.

The District Board may transfer monies from any fund to any other fund in accordance with the provisions of law.

Revenues derived under the provisions of this Code shall be used for the acquisition, construction, reconstruction, maintenance and operation of sanitary or wastewater facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitary or wastewater facilities, to repay Federal or State loans or advances made to the District for construction or reconstruction of wastewater facilities, or any other lawful purpose the District Board deems necessary in order to conduct the business of the District. [Amended by General Regulation No. 66].

SECTION 104. Recording of Fees and Charges.

The General Manager shall keep a permanent and accurate account of all fees and charges received under this Code, give the names and addresses of the persons on whose account the fees and charges where paid, the date and amount thereof, and the purpose for which the charges where paid.

SECTION 105. Definitions.

Words, phrases, or terms not specifically defined herein, and having a technical or specialized meaning shall be defined as set forth in the latest addition 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.

Reference to waste constituents and characteristics shall have a meaning ascribed thereto in the aforesaid “Standard Methods for the Examination of Water and Wastewater”, and measurements thereof shall be set forth in said publication, or established by Federal or State regulatory agencies.

Unless the context specifically indicates otherwise, the meanings of terms used in this Code are applicable for this Code only and do not necessarily correspond to definitions that may be used by City or County zoning, planning or assessment designation.

Unless the context specifically indicates otherwise, the meaning of terms used in this Code shall be as follows:

(01) Accessory Structure.

A structure that is accessory and incidental to a dwelling located on the same lot.

(02) ADU (Accessory Dwelling Unit).

An attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit.

(2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(03) Authority.

Silicon Valley Clean Water. The joint powers authority in which the District is a constituent member along with the Cities of Belmont, San Carlos and Redwood City, pursuant to a joint powers agreement signed in November, 1975.

(04) Beneficial Uses.

Uses of the waters of the District or State which may, or do require protection against quality degradation thereof, including, but not necessarily limited to, waters used for domestic, municipal, agricultural, industrial, power generation, recreation, aesthetic enjoyment, or navigation purposes, or for the preservation and enhancement of fish, wildlife or other aquatic resources or reserves, and such other uses, both tangible or intangible, as are or may be specified by federal or state law as beneficial uses. [Added by General Regulation No. 59.]

(05) BOD (Biochemical Oxygen Demand).

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20 degrees Centigrade expressed in parts per million by weight.

(06) Building Sewer.

That portion of any sewer beginning at the plumbing or drainage outlet of any building or industrial facility and running to the property line cleanout. If no conforming property line cleanout is installed, the building sewer designation applies to the entire sewer from the foundation to the main sewer connection.

(07) Charge.

A rental or any other assessment established pursuant to this Code for services and facilities furnished by the District to any premises in connection with the operation of the wastewater facilities.

(08) Code.

The Code of General Regulations of the District, with such amendments as may be adopted from time to time.

(09) COD (Chemical Oxygen Demand).

The measure of chemically decomposable material in domestic or industrial wastewater as represented by the oxygen utilized as determined by the appropriate procedure described in “Standard Methods”.

(10) Compatible Pollutant.

Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, additional pollutants identified in the District’s National Pollutant Discharge Elimination System (NPDES) permit, and such other pollutants as may be designated by the General Manager upon a finding by him that such pollutants are substantially treated and removed by the wastewater facilities.

(11) Commercial.

Any premises used for commercial or business purposes and discharging a quality and/or quantity of wastewater essentially similar to that of a residential customer.

(12) Contamination.

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

(13) Customer.

Owner or owners of any real property for which the District is providing sewer service. Any person who discharges, causes or permits the discharge of wastewater into the wastewater facilities.

(14) Customer Classification.

A classification of customers based upon Classifications set forth in the Standard Industrial Classification (SIC) Manual, 1972 edition, prepared and published by the Executive Office of Management and Budget of the United States.

(15) District.

The West Bay Sanitary District, located in the County of San Mateo, State of California.

(16) General Manager.

The General Manager of the West Bay Sanitary District or authorized deputy, agent or representative.

(17) Emergency.

A condition which creates imminent danger to the public health, safety or welfare.

(18) Governmental or Public Premises.

Any premises owned, controlled or used by: (1) the United States Government or any department or agency thereof, (2) the State of California or any department or agency thereof, (3) any city, county, town, city and county, or any of their departments or agencies, (4) any school district and (5) any other governmental or public entity.

(19) Holding Tank Waste.

Any waste from wastewater or waste disposal holding tanks such as are associated with vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(20) Incompatible Pollutant.

Any pollutant which is not a compatible pollutant.

(21) Industrial.

Any premises used for manufacturing, processing or other industrial purpose which discharges waste, sanitary waste and wastewater by reason of the manufacturing, processing or other industrial purpose involved, or discharges chemicals or putrescent materials.

(22) Industrial Wastes.

The liquid wastes from industrial processes and distinct from sanitary or domestic wastewater.

(23) Institutional.

Any premises used for schools, churches, hospitals, convalescent homes, or other types of premises used to provide health, welfare, educational and similar services.

(24) Interference.

An inhibition or disruption of the wastewater facilities, their treatment processes or operations, or their sludge processes, use or disposal which causes or significantly contributes to either a violation of the Authority's NPDES permit or to the prevention of sewage sludge use or disposal by the Authority in accordance with applicable state and federal statutory provisions and regulations or permits issued thereunder. [Added by General Regulation No. 59]

(25) JADU (Junior Accessory Dwelling Unit).

A unit that is no more than 500 square feet of interior livable space in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(26) Lateral Sewer.

Shall mean the portion of sewer lying within a public street, public utilities easement or District easement connecting a conforming property line cleanout to a main sewer.

(27) Main Sewer.

Shall mean a public sewer, maintained by a public agency and designed to accommodate more than one lateral or side sewer.

(28) Major Contributing Industry.

Any wastewater contributor identified in the Standard Industrial Classification (SIC) Manual, prepared and published by the Executive Office of Management and Budget of the United States, classified within divisions A, B, C, D, E, and I therein, the wastewater of which has any one or more of the following characteristics: (1) a discharge flow of 50,000 gallons or more per average work day (if seasonal, the average shall be based upon the seasonal discharge) ; (2) a flow or pollutant loading greater than five percent of the design capacity of the wastewater facilities; (3) toxic pollutants in amounts defined in standards issued pursuant to Section 307 (a) of the Federal Water Pollution Control Act Amendments of 1972 (Public Law g2-500; 33 U.S.C., Section 1151, et seq.); or (4) a significant impact (determined by the Manager), either individually or in combination with other contributing industries, upon the wastewater facilities, or upon the quality of effluent from the wastewater facilities.

(29) Mass Emission Rate.

The weight of material discharged to the wastewater facilities during a specified time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular waste constituent or combination of constituents.

(30) Multiple-Family Dwelling.

Any premises designed, improved or used as a residence for two or more families living independently of each other in two or more structurally joined dwelling units with separate entrances; this term shall include condominiums, apartment houses, triplexes, quadraplexes, and duplexes, but it shall not include hotels, motels, rooming houses, or boarding houses, dormitories, or similar structures.

(31) Natural Outlet.

Any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(32) Non-Residential Customer.

Any commercial, industrial, institutional, governmental, or miscellaneous customer not classified as a residential customer.

(33) Parcel.

A parcel of real property as described in the records of the San Mateo County Assessor by an assessor's parcel number. It includes both improved and unimproved real property.

(34) Pass Through.

The discharge of pollutants through the wastewater facilities into navigable waters in quantities or concentrations which cause or significantly contribute to violation of the Authority's NPDES permit. [Added by General Regulation No. 59.]

(35) Person.

Any individual, property owner, firm, company, partnership, association, private corporation, public corporation, or governmental entity, authority, or agency, and the officers, agents or employees of such organizations.

(36) pH.

A measure of acidity or alkalinity.

(37) Pollution.

An alteration of the quality of the waters of the District or State by waste to a degree which unreasonably affects such waters for any beneficial use or affects facilities serving such beneficial use. The term pollution may also include contamination.

(38) Premises.

A parcel of land, or portion thereof, including any improvements thereon, which is directly or indirectly connected to the wastewater facilities for purposes of receiving, using, and paying or service, or other purposes relating to the wastewater facilities, by an individual customer. Each dwelling unit of a duplex, apartment, or any other multi-family residence shall be deemed a separate premise. Subject to the provisions of this subsection, the Manager shall determine what constitutes a premise.

(39) Properly Shredded Garbage.

The wastes from the preparation, cooking, and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any dimension.

(40) Public Sewer.

A sewer for the benefit of customers within the District which is controlled by the District.

(41) Reclaimed Water.

Water which, as a result of treatment of waste, is suitable for direct beneficial use, or a restricted beneficial use, which would not otherwise occur but for such treatment.

(42) Requirement of Law or Other Requirements of Law.

A pertinent provision of the Federal Water Pollution Control Act as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500, 33 U.S.C., Section 1151 et seq.), or of any statute, ordinance, code, rule, regulation, order, directive, or of the District's or Authority's National Pollutant Discharge Elimination System (NPDES) permit, or of any amendments thereto, or other Federal, State, Regional or Local law.

(43) Residential Customer.

Any single or multiple family dwelling customer, including premises defined as condominiums, apartment houses, duplexes, motels, rooming houses, or boarding houses, dormitories, or similar structures.

(44) Sanitary Sewer.

A pipe or conduit which carries wastewater and to which storm, surface, and ground waters are not intentionally admitted.

(45) Shall.

The word “shall” is mandatory; “may” is permissive.

(46) Side Sewer.

Shall mean the sewer line beginning at the foundation wall of any building and terminating at the main sewer and includes the building sewer and lateral sewer together.

(47) Single-Family Dwelling or “Residential Unit”.

A single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation, such as a detached single-family dwelling or townhouse. The terms ‘Single-Family Dwelling’ and ‘Residential Unit’ include accessory dwelling units and junior accessory dwelling units, except as otherwise provided by state law or by this Code, including without limitation the infrastructure capacity fee provisions of Section 901 and the sewer service charge provisions of Section 900.

(48) Silicon Valley Clean Water (SVCW)). See “Authority”.

(49) Storm Sewer or Storm Drain.

A sewer which carries storm and surface waters and drainage, but excludes wastewater and polluted industrial wastes.

(50) Suspended Solids (SS).

The total non-filterable residue as defined in “Standard Methods for Chemical Analysis of Water and Wastewater.”

(51) Type of Use.

The purpose of the premises, such as, commercial, industrial, institutional, single-family dwelling, multiple-family dwelling, and miscellaneous use.

(52) Unpolluted Water.

Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the District or Authority for disposal to storm or natural drainages, or directly to surface waters.

(53) Waste.

Wastewater and any and all waste substances, whether liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(54) Wastewater. Waste and water,

Whether treated or untreated, discharged into, or permitted to enter into the wastewater facilities. Wastewater shall mean a combination of the water-carried wastes from

residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(55) 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, or strength of wastewater.

(56) Wastewater Facilities.

All facilities for collecting, pumping, treating, and disposing of wastewater.

(57) Water Pollution Control Plant.

Any arrangement of devices and structures used for treating wastewater; a wastewater treatment plant.

(58) Waters of the District or State.

Any water, whether surface, underground, and whether saline or non-saline, within the boundaries of the District, or within the boundaries of the District and flowing into, touching, or otherwise combined with later outside the limits of the District but within the boundaries of the State. [Added by General Regulation No. 59.]

ARTICLE II

MEETINGS OF THE DISTRICT BOARD

SECTION 200. Public Meetings.

All meetings of the District Board shall be open to the public except for closed sessions called pursuant to the Ralph M. Brown Act (California Government Code 5495.0 et.seq.).

SECTION 201. Regular Meetings.

The regular meetings of the District Board shall be held on the second and fourth Wednesday of each month at 7:00 p.m. at the District Administration Office, unless the regular meeting day is a District holiday, in which case the meeting shall be held at a time and date to be determined by the District Board and noticed in accordance with these regulations and statute. *Notwithstanding the foregoing, closed sessions may be commenced prior to the regularly scheduled start time, with notice of the start time specified on the agenda.* The District Board may cancel a regular meeting at any time. [Amended by General Regulation No. 2016-01]

SECTION 202. Special Meetings.

The District Board may schedule a special meeting at any time it deems necessary.

SECTION 203. Public Hearings.

The District Board may schedule a public hearing on any subject pertinent to business of the West Bay Sanitary District at any time it deems necessary. Public hearings shall be held in conjunction with regular or special meetings of the District Board.

SECTION 204. Quorum.

Three (3) members of the District Board shall constitute a quorum.

SECTION 205. Minutes of Meetings.

Minutes shall be taken of all public meetings of the District Board and Public Hearings. The minutes shall be approved by the District Board and, upon approval, shall be signed by the Secretary of the District. All minutes of public meetings of the District Board shall be retained at the Administration Office and shall be available for reading by the public, upon request.

SECTION 206. Contracts.

All contracts, deeds, warrants, releases, receipts, and documents shall be signed in the name of the District by its President, and countersigned by its Secretary, except that the Board may, by resolution, authorize the General Manager or other District employees specified by the Board to sign releases, receipts, and similar documents in the name of the District.

SECTION 207. Amendments to the Code of General Regulations.

Amendments to this Code shall be entered in the minutes of the District Board and shall be published once in a newspaper published in the District and posted in three (3) public places within the District for a period of one week. An Amendment to this Code takes effect upon expiration of the week of publication and posting.

SECTION 208. Orders Not Establishing Amendments to the Code of General Regulations (Resolutions).

Orders of the District Board not establishing Amendments to the Code shall be known as “Resolutions’ and shall be entered in the minutes and shall take effect upon adoption. They need not be published or posted.

SECTION 209. Board Members Compensation.

Effective July 1, 2026, members of the District Board shall be compensated in the amount of $293.00 per day for each day’s attendance at meetings of the District Board, attendance at California Association of Sanitation Agencies conferences and for each day’s service rendered as a Member of the District Board by request of the District Board. Compensation shall not exceed a total of $1,758.00 (six days service) in any calendar month.

Compensation to Board Member attending conferences of the California Association of Sanitation Agencies shall be limited to two day’s compensation regardless of the number of days attended.

ARTICLE III

COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE

SECTION 300. District Solid Waste Collection, Removal and Disposal System.

By resolution duly adopted, the District Board may approve franchise agreements with private garbage companies or make such other provisions as it deems appropriate for the collection, removal and disposal of solid waste, garbage, trash and rubbish from the District. All residents and property owners of the District are required to use the District's solid waste collection, removal and disposal system.

SECTION 301. Establishment of Rates

By resolution duly adopted, the District Board may establish rates to be paid by residents and property owners or make such other provisions as it deems appropriate for the collection, removal and disposal of solid waste.

SECTION 302. Unlawful Acts.

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of the District, any human or animal excrement, garbage, or other objectionable waste.

SECTION 303. Mandatory Organic Waste Disposal Reduction.

The District's Mandatory Organic Waste Disposal Reduction Ordinance, as set forth in Appendix "A" is hereby adopted as part of Article III of the Code of General Regulations and incorporated by reference into this Section 303 and made a part hereof.

ARTICLE IV

SPECIFICATIONS CONTROLLING MANNER OF CONSTRUCTION AND CLEARING SERVICES

SECTION 400. Standard Specifications.

"Standard Specifications for Sanitary Sewer Construction - 1979", Part D - Technical Specifications, revised March, 1980, promulgated by the District, as they may be hereafter amended from time to time, are hereby adopted as the standard specifications of the District governing the manner of construction, repair, maintenance and operation of all sanitary wastewater facilities within the District. These standard specifications are incorporated herein by reference. Copies of the standard specifications shall be available for examination in the District's Administration Office at all times.

SECTION 401. Building Sewers and Connections.

(01) Sewer Permit Required.

No unauthorized person shall uncover, make any connections with or openings into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written sewer permit from the General Manager.

(02) Costs and Expenses of Installation.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(03) Separate Building Sewer Required.

A separate and independent building sewer shall be provided for every building; except:

(A) Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
(B) Where it is determined by the General Manager that it is necessary to do so in order to properly service a particular building, more than one building sewer may be required.
(C) Where there is a second auxiliary residential structure or living unit located on the same parcel, under the same ownership, as a primary residence, the General Manager may determine that the primary building sewer may be extended to serve the second structure or living unit. [Added By General Regulation No. 68.]

(04) Cleanout Required.

Every building sewer shall have an approved cleanout located within 5 feet of the property line of the premises served by such building sewer. The cleanout shall be equipped with a cleanout box which shall be accessible for maintenance purposes and plainly visible to the eye. Unless otherwise approved by the General Manager, the cleanout shall be located within the property to be served.

(05) Cleanout Boxes.

Concrete sidewalks shall have an appropriately sized cleanout box made of concrete fitted with a loose cover. The concrete cover shall have two holes in the top for removal. Cleanout boxes installed in alleys, streets, or driveways shall be of cast iron. The cast iron cleanout box cover shall be installed with two brass screws. Cleanout boxes installed in unpaved surfaces shall be of concrete or of equal quality as approved by the General Manager.

(06) Cleanout Assembly.

The cleanout assembly, consisting of a “Y” and branch fittings, shall be made of the same size as the building sewer it serves. The riser shall connect the “Y” and branch fittings up to the cleanout box. The top of the riser shall be fitted with a cleanout cap and shall meet current Standard Specifications and Details.

(07) Side Sewer Ownership.

All side sewers, from the connection at the District Public Sewer to the property served, are the property of, solely owned by, and the sole responsibility of, the Property Owner. [Gen Reg. 111]

(08) Side Sewer Clearing

Notwithstanding subsection (07), the District may provide side sewer clearance, between the public sewer and the property line cleanout of properties which have a Conforming Property Line Cleanout Assembly and provided further that the side sewer and property line cleanout conform to the requirements of this Code of General Regulations. Notwithstanding the provision of these clearing services, the District will have no responsibility for costs incurred by a property owner that privately contracts for sewer clearing services. [Gen. Reg. 111]

(09) Refusal of Clearing Services

Side sewer clearing services offered pursuant to subsection (08) may be refused for any reason including, but not limited to, the following:

(A) If the General Manager or a designee determines that the provision of clearing services could damage private or public property, including property of the District. In such circumstances, the District may determine, in its sole discretion, that clearing services shall not be provided until such time as the side sewer has been inspected, tested and approved for such service. Any costs incurred by a property owner in the inspection, testing or repair of side sewer shall be the sole responsibility of the property owner and shall be conducted in accordance with this Code of General Regulations.

(B) If the General Manager or a designee determines, in its sole discretion, that the condition of a side sewer, or discharges to the lateral sewer in violation of this Code of General Regulations are resulting in excessive requirements for clearing. In such circumstances, the General Manager may employ one or more of the following options:

I. Deny the request for clearing services;

II. Charge for clearing services;

III. Require the inspection, testing and repair or replacement of the side sewer. Such inspection, testing, repair, or replacement shall be at the sole cost and expense of the property owner. [Gen. Reg. 111]

(10) Side Sewer Clearing Request Notification

All requests for clearing service provided pursuant to this article are the sole responsibility of the property owner. All requests for clearing services must be made by telephone to the District Office. The District shall not be responsible for failure to respond to a Request for Service that is made in any other form, i.e. Facsimile or any other form of Electronic Transmission. [Gen. Reg. 111]

(11) Side Sewer Clearing Request Notification Data Analysis

The District may, at its sole option, record and analyze requests for clearing service. Analysis and projection of Clearing Service Data shall not constitute an agreement to provide future clearing service by the District. [Gen. Reg. 111]

(12) Side Sewer Damage Responsibility

The District shall not be responsible for any damage caused by a blocked or damaged side sewer unless such blockage or damage is caused by the activities or facilities of the District. All other damage caused by a blocked or damaged side sewer, whether caused by the property owner, another entity, or another person shall not be the responsibility of the District, including but not limited to, root intrusion, construction activities, damage due to earthquakes or other “Acts of God”. In such circumstances, any costs of construction or repair, permits, encroachment fees or any other fees required by any other entity empowered with oversight of such matters, and any damages of whatever nature caused by the blockage or failure of the side sewer, shall be the exclusive responsibility of the property owner. [Gen. Reg. 111]

(13) Side Sewer Overflow Responsibility

Overflows into or onto private property, in part or in whole resulting from faulty construction, maintenance or repair of a private sewer in accordance with the Uniform Plumbing Code and this Code of General Regulations, including, but not limited to, failure to adequately provide for clearing of the private sewer line, failure to ensure adequate capping of cleanouts or other appurtenances of the private sewer line, or any other condition for which care, diligence and maintenance is under the control of the property owner, shall be the sole responsibility of the property owner. [Gen. Reg. 111]

(14) Old Building Sewers.

Old building sewers may be used in connection with new building sewers only when they are found on examination and test by the General Manager to meet all requirements of this Article.

(15) Residential Sewers.

The lateral sewer for residential property shall be of PVC C900, or approved equal; for non-residential property, the lateral sewer shall be PVC C900 or approved equal. Pipe specifications shall be in conformance with the technical specifications of the Standard Specifications approved by the District Board. Any variations from the conditions must be approved by the General Manager.

(16) Elevation; Change of Direction.

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. Changes in direction require a cleanout or properly curved pipe and fittings as approved by the General Manager.

(17) Artificial Lift.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary wastewater carried by such drain shall be lifted by approved artificial means and discharged to the building sewer. Responsibility for construction, operation, and maintenance of wastewater facilities serving private property shall be the sole obligation of the property owner. The District shall attempt to clear only that portion of the building sewer which is within the public right-of-way in accordance with this Article. [Gen. Reg. 111]

(18) Excavation.

All excavations for building sewer installation shall be adequately guarded with barriers and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District and to any governmental agency having jurisdiction thereof.

(19) Control Manholes.

When required by the General Manager, the owner of any property served by a building sewer carrying non-residential wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the General Manager. The manhole shall be installed by and at the owner's expense, and shall be maintained by the owner, at the owner's sole cost and expense, so as to be safe and accessible at all times. [Gen. Reg. 111]

(20) Alternative Sewer Lateral Materials

The District will accept the following methods for replacing or rehabilitating side sewers:

1, Preferred Replacement

The West Bay Sanitary District will provide cleaning service to laterals replaced with the following materials:

a)	Less than 36" -	Ductile Iron Pipe Class 50 or 51
		PVC C900 Class 200
b)	36" or deeper -	PVC C900 Class 150 or 200
		Vitrified Clay
		Ductile Iron Pipe Class 50 or 51

2. Non-Preferred Rehabilitation of Existing Side Sewer

The West Bay Sanitary District will accept, but NOT provide cleaning service to laterals rehabilitated with the following materials. Property Owners are specifically notified that the following methods are not as effective nor as long lived as the preferred methods.

a) Cured-in-place materials (requires Pre and Post CCTV of the service lateral and Post construction CCTV inspection of the main connection.)

b) HDPE SDR 17 installed by pipe bursting

If the Non-Preferred Rehabilitation method is chosen by the property owner(s), the owner(s) must sign the District's permit addendum which clearly states that although the District will allow the use of the pipe bursting and cured in place replacement methods, ARE NOT RECOMMENDED and that: 1) the side sewer will not receive cleaning service from the District, and 2) that this information will be disclosed by the property owner(s) should the property be transferred. This permit addendum shall be recorded at the County by the District prior to acceptance of the lateral.

If the existing side sewer is less than 36", pipe-bursting will not be allowed.

SECTION 402. Examination of Plans

The General Manager or his representative shall examine the plans submitted for all Class sewer permits to verify that they are in accordance with good engineering practices and in compliance with the standard specifications and policies of the District. Plans which have been so examined and approved will be submitted to the District Board for approval, alteration, or rejection.

SECTION 403. Inspection of Construction

After approval of the plans by the District, actual construction may be started and all work shall be performed under the inspection of, and in accordance with the standard specifications of the District.

All work shall be inspected by the District when construction is completed but before use is made of the facilities constructed. Inspection shall be made at such other times as the General Manager may require.

The applicant shall give 24-hour advance notice to the General Manager that construction performed under a Class 1 or a Class 2 sewer permit is ready for inspection.

The applicant shall give 48-hour advance notice with respect to such construction performed under a Class 3,5 or 6 sewer permit.

SECTION 404. Dedication of Sewers - Easements

The District encourages the placement of main sewers in the public right-of-way. When no viable alternative exists the General Manager may authorize the placement of main sewers in Public Utility Easements or in dedicated easements. No sewer shall become a public sewer unless it is dedicated to public use and is accepted by the District on such terms as the District may require. As a condition of accepting a sewer as a public sewer, the applicant shall provide such original grant deeds of easement to the District, together with rights of ingress and egress, as maybe necessary for the District to enter upon the property for the purposes of operating and maintaining the public sewers. No such easement shall be less than fifteen (15) feet in width, and will include vehicular access.

Easements shall be recorded in the Official Records of the County of San Mateo as an encumbrance on the property.

Owners of property over which easements have been granted shall be responsible to maintain them in accordance with the requirements of Section 603 (13) of Article VI of this code.

SECTION 405. Disconnection of Sewers

(01) Permanent Disconnection.

When sanitary sewer service has been discontinued, permanent disconnection of properties from the District's facilities shall be accomplished by the actual disconnection of the existing lateral at its point of connection to the District's main sewer. The method of disconnection is by saw cutting the lateral at the main sewer and plugging the remaining stub(s) with a calder type coupling (or equal) and a clay disc ("biscuit") or other material or method approved by the General Manager. The owner of the property to be disconnected shall obtain a Class Four (4) Sewer Permit from the District and all other necessary permits for the abandonment in the street and/or public right-of-way, and shall restore the site to its original condition to the satisfaction of the District and/or other public agency with appropriate jurisdiction.

(02) Temporary Disconnection.

When sanitary sewer service has been discontinued, temporary disconnection of properties from the District's facilities shall be accomplished by the capping of the existing lateral at the rear of the cleanout or within five feet of the property line closest to the public right-of-way if no Conforming Property Line Cleanout exists.

Prior to reuse, the property owner is required to install a Conforming Property Line Cleanout Assembly in accordance with this Code of General Regulations.

Failure to obtain, and comply with, a Class Four (4) Disconnection Permit shall result in discontinued Clearing Service from the Conforming Property Line Cleanout to the Main Line Sewer until the property owner has obtained a Class One (1) Sewer Permit and the sewer lateral has been tested, inspected and found to be acceptable for reuse. The property owner shall be solely responsible for all costs of repair and/or construction of the Conforming Property Line Cleanout Assembly. [Gen. Reg. 111]

SECTION 406. Backflow Prevention Devices.

Property owners shall install a backflow prevention device on any side sewer for gravity sewer laterals connecting houses having a finished floor elevation less than 12" above the top elevation of the nearest upstream structure (manhole). The device shall be located on the side sewer between the Building and the Conforming Property Line Cleanout Assembly and shall be installed in conformance with the current Universal Plumbing Code. The property owner shall be solely responsible for all costs of installation and maintenance of such devices and shall meet current Standard Specifications and Details.

ARTICLE V

ANNEXATION OF TERRITORY

SECTION 500. Application for Annexation of Territory.

The District Board shall consider an application for annexation of territory after the following conditions have been met:

(01) The applicant has complied with all conditions of annexation imposed by the San Mateo County Local Agency Formation Commission (LAFCO).

(02) The San Mateo County Local Agency Formation Commission has approved the territory for annexation by resolution; and

(03) The applicant has complied with all conditions of annexation imposed by the District and any other public agency having jurisdiction over such matters.

SECTION 501. Conditions and Payment of Fees.

No territory shall be annexed to the District until the applicant has complied with all terms and conditions of annexation imposed by the District and the applicant has paid to the District the State Board of Equalization Filing Fee.

ARTICLE VI

USE OF PUBLIC SEWERS

SECTION 600. Use of Public Sewers Required.

(01) Toilet Facilities and Connections required.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sewer of the District, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Code, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

(02) Private Disposal Unlawful, with Exceptions.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the private disposal of wastewater.

SECTION 601. Private Wastewater Disposal.

(01) Sewers not Available.

Where a public sanitary sewer is not available under the provisions of Section 600 (01), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Article.

(02) Permit Required.

Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the General Manager.

(03) Compliance with Regulations.

The type, capacities, location, layout, operation and maintenance of a private wastewater disposal system shall comply with all applicable regulations promulgated by any government agency having jurisdiction with respect to the discharge of wastewater into a private wastewater disposal system.

(04) Discharge to Natural Outlet.

No septic tank, cesspool or other private wastewater treatment or disposal system shall be permitted to discharge effluent to any natural outlet unless applicant has complied with all applicable regulations promulgated by and obtained approval from any government agency having jurisdiction with respect to the discharge of such effluent.

(05) Unlawful to Discharge to Public Sewer.

No septic tank, cesspool or other private wastewater treatment or disposal system shall be permitted to discharge effluent to any public sewer, unless otherwise authorized by a permit issued pursuant to Article VII of this Code.

(06) Owner to Operate and Maintain.

The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the District.

SECTION 602. Grease, Oil, and Sand Interceptors.

(01) Applicability.

This Section 602 shall apply to discharges of wastewater containing fats, oils and grease conveyed to the wastewater facilities from any commercial or institutional food service establishment.

(02) Definitions.

(A) Fats, Oils and Grease (FOG).

Any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that becomes or may become viscous, or solidifies or may solidify, with a change in temperature or other conditions.

(B) Food Service Establishment (FSE).

A non-residential wastewater discharger that engages in activities of preparing, serving, or otherwise making available food for consumption by the public or on the premises.

(C) Grease Control Device.

Any grease control device, grease trap or other mechanism, device or process which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap, collect or treat FOG prior to it being discharged into the wastewater facilities.

(D) Remodel or Remodeling.

Any physical and/or operational change to an FSE that involves any one or a combination of the following: (i) under-slab plumbing in the food processing area; (ii) a 30% or greater increase in the net public seating area; (iii) a 30% or greater increase in the size of the kitchen area; (iv) any change in the size or type of food preparation equipment; and (v) any remodel, addition, alteration or repair valued greater than $50,000.

(E) Sanitary Sewer Overflow (SSO).

Any blockage, overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

(03) Prohibitions and Limitations

(A) Discharge of FOG or any food waste containing FOG into drains directly leading to the wastewater system is prohibited, except in accordance with this Section 602 and applicable building codes and regulations.

(B) Discharge of the following to or through any grease control device is prohibited: (i) wastewater from dishwashers; (ii) wastewater with temperatures in excess of 150 degrees F; and (iii) wastes from toilets, urinals, wash basins, and other fixtures containing fecal materials.

(C) Installation of food grinders in the FSE plumbing system is prohibited. FSEs shall remove or render permanently inoperative all existing food grinders within 180 day of the adoption of this ordinance.

(D) Diluting a discharge to achieve compliance with this Section 602 is prohibited.

(E) Introduction of any additives into the plumbing system of an FSE or grease control device for the purpose of emulsifying or chemically treating FOG for grease remediation or as a supplement to device maintenance is prohibited. Biological treatment of grease control devices may be allowed upon approval of the General Manager or designee.

(04) Grease Control Device Requirements.

(A) All FSEs shall, at the time of construction, remodel, and/or change in operation, install, operate, maintain and service a grease control device. The grease control device shall be installed at a location where it shall be at all times easily accessible for inspection, cleaning, and removal of accumulated grease.

(B) Any FSE required to provide a grease control device shall install, operate, and maintain a District approved type and adequately sized grease control device necessary to maintain compliance with the objectives of this Section 602.

(C) Grease control device design, construction, sizing, and installation shall be subject to prior written approval of the District and shall conform to the most current edition of the California Plumbing Code.

(D) Any existing FSE which has caused or contributed to a grease-related blockage in the wastewater facilities, has one or more sewer laterals connected to pipelines on the District's list of sewer lines that have experienced grease related blockages or sanitary sewer overflows, and/or has contributed significant FOG to the wastewater facilities, shall be deemed to have reasonable potential to adversely impact the wastewater facilities and shall be required to install a grease control device within 180 days following the issuance of written notification from the General Manager.

(05) Maintenance Requirements.

(A) Grease control devices shall be fully pumped out and cleaned once every 3 months or when the combined FOG and solids accumulation in the grease control device equals 25% of the design hydraulic depth of the grease control device, whichever occurs first. FSEs shall comply with any District directive to increase the frequency of grease control device servicing if the frequency of servicing is not adequate to ensure this requirement. If the grease control device at any time contains FOG and solids accumulation exceeding this maximum, the FSE shall be required to have the grease control device pumped and cleaned as soon as possible, but in no case more than 48 hours following issuance of an order to clean by the General Manager, unless otherwise specified.

(B) Wastewater, accumulated FOG, floating materials, sludge/solids, and other materials removed from the grease control devices shall be transported by a licensed waste hauler to an approved recycling or disposal site in accordance with all applicable federal, state, and/or local laws. FSEs shall obtain and maintain a copy of the waste hauler's documentation, which shall include: (i) name of hauling company; (ii) name and signature of the operator performing the pump out; (iii) documentation of a full pump out indicating the total volume of water and FOG removed in gallons; (iv) documentation of the level by percentage of the combined FOG and solids accumulation in the control device; (v) documentation regarding whether repairs to the grease control device are required; and (vi) identification of the facility where the waste hauler has transported the waste.

(06) Kitchen BMP Requirements.

All FSEs shall implement kitchen Best Management Practices (BMP)in accordance with requirements and guidelines established by the National Restaurant Association (https://conserve.restaurant.org/Downloads/PDFs/FOG/FOG-ToolkitFinal3.aspx) and General Manager

(07) Recordkeeping Requirements.

All FSEs shall be required to maintain on the FSE premises copies of the following records for no less than 3 years: (i) grease control device cleaning and maintenance activities; (ii) kitchen best management practices implemented; (iii) solids accumulation in the grease control device; (iv) waste hauling documentation; (v) sampling data; and (vi) spills and/or cleaning of the wastewater facilities.

(08) Inspection and Sampling Conditions.

All FSEs shall allow the General Manager access to the FSE premises during normal business hours to inspect the FSE's grease control device, sample wastewater discharges and review records kept in accordance with this Section 602. Failure by the FSE to comply with the requirements of this Section 602 constitutes a violation of this Code and shall be cause for the District to initiate all necessary actions and/or exercise any available legal remedies to remediate such violation.

(09) Variance.

(A) In accordance with the District's Grease Control Device Variance Guidelines, any FSE may submit in writing to the General Manager a request for a variance from the grease control device requirement upon a showing that the installation of a grease control device is not feasible in an existing structure or the FSE's FOG discharge is negligible and has had an insignificant impact on the wastewater facilities.

(B) Where the installation of a grease control device in an existing structure is not feasible, an FSE may be granted a variance upon the payment of an annual grease disposal mitigation fee to cover the District's costs of increased maintenance of the wastewater facilities resulting from the FSE's inability to adequately remove FOG from its wastewater discharge.

(10) Charges and Fees.

The District shall adopt charges and fees by resolution for reimbursement of costs incurred by the District and to ensure consistent compliance with this Section 602. In addition, any cost, expense, liability, fine, penalty or other payment made or incurred by the District to clear or repair any wastewater facility, or to contain, clean, report or otherwise remediate the FSE from violation of this Code shall constitute a debt to the District, due and payable upon demand and collectable in any manner provided by law.

(11) Falsifying Information or Tampering with Process.

It shall be unlawful to make any false statement or record or other document that is required by this Section 602 or otherwise required by the General Manager, and to tamper with or knowingly render inoperable any grease control device required under this Section 602.

(12) Enforcement.

Failure to comply with the provisions of this Section 602 may result in one or more of the following enforcement actions in addition to any other remedy or provision of law, including but not limited to, those provided in Article XI of this Code: (i) a notice of violation may be issued with a compliance schedule for correction; (ii) a noncompliance fee may be charged, which fee may be increased each time an FSE is issued a notice of violation; (iii) the General Manager may direct a contractor to pump and clean an FSE's grease control device; (iv) service to the FSE may be suspended or terminated; (v) the FSE may be issued an administrative citation; (vi) a misdemeanor complaint against the FSE may be filed; and/or (vii) FSE noncompliance may be enjoined as a public nuisance through a civil action brought by District or the San Mateo District County Attorney against the FSE.

SECTION 603. Prohibitions.

(01) General Prohibitions.

No person shall, and it shall be unlawful to, discharge wastes including, but not limited to those specified in Subparagraphs L and M below, not the wastewater facilities which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances;

(A) A fire or explosion;

(B) Obstruction of flow, or injury to, the wastewater facilities, or any portion thereof;

(C) Danger to life or safety of persons;

(D) Conditions inhibiting or preventing the effective maintenance or operation of the wastewater facility;

(E) Strong or offensive odors, air pollution, or any noxious, toxic, or malodorous gas-or substance, or gas-producing substances;

(F) Interference with the wastewater treatment process, or overloading of the wastewater facilities, or excessive collection or treatment costs, or use of capacity in the wastewater facilities to which the person is not entitled;

(G) Interference with any wastewater reclamation process, which does or may operate in conjunction with the wastewater facilities, or overloading, or a breakdown of such reclamation process, or excessive reclamation

costs, or any product of the treatment process which renders such reclamation process impracticable or not feasible under normal operating conditions;

(H) A detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the wastewater facilities;

(I) Discoloration, or any other adverse condition in the quality of the effluent from the wastewater facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District or the Authority;

(J) Conditions at or near the wastewater facilities, or any portion thereof, which cause, or may cause, the District or Authority to be in violation of the requirements of law.

(K) Pollutants introduced into the wastewater facilities which pass through or interfere with the operation or performance of the wastewater facilities. [Added by General Regulation No. 59.]

(L) Single Use Wipes or Hygiene products (for example: cleaning wipes and rags, paper towels, napkins, or other non-toilet paper products.)

(M) Hazardous Waste.

(02) Storm Drainage and Ground Water.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged, any storm water, ground water, rainwater, street drainage, subsurface drainage, swimming pool drainage, or yard drainage, either directly or indirectly into the wastewater facilities, unless a permit therefor is issued by the General Manager. The General Manager may issue such permit only upon a finding by him that no reasonable alternative method of disposal of such water is available.

(03) Unpolluted Water.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged any unpolluted water, including, but not limited to, cooling water, process water, or blow-down water from cooling towers or evaporative coolers, either directly or indirectly into the wastewater facilities, unless a permit therefor is issued by the General Manager.

(04) Garbage Grinders.

No person shall, and it shall be unlawful to, discharge, caused to be discharged, or permit to be discharged waste from garbage grinders into the wastewater facilities, provided, however, that:

(A) Wastes generated in preparation of food normally consumed on the premises may be so discharged; or

(B) Such discharge is made pursuant to a permit issued by the General Manager.

Garbage grinders from which wastes are permitted under either subparagraph (A) or subparagraph (B) above, shall be of such design and capacity to shred wastes used therein such that all waste particles shall be carried freely under normal flow conditions into and through the wastewater facilities.

(05) Direct Discharge.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged any wastes or wastewater, or any object, material, or other substance directly into a manhole or other opening into the wastewater facilities other than wastes or wastewater through an approved building sewer; provided, however, that wastes or wastewater may be discharged into the wastewater facilities by means other than through an approved building sewer pursuant to a permit therefor issued by the General Manager.

(06) Holding Tank Waste.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged any holding tank waste into the wastewater facilities; provided, however, that:

(A) Such discharges may be made into facilities designed to receive such wastes and approved by the General Manager; or

(B) Such discharge may be made pursuant to a permit issued therefor by the General Manager. Unless otherwise provided by the General Manager, a separate permit shall be required for each separate holding tank waste discharge.

(07) Radioactive Wastes.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged, any radioactive wastes into the wastewater facilities, provided, however, that;

(A) Persons authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials may discharge, cause to be discharged, or permit to be discharged such wastes provided that such wastes are discharged in strict conformance with current California radiation control regulations (California Administrative Code, Title XVII, Ch. 5, Sub. Ch. 4, Group 3, Art. 5), and federal regulations and recommendations for safe disposal of such wastes; and

(B) The person so acting does so in compliance with all applicable rules and regulations of all other regulatory agencies.

(08) Wastewater Strength.

Except as noted below under Article VI, Section 603 (10), no person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged any wastewater containing any of the following constituents in excess of the maximum allowable amounts respectively hereinafter established therefor:

(a)0.27 mg/l arsenic;
(b)0.13 mg/l cadmium;
(c) 2.3 mg/l copper;
(d) 0.06 mg/l cyanide;
(e) 1.2 mg/l lead;
(f) 0.00097 mg/l mercury;
(g) 0.17 mg/l nickel;
(h) 0.44 mg/l silver;
(i) 3.3 mg/l total chromium;
(j) 6.5 mg/l zinc;
(k) 0.098 mg/l selenium;
(l) 0.07 mg/l methylene chloride;
(m) 0.03 mg/l chloroform;
(n) 0.03 mg/l tetrachloroethene (perchloroethylene);
(o) 0.002 mg/l benzene;
(p) 0.001 mg/l carbon tetrachloride;
(q) 2,000 mg/l cBOD;
(r) 3,600 mg/l TDS
(s) 1,800 mg/l Electrical Conductivity

(09) Additional Limitations.

No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged any wastewater:

(A) The temperature of which is higher than 150 degrees Fahrenheit (65 degrees Celsius);
(B) Containing more than 300 mg/l of oil or grease of animal or vegetable origin;
(C) Containing more than 100 mg/l of oil or grease of mineral or petroleum origin;
(D) Having a pH lower than 6.0 or having a corrosive property capable of causing damage or hazard to structures or equipment of the wastewater facilities, or any portion thereof;
(I) Containing any sand, grit, straw, metal, glass, rags, feathers, paper, tar, plastic, wood, leaves, garden clippings, manure, dead animals, offal, or any other solid or viscous substance capable of causing obstruction to the flow in the wastewater facilities, or which in any way interferes with the proper operation of the wastewater facilities;
(J) Containing a toxic or poisonous substance not otherwise specifically prohibited in this Code in sufficient quantities to constitute a hazard to humans or animals, or to create a hazard in the wastewater facilities, or to injure or interfere with the operation thereof;
(K) Containing suspended solids, not otherwise specifically prohibited under the provisions of this Code the characteristics or quantity of which require unusual attention, treatment, or expense in handling or treating such material in the wastewater facilities, or any portion thereof;
(L) Any waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit;
(M) Any trucked or hauled wastes except at points designated by the Authority or District.

(10) Specific Customer Limitations.

Notwithstanding the limitations upon the characteristics or quantity of wastewater discharged, caused to be discharged, or permitted to be discharged into the wastewater facilities pursuant to this Article, the General Manager may, in connection with the issuance of permits pursuant to the provisions of Article VII, establish additional or different specific limitations on wastewater strength upon a finding by the General Manager that:

(A) The limitations set forth in this Article may not be sufficient to protect the operation of the wastewater facilities, or any portion thereof, or the waste or wastewater proposed to be discharged otherwise constitutes a hazard to, or an unreasonable burden upon, such operation, or otherwise causes or significantly contributes to violation of the Authority's National Pollutant Discharge Elimination System (NPDES) permit; or

(B) The limitations set forth in this Article may be unreasonably restrictive when applied to a specific industry; and imposing a less stringent limitation will not cause or contribute to violation of any state or federal requirement of law; or

(C) Specific standards have been established by the state or federal government for a specific category of industrial customer which would supersede the limitations set forth in this Article with respect to such category. [Amended by General Regulation No.59.]

(11) Protection from Damage.

No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the District's wastewater facilities.

(12) Discharge to Natural Outlet.

It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of the District, any wastewater, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Code.

(13) Interference with District Easements.

(A) Except as provided in Subsection (E) below, it is unlawful for any person to obstruct, encroach upon or otherwise interfere with District easements or to permit or allow such obstructions, encroachments or interferences.

(B) Without in any way limiting the breadth of the general prohibition contained in Subsection (A) above, the following conditions are expressly prohibited.

(1) Construction, installation or maintenance of any permanent or temporary structure which is on, in or over any easement and which cannot be readily and easily removed at any time the District requires access to or use of an easement. In this regard, the term “structure” includes buildings, fences, gates, decks, roof overhangs, decorative rocks and boulders, and the like.

(2) Planting, growing or maintaining trees, shrubs or other forms of plant life which restrict access to an easement or which interfere with the use or operation of wastewater facilities located in the easement. Included within this prohibition are: trees and shrubs located on the surface of an easement which inhibits access by District personnel, vehicles and equipment; overhanging vegetation located outside the easement which likewise restricts access; and plants of kind which produce roots that are likely to invade wastewater facilities.

(3) The deposit of any debris, garbage, trash or other solid waste on or in an easement.

(4) The abandonment of any items of property, including vehicles, within an easement.

(C) The foregoing prohibitions do not preclude the owner of the real property which is the subject of the District’s easement from making uses of the easement so long as such uses are not inconsistent with District’s rights.

(D) Any condition which constitutes an obstruction of, encroachment upon or interferences with a District easement shall promptly be removed by the property owner or any other responsible person upon District’s demand to do so, provided, however, that in the event of an emergency, District shall be entitled, without prior demand, to remove any obstruction, encroachment or interference by such means as District determines are reasonably necessary, even if such removal will result in damage to or loss of property by the property owner or other responsible person who caused or allowed the condition to occur. In the event a condition is not removed by responsible persons after District’s reasonable demand, or without demand in the case of an emergency, District shall be entitled to recover from any responsible persons all costs and expenses incurred by it to remove the condition. The remedies provided to District by this Subsection are in addition to, and cumulative with, any other remedies available to District pursuant to this Code or otherwise as provided by law.

(E) Zone of Influence – The Zone of influence cast by any development shall not infringe on the District’s ability to access, replace, or repair facilities located within easements

(F) Prescriptive Easements – The prohibitions in this Section 603(13) shall apply to all easements of record as well as easements of any kind that the District has acquired by operation of law including, but not limited to, prescriptive easements, implied easements, equitable easements, easements by implied dedication or easements by necessity.

(G) In the event of any substantial hardship, or for other good cause, any affected person may seek relief from the provisions of this Subsection (13) by requesting a variance pursuant to Section 1200 of Article XII of this Code. [Amended by General Regulation No. 82]

ARTICLE VII

PERMITS

SECTION 700. Permits Required.

No person shall do any of the following acts without first obtaining a written permit from the General Manager:

(01) Construct or use any private wastewater disposal system;

(02) Uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof;

(03) Reestablish use of any private wastewater disposal system where such use has been discontinued;

(04) Reestablish service to any premises served by the public sewers, where use of the public sewers has been discontinued;

(05) Increase the volume of discharge of wastewater from any premises into the public sewers or into a private wastewater disposal system beyond the volume authorized for such premises under any previously issued permit;

(06) Change the nature of the discharge of wastewater from any premises into the public sewers or into a private wastewater disposal system beyond the nature of the discharge authorized for such premises under any previously issued permit.

(07) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons.

(08) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 1.0 mg/l phenolic compounds.

(09) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 20.0 mg/l fluoride compounds.

SECTION 701. Pre-existing Discharges.

For the purposes of Sections 700 (05) and 700 (06) above, premises which have been legally connected to the public sewers prior to July 1, 1974 shall be deemed to have been authorized the volume and nature or discharge which existed for the calendar year 1974 or the quantity and quality of discharge for which a infrastructure capacity fee has been paid, whichever is greater.

SECTION 702. Requirements Applicable to all Permits.

No permit shall be issued until all of the following requirements, to the extent applicable, have been satisfied:

(01) It has been determined by the General Manager that:

(A) The real property to be served is located within the District;

(B) The proposed project is not prohibited or precluded by this Code or by the regulations of any other government agency having jurisdiction over wastewater disposal within the District;

(C) There is sufficient capacity within the District's wastewater facilities to accommodate the proposed project and, if required by the District, the applicant has received a written recommendation for wastewater discharge entitlement for a specified volume in gallons per day, average daily flow, from the local planning jurisdiction in which the project is located;

(D) No extension of the District's collection facilities is required to serve the proposed project or the applicant has satisfied all requirements of the District for extending the collection facilities to the vicinity of the project site; and

(E) Any easements necessary for the District to operate and maintain public facilities installed in private property have been granted and accepted by the District.

(02) The applicant has submitted a properly completed application on a form supplied by the District which shall set forth the following:

(A) The name and address of the applicant;

(B) The location and description of the discharge proposed to be permitted;

(C) A detailed description of any work to be performed, and materials and equipment to be used in carrying out the provisions of such permit; and

(D) Such other information deemed necessary by the General Manager to determine the effect upon the wastewater facilities of the proposed discharge or activities related thereto, or otherwise reasonably necessary to enable the General Manager to carry out the provisions of this Code, or any other requirements of law.

(03) The applicant has paid all fees and charges imposed by the District to process and consider the application.

SECTION 703. Other Conditions and Requirements of Permits.

Where the interest of the District would be served, the District Board may, at its discretion:

(01) Impose additional requirements upon an applicant which must be satisfied before the permit will be issued;

(02) Authorize issuance of the permit subject to satisfaction of conditions subsequent; failure to satisfy such conditions is grounds for the District Board to revoke the permit and discontinue any use authorized by the permit;

(03) Waive compliance by the applicant with requirements or conditions previously imposed.

SECTION 704. Types of Sewer Connection, Disconnection, Construction Permits, and Encroachments.

There shall be six (6) classes of sewer permits; class one (1) residential, class two (2) non-residential, class three (3) public sewer mains, pump stations and other, class four (4) sewer disconnection, class five (5) STEP and Grinder Systems, class six (6) encroachments as follows:

(01) Residential.

Class 1 sewer permits are required for the following types of residential connections:

Permit type 1A for single-family residences;

Permit type 1B for multiple-unit residences;

Permit type 1C for rooming houses or boarding houses;

Permit type 1D for miscellaneous residential;

Permit type 1E for residential Non-Preferred Method of lateral replacement –

cured in place pipe.

Permit type 1F for residential Non-Preferred Method of lateral replacement – pipe burst.

(02) Non-Residential.

Class 2 sewer permits are required for the following types of non-residential connections:

Permit type 2A for commercial establishments;

Permit type 2B for industrial establishments;

Permit type 2C for institutional establishments;

Permit type 2D for miscellaneous non-residential;

Permit type 2E for non-residential Non-Preferred Method of lateral replacement – cured in place pipe.

Permit type 2F for non- residential Non-Preferred Method of lateral replacement – pipe burst.

(03) Class 3 – Public Sewer Mains, Pumping Station, Other.

Class 3 sewer permits are required for construction of public sewer mains, pressure sewer mains, pumping stations.

Subsequent to the District Board's acceptance of a sewer system constructed pursuant to a Class 3 permit, but prior to connection of and discharge into the District's wastewater facilities, a Class 1 or Class 2 permit must be obtained by the applicant.

Permit type 3A for construction of new gravity public sewer mains.

Permit type 3B for installation of pressure sewer main extension connecting into the back end of an existing pressure sewer main connection to be done by contractor.

Permit type 3C for installation of pressurized sewer main branch extension connection to be done by District. .

(04) Class 4 – Sewer Disconnection.

Class 4 permits are required to disconnect from the District's sewer system.

Permit type 4A for Permanent Disconnection;

Permit type 4B for Temporary Disconnection.

(05) Class 5 –STEP and Grinder Systems.

Class 5 sewer permits are required for the construction of wastewater facilities including STEP or Pressure Grinder Systems.

Permit type 5A for installation of STEP or Pressure Grinder Systems

Permit type 5B for non-residential installation of STEP, Pressure Grinder Systems, or pumping stations

Permit type 5C for replacement or upgrade of a pressure sewer lateral from a STEP or Grinder System

(06) Class 6 – Encroachments (Public Sewer Main and Facilities Access)

Class 6 permits are required for trenchless utility contractors including directional drilling, jack and bore, or other contractors performing work on other utilities, within the District boundaries, such as, water, PG&E, AT&T, Comcast, and other communication providers.

Permit type 6A for public sewer main and facilities access in order to CCTV inspect before and after drilling or boring trenchless construction.

(07) All Permits - Expiration.

All sewer connection and disconnection permits shall expire twelve (12) months from the date of issuance unless such permit is extended by the General Manager.

(08) All Permits – Refund of Fees.

No refund of permit fees shall be made for expired permits.

SECTION 705. Information Required by Type of Sewer Permit.

(01) Class 1.

The following information is required of all applicants for Class 1 Sewer Permits:

(A) Legal description including street address, lot number, block number, name of subdivision, assessor's parcel number and the parcel volume and page number according to the parcel map.

(B) Type or work to be done including the kind of building to be connected, whether it is a new connection, repair or other, the building permit number and the District's connection record number.

(C) The owner's name, address, email, and telephone number.

(D) The contractor's name, address, email, and telephone number.

(E) Any additional information which the General Manager may require due to the nature of the project.

(F) The signature of the applicant including the applicant's address and telephone number. un

(02) Class 2.

The following information shall be required for application for Class 2 Sewer Permit:

(A) Applicant's business name.

(B) Address of premises discharging wastewater, including the assessor's parcel number.

(C) The standard industrial classification of applicant's business and the number of the classification.

(D) The applicant's name, mailing address, email, and telephone number.

(E) The engineer/contractor's name, address, email, and telephone number.

(F) The volume of wastewater proposed to be discharged.

(G) Any additional information which the General Manager may require due to the nature of the project, including a wastewater discharge report or permit.

(H) The signature of the applicant and the date

. (03) Class 3.

The following information shall be required of all applicants for a Class 3 Sewer Permit:

(A) The name of the owner or owner‘s agent making application.

(B) The location of the project.

(C) The name, mailing address, email, and telephone number of the engineer.

(D) The name, mailing address, email, and telephone number of the owner.

(E) The name, mailing address, email, and telephone number of the contractor.

(F) Maps, plans, profiles and other information as required by the General Manager. These maps, plans, profiles, etc. shall show the location and boundary lines of the property to be serviced and of each tract, lot, or parcel therein, together with existing and proposed streets, roads, highways, easements, and rights-of-way within and immediately contiguous with said property, and shall show the proposed connections with the District’s sewer or other proposed facilities and existing ground surface elevations together with such changes as may result from subsequent grading, filling, road construction and the like.

(G) A Notice of Exemption, Negative Declaration, or final Environmental Impact Report, whichever is applicable, as determined by the lead agency for the project pursuant to the California Environmental Quality Act, as amended.

(H) The signature and address of the applicant.

(04) Class 5. STEP and Grinder Systems

The following information shall be required of all applicants for a Class 5 Sewer Permit:

(A) The name of the owner or owner ‘s agent making application.

(B) The location of the project.

(C) The name, mailing address, email, and telephone number of the engineer.

(D) The name, mailing address, email, and telephone number of the owner.

(E) The name, mailing address, email, and telephone number of the contractor.

(F) Maps, plans, profiles and other information as required by the General Manager. These maps, plans, profiles, etc. shall show the location and boundary lines of the property to be serviced and of each tract, lot, or parcel therein, together with existing and proposed streets, roads, highways, easements, and rights-of-way within and immediately contiguous with said property, and shall show the proposed connections with the District’s sewer or other proposed facilities and existing ground surface elevations together with such changes as may result from subsequent grading, filling, road construction and the like.

(G) A Notice of Exemption, Negative Declaration or final Environmental Impact Report, whichever is applicable, as determined by the lead agency for the project pursuant to the California Environmental Quality Act, as amended.

(H) The signature and address of the applicant.

(I) Zero discharge is allowed until final approval of permit by Board.

(05) Class 6 – Encroachments (Public Sewer Main and Facilities Access):

The following information shall be required of all applicants for a Class 6 Encroachment Permit:

(A) The name of the owner or owner ‘s agent making application.

(B) The location of the project.

(C) The name, mailing address, email, and telephone number of the engineer.

(D) The name, mailing address, email, and telephone number of the owner.

(E) The name, mailing address, email, and telephone number of the contractor.

(F) Maps, plans, profiles and other information as required by the General Manager. These maps, plans, profiles, etc. shall show the location of the proposed encroachment, together with existing and proposed streets, roads, highways, easements, and rights-of-way within and immediately contiguous with said encroachment, and shall show the proposed encroachment and proximity/relation to the District's sewer or other facilities and existing ground surface elevations together with such changes as may result from the proposed encroachment.

(G) A Notice of Exemption, Negative Declaration or final Environmental Impact Report, whichever is applicable, as determined by the lead agency for the project pursuant to the California Environmental Quality Act, as amended.

(H) The signature and address of the applicant.

SECTION 706. Wastewater Discharge Report.

Upon a determination that such information is necessary or appropriate to carry out the provisions of this Code, the General Manager may require that any person discharging, causing to be discharged, permitting to be discharged, or proposing to discharge wastewater into the wastewater facilities shall file a periodic discharge report, the cost of which shall be borne by such person. Such report may include, but shall not necessarily be limited to:

(01) A description of the activities, facilities, and plant processes conducted on the premises, including, but not limited to, all materials fabricated or processed and the type of materials which are or could be discharged into the wastewater facilities;

(02) The type and quantity of each product produced, fabricated or manufactured on the premises;

(03) Site plans, floor plans, mechanical and plumbing plans in detail necessary or appropriate to show and to describe all sewers and appurtenances by size, location and elevation.

(04) The number and classifications for work categories of employees, and the hours of work or operation on the premises;

(05) Wastewater constituents and characteristics the presence and amount of which shall be determined by a laboratory competent to test and describe such constituents and characteristics, as approved by the General Manager;

(06) Average volumes and 30-minute peak flow rate of fresh water, non-wastewater, and wastewater proposed to be discharged, including daily, monthly, and seasonal variations, if any;

(07) Time and duration of the proposed wastewater discharge;

(08) Such other information deemed necessary by the General Manager to determine the effect upon the wastewater facilities of the proposed discharge, or to determine the necessity for, or type of pretreatment, or permit conditions, or other measures necessary or appropriate to enable the General Manager to carry out the provisions of this Code or any other requirements of law. The General Manager may also require that such reports include the chemical constituents and quantity of liquid, gaseous, or solid materials stored on the premises relating to such discharge, even though such materials are not normally discharged into, or become a part of the wastewater, in the wastewater facilities. Such reports shall be in addition to self-monitoring reports, information furnished in connection with wastewater

discharge permits, or other permits authorized under this Code. Reports authorized and required under this Section shall be filed with the General Manager periodically and/or at such other times as the General Manager may reasonably require.

SECTION 707. Wastewater Discharge Permits.

(01) Mandatory Wastewater Discharge Permit.

No major contributing industry or other customer discharging, or proposing to discharge wastewater having characteristics or quantities equivalent to that of a major contributing industry, shall, and it shall be unlawful for any such industry or customer to connect to, or discharge into, the wastewater facilities without first obtaining a Wastewater Discharge Permit therefor.

(02) Non-Routine Wastewater Discharge Permit.

A Wastewater Discharge Permit may be required for any customer who:

(A) Requests that charges and fees established pursuant to this Code be based upon an estimated volume of wastewater discharged, or to be discharged, into the wastewater system.
(B) Establishes to the satisfaction of the General Manager that wastewater proposed to be discharged from such customer's premises into the wastewater system has, or will have, wastewater strength characteristics less than normal range for the customer classification to which such customers assigned, by reason of pretreatment, process changes, or other reasons related to such wastewater characteristics.
(C) Discharges, or proposes to discharge, unpolluted water into the public wastewater system.
(D) Operates or proposes to operate, a garbage grinder on the premises which discharges to the public wastewater system.
(E) Maintains, or proposes to maintain, a holding tank for wastewater which discharges into the public wastewater system.
(F) Discharges, or proposes to discharge, any wastewater containing in excess of 0.02 mg/l of total identifiable chlorinated hydrocarbons into the public system.
(G) Discharges, or proposes to discharge, any wastewater containing in excess of 1.0 mg/l phenolic compounds into the public wastewater system.
(H) Discharges, or proposes to discharge, any wastewater containing in excess of 20.0 mg/l fluoride compounds.
(I) Maintains and operates, or proposes to maintain and operate, a flow meter which measures either the volume of wastewater discharged into the public wastewater system or the volume of unpolluted water discharged into the storm drain or to groundwater drainage or to other diversion not discharged to the public wastewater system.
(J) Discharges, or proposes to discharge, wastewater into the wastewater facilities by means other than through an approved building sewer.
(K) Maintains and operates, or proposes to maintain and operate, a private wastewater disposal system.
(L) Occupies or owns a parcel at which the business or activity on the premises would create a hazard to public health or the public wastewater system should an accidental discharge occur.

(03) Permit conditions.

Wastewater Discharge Permits authorized under this Article shall be subject to all provisions and requirements of this Code, and to all other requirements of law. Permits authorized under this Article may include any or all of the following limitations, requirements, and conditions:

(A) The unit charge or schedule of charges and fees for the service and use of the wastewater facilities to be paid by the permittee, and the terms and conditions of such payment;

(B) The allowable average and maximum wastewater constituents and characteristics thereof permitted to be discharged into the wastewater facilities;

(C) Limitations upon time and rate of wastewater discharge, or requirements for flow regulations and equalizations thereof;

(D) Requirements for the installation of inspection, sampling, or testing facilities;

(E) Pretreatment requirements;

(F) Specifications for monitoring programs which may include, but shall not necessarily be limited to, sampling locations, frequency and method of sampling, number, types and standards per test, and reporting schedule;

(G) Requirements for submitting chemical, engineering or other kinds of technical reports or wastewater discharge reports;

(H) Requirements for maintaining plant records related to the wastewater discharge, as specified by the General Manager, and provisions for access by the General Manager thereto;

(I) The mean and maximum mass emission rates, or other appropriate limits, when incompatible pollutants are proposed to be discharged into, or are present in, the customer's wastewater discharge; and

(J) Such other conditions, requirements, or provisions deemed appropriate by the General Manager to insure compliance with the provisions of this Code or other requirements of law.

(04) Duration of Wastewater Discharge Permit.

A Wastewater Discharge Permit authorized under this Article shall be effective for the period described therein, but in no event, longer than five (5) years.

Upon expiration of the term specified in any Wastewater Discharge Permit, or any term during which the permit was renewed automatically, the permit shall be deemed renewed automatically for an additional one-year period, which shall commence upon the day following the last day of the expired term; provided, however, that in the event the General Manager gives written notice to the permittee of the termination or expiration of such permit not less than thirty (30) days prior to the expiration of the initial term thereof, or prior to the expiration of any successive one-year term thereof, then a new permit shall be required subject to the provisions of this Code.

(05) Modification, Amendment or Other Change.

(A) Every permit shall be subject to modification, amendment, or other change by the General Manager during the term thereof, as determined necessary by the General Manager in order to obtain compliance by the customer with the requirements of this Code or other requirements of law.

(B) Except in an emergency, if the General Manager determines that non-compliance with the requirements of the Code or other requirements of law has created a risk to the public health, safety or welfare, the General Manager shall give written notice to a permittee of any proposed modification, changes or amendments to the customer's permit not less than thirty (30) days prior to the effective date of such change, modification, or amendment. The General Manager may specify a time schedule for compliance with any new conditions, provisions, or requirements established by modification, change, or other amendments to the permit. The notice shall state the time, date and place a hearing shall be held by the District Board upon the question of the proposed modifications, changes or amendments and time schedule for compliance, which date shall not be not less than ten (10) days after giving such notice.

(C) If the General Manager determines that non-compliance with the requirements of the Code or other requirements of law has created a condition which constitutes an emergency, the permit is subject to modification, amendment, or other change by the General Manager without prior written notice.

(06) Non-assignability of Wastewater Discharge Permit.

Wastewater Discharge Permits shall be personal to each permittee, and shall relate only to the use or operation described therein. No person shall, and it shall be unlawful to, assign, reassign, transfer, sell, lease, sublet, or otherwise transfer a Wastewater Discharge Permit, or any interest therein, to another person or to use, cause to be used, or permit to be used, such permit in connection with different premises, or a different operation than that specified in such permit, or with a new, expanded, or modified operation.

(07) Monitoring Facilities.

The General Manager may require a customer to construct, operate, and maintain, at the customer's own expense, monitoring, sampling, or metering facilities or other equipment to allow inspection, sampling, and flow measurement of the customer's building sewer, or internal drainage systems, or waste or wastewater discharges. Such monitoring, sampling, or metering facilities or equipment shall be located on the customer's premises; provided, however, that the General Manager may allow such equipment or facility to be constructed upon public property adjacent to the customer's premises upon a determination by the General Manager that location of such equipment or facilities upon the customer's premises would be impracticable or cause unnecessary or undue hardship. In the event that the General Manager makes the foregoing determination, and the public property upon which such facilities or equipment are proposed to be constructed or installed is outside the District, the customer shall obtain permission for such installation or construction, and for the maintenance and operation of such facilities or equipment, from the government agency having jurisdiction over such public property. Monitoring, sampling, or metering facilities or equipment to be provided, installed, maintained and operated pursuant to the provisions of this Section shall be so situated and constructed and installed as to permit safe and immediate access thereto by the General Manager; provided, however, that the General Manager may, at the option of the customer, secure such equipment or facilities with a lock furnished by the General Manager, at the expense of the customer. The customer shall provide sufficient space, as determined by the General Manager, at or near such equipment or facilities so as to allow ready and accurate monitoring, sampling, and composition of samples for analysis. Such equipment and facilities, and the sampling and measuring equipment to be maintained and operated in connection there-with, shall be so maintained and operated at all times in a safe and proper condition, by and at the expense of the customer.

Monitoring, sampling or metering equipment or facilities to be furnished pursuant to the provisions of this Section shall be provided in accordance with all reasonable requirements of the General Manager and all applicable construction standards and specifications of the District, or the government jurisdiction wherein such equipment or facilities are located. Installation and construction of such facilities or equipment shall be completed within ninety (90) days following written notification requiring such installation or construction from the General Manager provided, however, that the General Manager may, at his discretion, extend the time of performance of such installation or construction.

(08) Inspection and Sampling.

The General Manager is hereby authorized to inspect the premises of any customer at all reasonable times to ascertain whether the provisions of this Code or the provisions of any permit issued pursuant to this Code are being complied with. Owners or occupants of premises where wastewater is created, held or discharged shall allow the General Manager ready access at all such reasonable times to all parts of the premises for the purposes of inspection, sampling, monitoring, or performing any or all of the duties reasonably necessary or appropriate in carrying out or enforcing the provisions of this Code or any permit issued pursuant to this Code. The General Manager shall further have the right to install and use on the customer's premises such devices as are reasonably necessary or appropriate to conduct sampling, metering, or monitoring operations or other of the aforesaid duties. In the event a customer has established security measures requiring identification and clearance prior to entry onto such customer's premises, the customer shall furnish and provide such identification or clearance to the General Manager so as to permit ready access by the General Manager to the premises for the purposes described in this Section.

(09) Pretreatment.

Pretreatment of wastes or wastewater shall be furnished by every customer on the customer's premises when such waste or wastewater, prior to pretreatment, does not comply with the minimum acceptable requirements and criteria for discharge into the wastewater facilities as set forth in Article VI, Section 603 of this Code. Such pretreatment facilities shall be provided and maintained at the customer's expense, and shall be of sufficient design and capacity to pretreat waste or wastewater discharged from the premises into the wastewater facilities to a level meeting such minimum requirements, and such other requirements established by the General Manager and reasonably necessary or appropriate for the wastewater facilities to treat adequately such waste or wastewater under normal operating and treatment conditions.

(10) Protection Against Accidental Discharges.

Every customer shall provide protective measures against accidental or unauthorized discharges for prohibited wastes, wastewater constituents or characteristics, or volumes into the wastewater facilities as set forth in Article VI, Section 603 of this Code, or as may be otherwise set forth in any permit issued pursuant to this Code. Such measures shall consist of operational or other procedures and/or facilities as determined reasonably necessary or appropriate by the General Manager. All costs of such measures shall be borne by the customer.

The General Manager may specify standard procedures and/or facilities for each classification of customer, and, to the extent so specified, he is hereby authorized and directed to require the institution and use of such procedures, and the installation and construction of such facilities for each such classification. Alternatively, the General Manager may require any customer to propose such procedures and/or facilities, which proposals shall be submitted to the General Manager for review, with such supporting plans, specifications, data, explanations, or other matters as may reasonably be required by the General Manager in order to ascertain the effectiveness of the procedures and/or facilities proposed. The General Manager may require such revisions, amendments, modifications, or other changes to such proposals, or approve, or reject the same, as the General Manager deems reasonably necessary or appropriate in order that such proposals ensure protection against accidental or unauthorized discharge.

(11) Public Information.

All information and data furnished by, or regarding the operations of, a customer obtained from reports, questionnaires, permit applications, permits, monitoring programs, inspections, or from other sources provided or required under the provisions of this code shall be available to the public or other government agencies without restriction unless the customer requests in writing that such information be maintained confidential, and establishes to the satisfaction of the General Manager that the disclosure of the information to other persons would result in unfair competitive disadvantage to the customer; provided, however, that in no event shall wastewater constituents, characteristics, or volumes be deemed confidential information.

Notwithstanding the foregoing, information approved by the General Manager as confidential shall be available for use by the District, the Authority, the State, the Federal government, or any agency of said entities, in connection with enforcement proceedings, or any judicial proceedings to which the customer is a party. Subject to the foregoing, information accepted by the General Manager as confidential shall not be transmitted to any government agency, or to the general public by the General Manager until and unless prior written notification is given to the customer.

(12) Special Agreements.

The provisions of this Code shall not be deemed a limitation upon the District or Authority to enter into agreements, and to recover costs relating thereto, with any customer relating to treatment, pretreatment, or other matters in furtherance of the provisions of this Code and the purposes thereof, and not inconsistent therewith, when unique, unusual, or extraordinary circumstances require such special agreements; provided,

however, that no such agreement shall authorize an extension of the final dates for compliance with required federal standards or waive such standards. [Amended by General Regulation No. 59]

(13) Notice to Affected Public Agencies.

No Wastewater Discharge Permit shall be issued, nor shall it become effective, until affected public agencies shall have been given an opportunity to review and comment upon the proposed permit in the manner set forth in this Subsection.

(A) An "affected public agency" within the meaning of this subsection (13) is the County of San Mateo and/or a City or Town having territory located in the District if the wastewater to be discharged under the proposed permit will be discharged in or conveyed through the territorial boundaries of the County, City or Town.

(B) Not less than ten (10) days prior to the date the Wastewater Discharge Permit is proposed to be issued and become effective, the General Manager shall give written notice thereof to any affected public agencies who have informed the District they desire to receive such notices. As a minimum, the written notice shall identify the applicant, the address of the applicant and the site of the proposed discharge, the nature of the uses to be made on the site, the wastewater constituents proposed to be discharged, and the conditions which the District intends to attach to the proposed permit.

(C) Any affected public agency may comment upon the proposed permit and may request changes to the conditions or that the permit not be issued. If the Manager agrees with the requests, the changed conditions shall be included in the permit or the permit shall not be issued, as the case may be. If the Manager does not concur with the request, the affected public agency or agencies may appeal the Manager's decision in accordance with the procedures set forth in Article XII, Section 1201. The permit shall not be issued, nor shall it become effective, until the appeal process has been concluded. [Amended by General Regulation No. 73]

SECTION 708. Private Wastewater System Permit.

A permit for a private wastewater system shall become effective upon signing by the General Manager. The permit shall provide the General Manager with the authority to inspect the work at any stage of construction and before any underground portions are covered.

SECTION 709. Extension of Sewer Permit.

The District Board may extend a sewer permit beyond its expiration date upon such terms as the District Board deems just and reasonable, and upon a showing of good cause for such extension by the applicant. The showing shall include proof that the applicant has exercised due diligence in pursuing the construction project.

SECTION 710. Payment of Permit Fees.

Permits authorized pursuant to the provisions of this Article shall be subject to reasonable terms and conditions determined necessary or appropriate by the General Manager in order to carry out the provisions of, and insure compliance with, this Code, or other requirements of law. No permit shall be issued until all applicable fees and charges, including inspection fees, and, if applicable, infrastructure capacity fees, established pursuant to this Code have first been paid (See Master Fee Schedule).

ARTICLE VIII

WASTEWATER VOLUME DETERMINATION

SECTION 800. General.

For the purposes of this Code unless otherwise provided pursuant to the conditions of this Article, wastewater volumes shall be determined upon the basis of volumes of fresh water, including all sources of non-wastewater, used by, or furnished to, a customer.

SECTION 801. Exceptions - Metering.

Upon application of a customer, and upon a finding by the General Manager that a significant portion of fresh water or non- wastewater, received by the customer from any meter source does not flow into the wastewater facilities because of the principal activity of the customer, or other significant diversion of water use, or by reason of removal of wastewater by other means, the General Manager may authorize determination of the volume of wastewater discharge to be made by an appropriate metering device. Upon such determination by the General Manager, a metering device, of a type approved by the General Manager, and at a location approved by the General Manager, shall be installed at the customer's expense. Such metering device shall measure either the amount of wastewater discharged into the wastewater facilities, or the amount of fresh water or non-wastewater diverted from the wastewater facility. Upon installation, such meters shall be maintained and tested periodically for accuracy in accordance with requirements established by the General Manager, all of which maintenance and testing shall be at the expense of the customer.

SECTION 802. Exceptions - Estimated Volume.

In lieu of use of a metering device as specified in the previous section, and upon a determination by the General Manager that it would be unnecessary or impractical to install, maintain, or operate such metering device, wastewater volume discharged by a customer into the wastewater facilities may be based upon an estimate thereof determined by the General Manager. The determination of such estimated wastewater volume shall be based upon such factors as the number of fixtures through which wastewater flows into the sewerage facilities from the customer's premises, seating capacity of buildings or improvements upon the premises, the population equivalent associated with the premises, annual production of goods and services related to the premises, or other factors reasonably relating to water use, wastewater volume calculations and/or diversions of wastewater flow from wastewater facilities.

SECTION 803. Exceptions - Permit Required.

Permission for calculation or wastewater volumes to be determined in accordance with the provisions of the previous Sections (801 and (802) shall only be granted by a permit issued by the General Manager or as a provision of such other permit as may be required or provided under this Code. In the event such permission is granted pursuant to a separate permit, applications therefor shall be in writing in such form as the General Manager shall require, and shall set forth the following:

(A) The name and address of the applicant;

(B) The location, or other description of the premises served by the wastewater facilities and for which such calculation is proposed to be made;

(C) Reasons supporting use of a metering device or calculation or estimated volumes, as appropriate; and

(D) Such data, statistics, or other information deemed necessary or appropriate by the General Manager to enable him to make the findings or determination specified in the two previous Sections (801) and (802), as appropriate.

ARTICLE IX

FEES, RATES, AND CHARGES

SECTION 900. Sewer Service Charge.

(01) Purpose of Sewer Service Charge.

The purpose of the sewer service charge is to raise revenue for the costs of maintenance, operation, construction, and reconstruction of the District's wastewater facilities used for the collection, conveyance, treatment, and disposal of wastewater, including the District's share of the cost of construction, operation, and maintenance of the Silicon Valley Clean Water wastewater facilities, and for other expenditures deemed necessary by the District Board in order to conduct the business of the District, except to the extent prohibited by Sections 5471 and 6520.5 of the Health and Safety Code of the State of California.

(02) Basis of Charge.

The basis of the sewer service charge is the establishment of a flat rate for the residential customers and a unit cost per hundred cubic feet for non-residential customers, computed to reflect costs of collection, treatment and disposal of sewage. In no event shall any customer be charged less than the residential customer flat rate charge.

(03) Residential Customers Sewer Service Charge.

(A) Residential Customers Rate.

Rate Schedule.

The flat rate sewer service charge for fiscal year July 1, 2025 through June 30, 2026 for residential customers shall be One Thousand Four Hundred Forty dollars and no cents ($1,440.00) per Single-Family Dwelling.

The flat rate sewer service charge for fiscal year July 1, 2026 through June 30, 2027 for residential customers shall be One Thousand Five Hundred Twelve dollars and no cents ($1,512.00) per Single-Family Dwelling.

The flat rate sewer service charge for fiscal year July 1, 2027 through June 30, 2028 for residential customers shall be One Thousand Five Hundred Eighty-Eight dollars and no cents ($1,588.00) per Single-Family Dwelling.

The flat rate sewer service charge for fiscal year July 1, 2028 through June 30, 2029 for residential customers shall be One Thousand Six Hundred Sixty-Seven dollars and no cents ($1,667.00) per Single-Family Dwelling.

The flat rate sewer service charge for fiscal year July 1, 2029 through June 30, 2030 for residential customers shall be One Thousand Seven Hundred Fifty dollars and no cents ($1,750.00) per Single-Family Dwelling.

Accessory Dwelling Units.

An accessory dwelling unit is an individual residential dwelling unit for the purpose of flat rate sewer service charges and shall be subject to the above sewer service rate schedule. Consistent with Government Code section 66338, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of sewer service charges, and shall not be subject to a separate flat rate sewer service charge.

(B) Septic Tank Effluent Pumping System and Grinder Pump System (STEP/Grinder System) Residential Customers Rate included in the On-Site Wastewater Disposal Zone (OWDZ).

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2025 through June 30, 2026 shall be Two Thousand Four Hundred Fifty-Four Dollars and no cents ($2,454.00) per Single-Family Dwelling.

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2026 through June 30, 2027 shall be Two Thousand Five Hundred Seventy-Seven Dollars and no cents ($2,577.00) per Single-Family Dwelling.

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2027 through June 30, 2028 shall be Two Thousand Seven Hundred Six Dollars and no cents ($2,706.00) per Single-Family Dwelling.

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2028 through June 30, 2029 shall be Two Thousand Eight Hundred Forty-One Dollars and no cents ($2,841.00) per Single-Family Dwelling.

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2029 through June 30, 2030 shall be Two Thousand Nine Hundred Eighty-Three Dollars and no cents ($2,983.00) per Single-Family Dwelling.

An accessory dwelling unit is an individual residential dwelling unit for the purpose of sewer service charges for residential customers served by a STEP/Grinder System and shall be subject to the above sewer service rate schedule. Consistent with Government Code section 66338, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit for purposes of sewer service charges, and shall not be subject to a separate sewer service charge.

(04) Non-Residential Customer Sewer Service Charge.

Article IX, Section 900 (04) (A), (1), (2), (3), and (B) are hereby amended in their entirety to read as follows:

(A) The rates for customers in the non-residential category for fiscal years July 1, 2026 through June 30, 2027, July 1, 2027 through June 30, 2028, July 1, 2028 through June 30, 2029, July 1, 2029 through June 30, 2030 shall be computed on the basis of:

(1) A flow rate charge of $8.99, $9.44, $9.91, $10.41 per hundred cubic feet of metered water consumption in accordance with the formula set forth for non-residential customers, ***PROVIDED*** that District may make adjustments where it appears to District that water consumption is not a reasonably accurate measure of wastewater discharge.

(2) A biochemical oxygen demand rate of $1.59, $1.67, $1.75, $1.84 per pound per hundred cubic feet of water consumption; and,

(3) A suspended solids loading rate of $1.81, $1.90, $2.00, $2.10 per pound per hundred cubic feet of water consumption.

If the flow does not exceed the minimum residential rate, the residential rate will apply.

(B) STEP/Grinder System Non-Residential Customer Rate (Non-Residential Customers included in the On-Site Wastewater Disposal Zone – OWDZ).

The sewer service charge for non-residential customers served by a STEP/Grinder System for fiscal year July 1, 2026 through June 30, 2027 shall be Two Thousand Five Hundred Seventy-Seven Dollars and no cents ($2,577.00) per Single Family Residence.

The sewer service charge for non-residential customers served by a STEP/Grinder System for fiscal year July 1, 2027 through June 30, 2028 shall be Two Thousand Seven Hundred Six Dollars and no cents ($2,706.00) per Single Family Residence.

The sewer service charge for non-residential customers served by a STEP/Grinder System for fiscal year July 1, 2028 through June 30, 2029 shall be Two Thousand Eight Hundred Forty-One Dollars and no cents ($2,841.00) per Single Family Residence.

The sewer service charge for non-residential customers served by a STEP/Grinder System for fiscal year July 1, 2029 through June 30, 2030 shall be Two Thousand Nine Hundred Eighty-Three Dollars and no cents ($2,983.00) per Single Family Residence.

If flow does not exceed minimum STEP/Grinder System residential rate the STEP/Grinder System residential rate will apply.

Section 3.
In accordance with the California Environmental Quality Act ("CEQA") Public Resources Code Sec. 2100 et seq., and the regulations promulgated pursuant to CEQA, the District Board finds that this Regulation establishes rates and/or charges for the purpose of meeting operating expenses of the District, meeting financial reserves needs and requirements of the District, and obtaining funds for capital projects which are necessary to maintain services within existing sewer service areas in the District.

(05) Non-Residential - Added Provisions.

The following are additional provisions applicable to the computation of the sewer service charge for non-residential customers:

(A) In no event shall the non-residential sewer service charge be less than the flat rate sewer service charge for residential customers.

(B) The period used in determining the total of metered water consumption shall be the preceding calendar year or such other period as, in the opinion of the General Manager, is representative of water consumption.

(C) Upon application from customers maintaining extensive irrigated landscaping or where it can be conclusively established that the metered water consumption is not a valid measure of the quantity of wastewater discharged, the quantity to be used in determining the yearly rate shall be determined by the General Manager.

(D) The District or the customer may require the installation of District-approved recording and sampling devices or sewage meters on the premises for use by the District at the customer's expense. Such devices or meters shall be available for inspection at any reasonable time. Recording devices shall be capable of recording instantaneous and accumulated flows, and sampling devices shall be automatic and capable of 24hour storage and maintenance of temperature between 30 degrees and 40 degrees Fahrenheit and have a five-gallon capacity as approved by the General Manager. The customer shall be responsible for the maintenance, repair and replacement of all sampling or recording devices and equipment.

(06) Adjustments and Reimbursements.

It is the intent of the District Board, to establish different sewer service charges for different categories of customers, that reflect the proportional cost of the sewer service attributable to the premises or parcel, based upon the type of use of the premises or parcel. If, in respect to any customer the District Board should

find that the charge is inequitable or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established, which will bear a closer relationship to the proportional cost of sewer service. Such special charge may be established by resolution or agreement but may be revoked at any time by the District Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

Requests for a different basis of charges shall be applied for, in writing, and shall state with particularity the unusual circumstances which the applicant believes justifies a different basis of charges for the premises in question. The application shall be submitted to the General Manager and shall be considered and a determination made thereon by the District Board and shall be effective as of the date of such application and continuing during the period of such special circumstances.

When a refund becomes due and owing by virtue of action of the District Board or by virtue of any error made in ascertaining the charge applicable to any customer, the General Manager is authorized to pay such monies from the specific fund established for the deposit of sewer service charges.

(07) Vacancy.

No credit, adjustment or refund shall be made to any customer because the premises or any part thereof are vacant, unless said premises are disconnected from the sewer system.

(08) Effective Date of Charges.

(A) Charges and rates established by this Section and subsequent amendments, as required, shall be effective upon the date specified by the District Board and shall apply to all premises then connected or then discharging directly or indirectly any wastewater and/or industrial waste into said system.

(B) Notwithstanding the foregoing provisions of this Section or other provisions of this Code, no service charge shall be due or paid for building or dwelling which is newly constructed until such building or dwelling is connected to the sewer system.

(09) Person Responsible.

The owner of any premises is and shall be responsible for payment of any and all sewer service charges applicable to said premises. It shall be and is hereby made the duty of each such owner to ascertain from the General Manager the amount and due date of any such charge applicable to said premises and to pay such charge when due and payable. It also shall be and is hereby made the duty of all owners of all premises to inform the General Manager immediately of all circumstances, and of any change or changes in any circumstances, which will in any way affect the applicability of any charge to said premises or the amount of any such charge.

(10) Collection of Sewer Service Charges on Tax Roll.

(A) Pursuant to the provisions of Division 5, Part 3, Chapter 6, Article 4, of the Health and Safety Code of the State of California, subject to the provisions of this Section, the District hereby elects, as the procedure for the collection of sewer service and use charges prescribed or imposed by the provisions of this Section, to have all such sewer service charges for each fiscal year collected on the tax roll of the County of San Mateo in the same manner, by the same persons and at the same time as property taxes, assessments and other charges collected thereon.

(B) The General Manager shall prepare and file with the District Secretary on or before the 15th day of July of each year written report containing a description of each and every parcel of real property receiving sewer service and facilities and subject to the sewer service charge established by this Section and the amount of the service charges for each parcel for the then current fiscal year, computed in conformity with the charges prescribed by the provisions of this Section. The parcels of real property included in said report may be

described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code of the State of California and on file in the office of the County Assessor of San Mateo County, California, or by reference to plats or maps on file in the office of the District.

(C) The District Secretary shall cause notice of the filing of said report and of a time and place of hearing thereon to be published prior to the date set for hearing in a newspaper of general circulation published within the District. The publication of said notice shall be once a week for two successive weeks. Publications shall be made with at least five days intervening between the respective publication dates not counting such publication dates. A minimum of two public notices shall be published in a newspaper circulated more often than once a week. In newspapers that circulate once a week, the public notice shall be published in each circulation for two successive weeks. The period of notice commences upon the first day of publication and terminates at the end of the 14th day, including therein the first day.

(D) At the time stated in the above-mentioned notice, the District Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the District Board finds that protest is made by owners of a majority of separate parcels of property described in the report, then the report shall not be adopted, and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land.

(E) Upon the conclusion of the hearing, the District Board may adopt, revise, change, reduce or modify any charge or overrule any or all objections, excepting objections from a majority as described above in sub-section (10) (D), and shall make its determination upon each charge as described in said report, which determination shall be final.

(F) On or before the 31st day of August of each year following such final determination, the District Secretary shall file with the Controller of the County of San Mateo a copy of said report with a statement endorsed thereon over his signature that the report has been finally adopted by the District Board in order that the Controller of the County of San Mateo shall be able to enter the amounts of the charges against the respective lots or parcels of land as they appear on the current assessment roll and in order that such charges may be collected on the tax roll in accordance with the provisions of Sections 5473.5 through 5473.11 of the Health and Safety Code of the State of California. [Amended by General Regulation No. 75.]

(G) Except as provided in Section 5473.8 of the Health and Safety Code of the State of California, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of the date prescribed by law as the lien date for property taxes.

(11) Omission From Collection on Tax Roll - Direct Billing.

If the full amount of sewer service charges for premises connected to or discharging wastewater into the District sewer system are, for any reason, not collected in accordance with the provisions of sub-section (10) above, the sewer service charges, or the portion thereof not appearing on the tax rolls, for such premises shall be collected by direct billing of the property owner.

(A) Billing. The General Manager shall ascertain the amount of each sewer service charge applicable to such premises and shall mail to the owner and/or owner and lessee thereof, within Sixty (60) days from and after the date any sewer service charges become due and payable, a bill for the sewer service charges which are then due and payable. Such bill shall be mailed to the person or persons listed as the owners on the last equalized assessment roll of the County of San Mateo at the address shown on such assessment roll, or to the successor in interest and/or to the lessee of such owner, if the name and address of such successor in interest or lessee is known to the General Manager. Each bill so mailed shall contain a statement that a delinquency in payment for sixty (60) days shall constitute a lien against the lot or parcel against which the charge is imposed and that when recorded it shall have the force, effect and priority of a judgement lien three (3) years unless sooner released or otherwise discharged. Failure of the General Manager to mail any such bill or failure of any owner to receive any such bill, shall not excuse the owner of any premises from the obligation of paying any sewer service charge for any premises owned by him.

(B) Due Date of Sewer Service Charges. All sewer service charges shall be due and payable on November 1st of each year. At the customer's option, sewer service charges may be paid in two equal installments with the first installment being due and payable on November 1st and the second installment being due and payable on February 1st of the following year so that both payments are made within the same fiscal year.

(C) Delinquency Date of Sewer Service Charges. Each sewer service charge shall be delinquent if not paid on or before the tenth (10th) day of the month following the date upon which such sewer service charge became due and payable.

(D) Where Payable. Sewer service charges collected by direct billing shall be payable at the administrative offices of the District, or as noted on the billing.

(E) Penalties for Non-Payment of Sewer Service Charges-Lien. Whenever a delinquency shall occur for non-payment of sewer service charges, a penalty of ten (10) percent shall attach to such charges, and for each month that such charges remain delinquent a further penalty of one and one-half percent (1-1/2 percent of said basic charge shall be added. [Amended by General Regulation No.74.]

SECTION 901. Sewer Infrastructure Capacity Fees.

(01) Purpose of Sewer Infrastructure Capacity Fee.

The purpose of the sewer infrastructure capacity fee is to equalize the cost of acquisition, construction, and installation of the District's facilities by the District so that each resident or property owner pays his/her proportionate share of such costs.

(02) Basis of Fee.

No connection shall be made to any public sewer, or to any sewer flowing into a public sewer within the District, nor any use of sewer system capacity provided by District infrastructure, until there shall be paid to the District a sewer infrastructure capacity fee, such fee to be in addition to charges for permits, inspections or the requirements of any other rule or regulation of the District. The infrastructure capacity fee shall be paid at the time the application for a Class 1 or Class 2 sewer permit is filed.

The estimate of the average volume of wastewater discharge in gallons per day for any proposed use shall be made by the General Manager. Any applicant for connection dissatisfied with the average daily volume estimated by the General Manager may appeal such determination to the District Board, who shall conduct a hearing thereon and establish a infrastructure capacity fee to be paid by the applicant.

(03) Fees by Type of Use.

The infrastructure capacity fees shown below shall be assessed each new applicant for wastewater service. In the event that a parcel will have combined residential and non-residential uses, the residential infrastructure capacity fee shall be applied to each living unit and the non-residential infrastructure capacity fee shall be applied to the non-residential uses. In no event shall a infrastructure capacity fee be less than the residential infrastructure capacity fee. A separate meter serving the non-residential premises shall be required for annual user charge assessments.

Infrastructure Capacity Fee Dollars	**District**
Residential Unit (includes 30 gpd lateral I/I) Minimum per EDU 200 Gallons Per Day (GPD)	$8,608.00
Supplementary Infrastructure Capacity Fee (a) (equivalent to 30 gpd lateral I/I)	$1,291.20

Non-Residential Use (b) Equal or Less than 300 mg/l Biological Oxygen Demand (BOD) or Suspended Solids (SS) *per supplementary connection (a)	$43.04/gpd +$1,291.20*
Greater than 300 mg/l BOD or SS *per supplementary connection (a)	$36.28/gpd + $6.76/gpd x strength ratio (c) + $1,291.20*

(a) * The infrastructure capacity fee for a supplementary connection(s) to the same building shall be $1,291.20 per connection. [Amended by General Regulation No.2022-02.]

(b) Non-Residential Use infrastructure capacity fees are calculated using average daily flow in gpd. Minimum Non-Residential Use is based on 300 gpd of average daily flow. In no event shall the Non-Residential Use infrastructure capacity fee be less than the Residential infrastructure capacity fee of $8,608.00.

Example: A Non-Residential Use connection with 300 gpd of average daily flow and 300 mg/l of BOD or SS would pay the following: $43.04/gpd x 300 gpd = $12,912.00

(c) The strength ratio component for Non-Residential Use with BOD and/or SS concentrations greater than 300 mg/l, is calculated by the ratio of the highest of the BOD or SS concentrations to 300 mg/l.

Example: A Non-Residential Use connection with 300 gpd of average daily flow and 400 mg/l of BOD and 350 mg/l of SS would pay the following:

$36.28/gpd x 300 gpd + ($6.76/gpd x 300 gpd x (400 mg/l ÷ 300 mg/l)) = $13,588.00

Infrastructure capacity fees will be adjusted annually, July 1 of each year, by the Annual Percentage Change of the Engineering News Record Construction Cost Index for San Francisco. The Annual Percentage Change shall be calculated as: the December Value for the current fiscal year, minus the December Value for the prior fiscal year, and the result of which shall be divided by the December Value for the prior fiscal year.

Accessory Dwelling Unit

(a) Pursuant to Section 66311.5 of the California Government Code the District will charge an Accessory Dwelling Unit infrastructure capacity fee based on the number of drainage fixture units (FU). The District establishes 20 FU's per EDU (equivalent dwelling unit) as the basis for charging accessory dwellings. The infrastructure capacity fee per FU would be multiplied times the number of FU's in the accessory dwelling unit to charge a connection for the accessory dwelling unit.

(b) Exceptions. In accordance with California Government Code Sections 66323, subsection (a)(1) and 66311.5, subsection (d) the District will not require installation of a separate utility connection or impose a related infrastructure capacity fee for one accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling, other than an accessory dwelling unit that is within the proposed space of a new single-family home, if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the

physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Article 3 (commencing with Section 66333).

(c) For an accessory dwelling unit that is not described in subparagraph (b), a new or separate sewer connection may be applied, and the standard charge per fixture unit shall apply.

Formula Assumptions:
#1 - District Infrastructure Capacity Fee charge per EDU = $6,919, the charge per fixture unit would be $345.95 per FU ($6,919 divided by 20 FU).
#2 - Authority Infrastructure Capacity Fee charge per EDU = $1,582, the charge per fixture unit would be $79.10 per FU ($1,582 divided by 20 FU).
#3 - $345.95 per FU plus $79.10 per FU equals $425.05 per fixture unit cost.
Example: An accessory dwelling with 15 fixture units would be charged a infrastructure capacity fee of $6,375.75 (15 x $425.05) [Amended by General Regulation No.2017-01.]

(d) In accordance with California Government Code Section 66003, except for Accessory Dwelling Units described in subparagraph (b), above, supplemental infrastructure capacity fees imposed pursuant to a reimbursement agreement entered into between the District and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds the need for the public facility attributable to and reasonably related to the development shall apply on a per fixture unit basis in the same ratio as is set forth in subsection (c), above.

(04) Persons Responsible.

The owner of any premises is and shall be responsible for payment of all infrastructure capacity fees applicable to said premises. It shall be and is hereby made the duty of each property owner to ascertain from the General Manager the amount and due date of any infrastructure capacity fee applicable to said property and to pay said fee when due and payable. Each property owner shall be responsible to inform the General Manager, in a reasonable amount of time of any change or changes in any circumstances which will in any way affect applicability, or amount of any such fee.

(05) Increased Use of Sewers.

(A) In the event increased use is or will be made of the sewer, and the actual, calculated, or estimated volume of wastewater discharge exceeds or will exceed the volume of wastewater discharge the premises are entitled to discharge, an additional sewer infrastructure capacity fee shall be paid. The additional infrastructure capacity fee shall be calculated by subtracting the wastewater discharge entitlement assigned to the parcel from the actual, calculated or estimated volume of wastewater discharge, measured in gallons per day, average daily flow and multiplying the remainder by the non-residential infrastructure capacity fee rate. The wastewater discharge entitlement is determined by the base year wastewater discharge, which is the average daily discharge from the property in 1974 OR the wastewater discharge for which a infrastructure capacity fee has been paid, whichever is higher. The maximum allowable volume of wastewater discharge shall be increased through payment of additional sewer infrastructure capacity fees.

(B) In those instances where an increased use has been made without written notice by the customer to the District, the additional infrastructure capacity fee shall be computed at the rate in effect under this Code on the date the additional fee is levied. The General Manager shall ascertain the amount of each additional infrastructure capacity fee applicable to each premise in the District and shall mail to the property owner of

each applicable premise a statement for the additional infrastructure capacity fee which is due and payable. Such statement shall be mailed to the person or persons listed as the property owner on the last equalized assessment roll of the County of San Mateo at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known to the General Manager. Each bill so mailed shall contain a statement that a delinquency in payment for Sixty (60) days shall constitute a lien against the lot or parcel against which the fee is imposed and that when recorded it shall have the force, effect and priority of a judgment lien for three (3) years unless sooner released or otherwise discharged. Failure of the General Manager to mail said statement, or failure of any property owner to receive said statement, shall not excuse the obligation of paying said additional infrastructure capacity fee. [Amended by General Regulation No. 75.]

(C) In the event a customer has previously notified the District in writing of an increased use, the additional infrastructure capacity fee shall be computed at the rate in effect on the date such written notice was received by the District. The General Manager shall ascertain the amount of the additional infrastructure capacity fee applicable to the premises and shall mail to the property owner of the premises a statement for the additional infrastructure capacity fee which is due and payable. Such statement shall be mailed to the person or persons listed as the property owner on the last equalized assessment roll of the County of San Mateo at the address shown on such assessment roll, or to the successor in interest of such owner, if the name and address of such successor in interest is known to the General Manager. Failure of the General Manager to mail said statement, or failure of any property owner to receive said statement, shall not excuse the obligation of paying said additional infrastructure capacity fee.

(D) Penalties for Non-Payment of Additional Infrastructure Capacity Fees. Whenever a delinquency shall occur for non-payment of additional infrastructure capacity fees, a penalty of ten (10) percent shall attach to such fees, and for each month that such fees remain delinquent a further penalty of one and one-half percent (1-1/2 percent) of said basic fee shall be added. [Amended by General Regulation No. 75.]

(E) Where payable. Additional infrastructure capacity fees collected by direct billing shall be payable at the administrative offices of the District, or as noted on the billing. [Amended by General Regulation No. 75.]

(06) Repurchase of Capacity.

(A) In the event the property owner notifies the General Manager within 2 years of payment of a sewer infrastructure capacity fee for a use proposed to be made that it appears either that such use will not be made or will create less volume of wastewater discharge than anticipated, the General Manager may re-compute the sewer infrastructure capacity fee and refund to the payer ninety percent (90%) of the difference between the sewer infrastructure capacity fee paid and the recomputed charge. [Amended by General Regulation No. 66.]

(07) Administration of Infrastructure Capacity Fees.

(A) The sewer infrastructure capacity fee rate may be revised only by an amendment to this Code approved by a two-thirds vote of the members of the District Board.

(B) The amount of infrastructure capacity fees for all classifications of uses shall be reviewed at least once each fiscal year. [Amended by General Regulation No. 66.]

SECTION 902. Recycled Water Capacity Charges.

(01) Purpose of Recycled Water Capacity Charge.

The purpose of the recycled water capacity charge is to equalize the cost of acquisition, construction, and installation of the District's recycled water facilities by the District so that each property owner pays its proportionate share of such costs based on the allotted recycled water usage capacity assigned to such

property. Charges and rates established by this Section and subsequent amendments, as required, shall be effective upon the date specified by the District Board and shall apply to all premises then connected.

(02) Basis of Charge.

Except where the District has entered into an agreement accepting an upfront Contribution in Aid of Construction ('CIAC') in lieu of the otherwise applicable capacity fee, no connection shall be made to any recycled water system within the District, nor any use of recycled water system capacity provided by District infrastructure, until there shall be paid to the District a recycled water capacity fee. Customers of recycled water projects will be charged for their proportionate use of the recycled water facilities based on the allocated recycled water usage capacity.

(03) Upfront Contributions In Aid of Construction.

(A) The District may, in its discretion, enter into an agreement with a customer to accept an upfront CIAC in lieu of the otherwise applicable recycled water capacity fee. The CIAC is a one-time upfront capital payment based on million gallons per day (MGD) of peak month capacity needed. The CIAC amount for Fiscal Years 2026-27 and 2027-28 is $79.37 per gallon of Average Day Peak Month Demand.

(B) Customers making an upfront CIAC must pay to connect to the recycled water system before July 1, 2028. Capacity will be reserved for such customers until connected.

(04) Recycled Water Capacity Fee.

(A) A customer that connects to the District's recycled water system without making an upfront CIAC shall pay a one-time recycled water capacity fee in effect at the time of connection. The recycled water capacity fee shall be based on the Average Day Peak Month Demand allocated to the premises and the applicable per-gallon recycled water capacity fee established by the District Board.

(B) Recycled Water Capacity Fee Schedule

Fee Schedule.

The recycled water capacity fee for fiscal year July 1, 2026 to June 30, 2027 shall be Seventeen Dollars and Seventy-Seven Cents ($17.77) per gallon of Average Day Peak Month Demand.

The recycled water capacity fee for fiscal year July 1, 2027 through June 30, 2028 shall be Seventeen Dollars and Ninety-Nine Cents ($17.99) per gallon of Average Day Peak Month Demand.

The recycled water capacity fee for fiscal year July 1, 2028 through June 30, 2029 shall be Twenty Dollars and Seventy-Four Cents ($20.74) per gallon of Average Day Peak Month Demand.

The recycled water capacity fee for fiscal year July 1, 2029 through June 30, 2030 shall be Twenty-Three Dollars and Fifty-Nine Cents ($23.59) per gallon of Average Day Peak Month Demand.

The recycled water capacity fee for fiscal year July 1, 2030 through June 30, 2031 shall be Twenty-Six Dollars and Forty-Two Cents ($26.42) per gallon of Average Day Peak Month Demand.

(05) Recycled Water Capacity Fee Agreements.

The District, at its discretion, may establish individual capacity fee agreements for existing potable water customers, that permit customers to pay recycled water capacity fees over time. The repayment structure, including the repayment term, payment frequency, method of fee recovery, and applicable carrying costs, shall be determined through individual customer agreements. Any such agreement shall be based on the recycled water capacity fee otherwise applicable to the premises and shall not reduce the principal amount of the capacity fee due.

(06) Persons Responsible.

The owner of any premises is and shall be responsible for payment of all recycled water capacity charges applicable to said premises. It shall be and is hereby made the duty of each property owner to ascertain from

the General Manager the amount and due date of any recycled water capacity charges applicable to said property and to pay said charge when due and payable. Each property owner shall be responsible to inform the General Manager, in a reasonable amount of time of any change or changes in circumstances which will in any way affect the applicability, or amount of any such charge.

SECTION 903. Recycled Water Service Charge.

(01) Purpose of Recycled Water Service Charge.

The purpose of the recycled water service charge is to raise revenue for the costs of maintenance, operation, construction, repair, and replacement of the District's recycled water facilities used for the treatment, storage, and conveyance of recycled water. Charges and rates established by this Section and subsequent amendments, as required, shall be effective upon the date specified by the District Board and shall apply to all premises then connected.

(02) Basis of Charge.

The basis of the recycled water service charge is the establishment of a volumetric rate assessed to two customer classes: (1) customers who made an upfront CIAC; and (2) customers who did not make an upfront CIAC and instead paid a recycled water capacity fee.

(03) CIAC Customers Recycled Water Service Charge.

Rate Schedule.

The volumetric recycled water service charge for fiscal year July 1, 2027 through June 30, 2028 for CIAC customers shall be Nine Dollars and Twenty-Five Cents ($9.25) per Hundred Cubic Feet (HCF) of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2028 through June 30, 2029 for CIAC customers shall be Ten Dollars and Thirty-Three Cents ($10.33) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2029 through June 30, 2030 for CIAC customers shall be Eleven Dollars and Forty Cents ($11.40) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2030 through June 30, 2031 for CIAC customers shall be Twelve Dollars and Seventy-Four Cents ($12.74) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2031 through June 30, 2032 for CIAC customers shall be Thirteen Dollars and Thirteen Cents ($13.13) per HCF of Metered Water.

(04) Non-CIAC Customers Recycled Water Service Charge.

Rate Schedule.

The volumetric recycled water service charge for fiscal year July 1, 2027 through June 30, 2028 for Non-CIAC customers shall be Ten Dollars and Sixty-Nine Cents ($10.69) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2028 through June 30, 2029 for Non-CIAC customers shall be Eleven Dollars and Eighty-One Cents ($11.81) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2029 through June 30, 2030 for Non-CIAC customers shall be Thirteen Dollars and Fifty-One Cents ($13.51) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2030 through June 30, 2031 for Non-CIAC customers shall be Fifteen Dollars and Fifty-Seven Cents ($15.57) per HCF of Metered Water.

The volumetric recycled water service charge for fiscal year July 1, 2031 through June 30, 2032 for Non-CIAC customers shall be Sixteen Dollars and Seventy-Eight Cents ($16.78) per HCF of Metered Water.

(05) Persons Responsible.

The owner of any premises is and shall be responsible for payment of any and all recycled water service charges applicable to said premises. It shall be and is hereby made the duty of each such owner to ascertain from the General Manager the amount and due date of any such charge applicable to said premises and to pay such charge when due and payable. It also shall be and is hereby made the duty of all owners of all premises to inform the General Manager immediately of all circumstances, and of any change or changes in circumstances, which will in any way affect the applicability of any charge to said premises or the amount of any such charge.

SECTION 904. Permit and Inspection Fees.

(01) Class 1,2, 3, 4, 5 and 6 Permits.

(A) Class 1 Sewer Permits for service to residential structures;
(B) Class 2 Sewer Permit for service to non-residential structures;
(C) Class 3 Sewer Permit for construction of sewer mains, pumping stations and other wastewater facilities. The inspection fee for a Class 3 sewer permit shall be paid as covered under subsection (03) Excess Expenses, below;
(D) Class 4A Sewer Disconnection Permit for Permanent Disconnection; and
(E) Class 4B Sewer Disconnection Permit for Temporary Disconnection.
(F) Class 5 STEP and Grinder Systems
(G) Class 6 Encroachments (Public Sewer and Facilities Access)

(02) Non-Routine Wastewater Discharge Permits.

Fees, in amounts established by the Board of Directors, shall be imposed upon and collected from applicants and customers of the wastewater facilities to defray the costs of processing and issuing the following Non-Routine Wastewater Discharge Permits or performing the following services:

(A) Mandatory wastewater discharge permit.

(B) Determination and approval of metered wastewater volumes, and metered volume permit.

(C) Determination and approval of use of estimated wastewater volume, and estimated volume permit.

(D) Private wastewater disposal permit.

(E) Review of proposals for protection against accidental discharges.

(F) Discharge report review. [Amended by General Regulation No. 78.] Service or work which is expressly or impliedly required to be performed by the District pursuant to the provisions of this Code, the payment for which is not otherwise provided for herein, shall be paid in advance of the performance of such services or work in an amount equal to the estimated cost to the District thereof. Upon performance of such services or work, and upon the calculation of the actual costs thereof, sums deposited in excess of such actual costs shall be refunded or additional charges equal to the amount by which the actual cost exceeds the estimated cost shall be paid.

The foregoing fees and charges shall be paid at the time the application for the work to which they pertain is made or requested or upon receipt of billing for excess expenses. No application shall be processed, nor work performed, without said fees or charges having first been paid.

These fees and charges shall be in addition to fees, charges, or expenses payable pursuant to other provisions of this Code.

(03) Excess Expenses.

In addition to the permit fees, the applicant shall pay to the District all costs and expenses in excess of said fees which have been borne by the District to examine application or plans and inspect construction, and to test, sample and/or monitor wastewater discharge, said costs to be determined by the District.

In accordance with the California Environmental Quality Act ("CEQA") Public Resources Code Sec. 2100 et seq., and the regulations promulgated pursuant to CEQA, the District Board finds that this Regulation establishes fees for the purpose of meeting operating expense of the District. [Amended by General Regulation No. 78.]

SECTION 905. Sewer Relocation Charge.

(01) Imposition of Charge.

A sewer relocation charge shall be imposed by the District whenever all of the following conditions are found by the District Board to exist:

(A) A governmental entity proposes to undertake a work of public improvement that will necessitate relocation, modification, or reconstruction of existing District wastewater facilities;

(B) Except for the work of improvement, the wastewater facilities would not have required relocation, modification, or reconstruction at that time;

(C) The District will be required to pay to the governmental entity all or some part of the relocation, modification or reconstruction costs, or the District will be required to perform the relocation, modification or reconstruction of its facilities without reimbursement for all or some portion of the attendant costs; and

(D) The work of improvement is primarily for the benefit of some of the premises within the District's boundaries, and not primarily for the general benefit of all premises within the District.

(02) Effect of General Benefit.

If the Board makes all of the findings required by above Sub-section, it shall further determine to what extent, if any, there is some benefit to the District generally by reason of the relocation, modification, or reconstruction. To the extent the District Board determines that there is some general benefit to the District, that pro-rata share of the net cost, as defined in sub-section (04) below, shall be borne by the District from its general funds. In making the determination required by this Section, the Board shall consider all relevant factors including increased life of the wastewater facilities and benefits to wastewater facilities outside of the improvement project boundaries.

(03) Parcels Subject to Relocation Charge.

The relocation charge, other than that allocated to the District generally, shall be levied against all parcels within the boundaries of the improvement project which are either connected to or able to connect to the District's wastewater facilities. Determination of whether a parcel is able to connect to the District's waste water facilities is governed by Article VI of this Code. Those parcels which are unable to connect are exempt from the relocation charge. If the governmental entity which has undertaken the improvement project has not established boundaries for the project, the District Board shall set the boundaries based upon a determination of which premises are benefited by the improvement project.

(04) Determination of Net Cost.

The total amount to be allocated among the benefited premises as a relocation charge shall be the net cost to be borne by the District for all necessary expenses, after credit for any reimbursements to the District from sources other than the imposition of the relocation charge, and after credit for any grant funding to be received by the District. Necessary expenses include, without limitation: labor, material and equipment costs; fees for engineering, architectural, legal or other professional services; interest charges; bond or insurance premiums; and the like.

(05) Computation of Relocation Charge Payable by Each Premise.

The amount of the relocation charge to be imposed against each parcel shall be computed according to the following formula:

$$RC = \frac{PSC}{TSC} \times NDC$$

Where 'RC' is the relocation charge to be imposed against each premises; 'PSC' is the annual sewer service charge imposed by this Code and then in effect for the premises; 'TSC' is the total of all annual sewer service charges imposed on all benefited premises within the boundaries of the improvement project; and 'NDC' is the net District cost after taking into account any reduction by reason of the effect of a general benefit, pursuant to sub-section (02) above. In the event any premises are not presently subject to a sewer service charge, then in performing the computation, 'PSC' shall be the minimum annual sewer service charge rate, and 'TSC' shall be determined as if an annual minimum sewer service charge rate was in effect for the premises.

(06) Adoption of Resolution.

The imposition of a relocation charge pursuant to this Section shall be established by a Resolution of the District Board and approved by a two-thirds vote of its members. The Resolution shall set forth the following:

(A) A schedule of the relocation charges to be imposed.

(B) The description of all premises subject to the charge by Assessor's Parcel Number.

(C) The provisions for payment and collection of the charge.

(D) The time and place at which the District Board will hold a public hearing at which persons may appear and voice any and all objections they may have to the imposition of the charge.

(07) Use of Relocation Charge Revenue.

Except as prohibited by Section 5471 and 6520.5 of the Health and Safety Code of the State of California, revenues derived from the imposition of the relocation charge may be used for any lawful purpose as determined by the District Board.

SECTION 906. Annexation Fees.

(01) State of California Fees.

All properties annexed to the District shall submit an annexation fee as established by resolution, plus any fees payable to the State of California for filing and processing fees, the amount of which is determined by the San Mateo County Local Agency Formation Commission (LAFCo) in accordance with applicable statutes of the State Board of Equalization. All applications shall submit, at the time of application, an application fee in an amount established by resolution of the Board, in addition to any

other fees, charged by LAFCo or any other regulatory agency, that are required as a condition of proceeding.

(02) Additional Fees.

In addition to the State of California fees, new properties shall be required to pay all costs of collection facilities on the property, connection to the District's collection system, and any over-sizing of the District's collection system which may be required to convey the sewer discharge through the District's collection system to the Authority. [Amended by General Regulation No. 66.]

SECTION 907. Solid Waste Collection and Disposal Charge.

The charges for solid waste collection and disposal shall be established and revised from time to time, by resolutions duly adopted and approved by the District Board in accordance with Article III of this Code.

SECTION 908. Environmental Impact Report and Negative Declaration -Preparation of Review Fee.

A charge shall be imposed upon and collected from applicants to defray costs for the preparation or review by the District of any environmental documents including an Environmental Impact Statement (EIS), an Environmental Impact Report (EIR), a Negative Declaration, or other similar statement, report or study for any projects (as defined in the California Environmental Quality Act) undertaken by any person other than the District, according to the following methods:

(01)If the preparation or review is made by District staff, the charge shall be the actual salary of District employees for the time necessary for the preparation or review, times 1.75.

(02)If the preparation or review is made by District consultants engaged by the District, the charge shall be the actual cost billed to the District by the consultants.

(03)Any other expenses incurred by the District for such preparation or review shall also be reimbursed by the applicant to the District.

ARTICLE X

RECYCLED WATER

SECTION 1001. Definitions and Introductory Provisions

(01) Statement of Policy.

A. It is the policy of the District that where available within the District's service area, and provided its use is technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment, recycled water shall be used for non-potable uses pursuant to Section 13550 of the California Water Code.

B. Pursuant to California Health and Safety Code Section 6512, the District may acquire, plan, construct, reconstruct, alter, enlarge, lay renew, replace, maintain and operate water recycling and distribution facilities both inside and outside District boundaries, as the Board deems necessary, subject to the requirements of the

San Mateo County Local Agency Formation Commission (LAFCo), contractual and other applicable legal requirements and State policy requirements.

C. It is the policy of the District that, to protect the health and safety of citizens, and the function of infrastructure and treatment systems, no recycled water be used from onsite systems without permission of the District.

D. Agreement No. 3963, dated March 3, 2023, by and between the District and the City of Menlo Park established Recycled Water Use Zones within the District, consisting of those areas to be designated for such recycled water service by the pertinent Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.)

E. The environmental impacts of certain size development projects within the Recycled Water Use Zones have been examined in depth by the City of Menlo Park ("Menlo Park"), and for each such development project, Menlo Park has adopted mitigation measures that require the use of recycled water for landscape irrigation and other allowable non-potable uses on certain land use types to reduce the respective environmental impacts of the project under consideration. Accordingly, Menlo Park has approved those development projects on the condition that recycled water is used for landscape irrigation and other allowable non-potable uses. Additionally, Menlo Park has conditioned approval of smaller (less than 250,000 sq. ft.) projects on their being "dual-plumbed" to facilitate their conversion to recycled water for non-potable uses when such supplies become available.

F. The District has planned for, and made a commitment to, the provision of recycled water for approved uses within its Recycled Water Use Zones and has certified a final CEQA (California Environmental Quality Act) document and approved a project that includes the service of recycled water within the District's Recycled Water Use Zones.

G. The District has prepared Recycled Water Use Rules and Regulations and Recycled Water Standard Specifications and Drawings (Standards) which comprise a compilation of the criteria by which the planning, design, construction, operation, maintenance and use of recycled water are administered by the District.

H. All areas designated in Figure 2-9 of the West Bay Sanitary District's FINAL ENVIRONMENTAL IMPACT REPORT (SCH#202005041)Flow Equalization & Resource Recovery Facility Levee Improvements & Bayfront Recycled Water Facility Project (APRIL 2021) and the Memorandum of Understanding between the District and the City of Menlo Park for the Sharon Heights Golf & Country Club Recycled Water Facility [cite LAFCO approved service area for SHGCC Recycled Water Project] shall be, and hereby are, included within the Recycled Water Use Zones of the District, which zones are hereby established.

(02) Definitions.

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this title, shall have the meanings designated in this section:

A. "Commercial Property" means any building for office, commercial, or mixed uses with water requirements which include, but are not limited to, landscape irrigation, cooling, toilets, urinals and decorative fountains.

B. "Cross-connection" means an interconnection between a potable water supply and a non-potable source (including recycled water) via any actual or potential connection.

C. "Customer service meter" means the meter owned by the District used to measure recycled water delivered to customers' facilities.

D. "Distribution facilities" means all District recycled water pipelines and fixed equipment, including but not limited to pipelines, pumping stations, manholes, connections, reservoirs, sampling points, meters, related

appurtenances, and all modifications, repairs and replacements thereto, beginning at the wastewater treatment plant and ending at each customer point of connection or at each termination of District-owned recycled water pipeline.

E. "District" means the West Bay Sanitary District.

F. "Incidental runoff" means the release of small amounts of runoff from such sources as recycled water use areas, overspray of recycled water from sprinklers, or runoff of rainwater from areas irrigated with recycled water or from decorative or storage ponds filled with recycled water, particularly during storm events.

G. "Point of connection" means the upstream side of the valve on the customer's side of the customer service meter.

H. "Recycled water" means water which, as a result of treatment of wastewater compliant with Title 22, is suitable for a direct beneficial use or controlled use as defined in California Water Code Sections 13050(n) and 13500, et seq.

I. "Recycled water use permit" means the permit typically used by the District to authorize use of recycled water by a customer, which document shall set forth the basic terms for delivery and use of recycled water by customer.

J. "Recycled water requirements" means those requirements for delivery and use of recycled water, as set forth in (1) the permit or Agreement ; (2) the general water reuse requirements of the State Water Resources Control Board, Division of Drinking Water General Order No. 2016-068 including any amending or superseding requirements; (3) State Water Resources Control Board, Division of Drinking Water reuse requirements contained in 22 California Code of Regulations Sections 60301-60355, and amending or superseding provisions; (4) the requirements of the California Plumbing Code; and (5) such other laws, regulations, agreement, orders, guidelines and standards relative to the use of recycled water during the entire time that recycled water is delivered to customer.

K. “Recycled Water Zones” means geographic areas which have been established as recycled water service areas by West Bay Sanitary District. “Recycled Water Use Zone(s)” means a defined area with boundaries within the District’s jurisdiction in which Recycled Water is intended to be available and used by customers when available. Two Zones have been identified to date, the Sharon Heights Recycled Water Use Zone and the Bayfront Recycled Water Use Zone.

L. "Treatment facilities" means those facilities which produce disinfected tertiary recycled water, compliant with Title 22

(03) Ownership.

The District is the sole owner of the distribution facilities, and of equipment, supplies, warranties, rights-of-way, encroachment permits, and licenses that are acquired for the distribution facilities. Customer service meters shall be owned by the District. All facilities on the customer side of the point of connection shall be owned, operated and maintained by the recycled water customer.

SECTION 1002. Mandatory Use of Recycled Water and Regulations Governing Such Use.

(01) Mandatory Use of Recycled Water

1. It is the policy of the District that recycled water shall be used for non-potable irrigation uses within the designated Recycled Water Use Zones wherever there is not an alternative higher or better use for the recycled water, its use is technically feasible, and consistent with legal requirements, preservation of public health, safety and welfare, and the environment.

2. All customers shall comply with the District's Recycled Water Rules and Regulations, as adopted and amended by resolution.

3. Accordingly, unless otherwise provided hereunder, all new development within the Recycled Water Use Zone that is required to be dual-plumbed for use of recycled water for non-potable uses shall be required to use recycled water for appropriate landscape irrigation and shall, in addition, be required to use recycled water for all other appropriate non-potable uses approved by the Regional Water Quality Control Board, the District, and pursuant to applicable local land regulations and this Article. Planning, design and construction in such new development shall incorporate recycled water facilities in conformity with District Standards and the California Plumbing Code, as said provisions are amended from time to time, and such facilities shall be connected to and use District recycled water services. The District's determination of appropriate landscape irrigation uses shall be based on Standards and/or requirements for water of unrestricted use quality contained in Title 22 of the California Code of Regulations, as said provisions may from time to time be amended, and applicable requirements of the State Water Quality Control Board and Division of Drinking Water for recycled water distribution operations.

4. For purposes of Section 1002(1)2., above, development that is required to use recycled water for non-potable uses shall include development that is designated in the Menlo Park Municipal Code as located in the following zoning districts: R-3 – Apartment District (Ch. 16.20), C-1 Administrative and Professional District, Restrictive (Ch. 16.30), C-1-C Administrative, Professional and Research District, Restrictive (Ch. 16.36), C-2 Neighborhood Shopping District (Ch. 16.38), C-MU Neighborhood Mixed Use District (Ch. 16.40), O Office District (Ch. 16.43), LS Life Sciences District (Ch. 16.44) R-MU Residential Mixed Use District (Ch. 16.45) and Residential Overlay District (Ch. 16.95).

5. New development within the Recycled Water Use Zones which the General Manager or his or her designee determines meets at least one of the following criteria, shall be exempt from the requirements of this Ordinance:

a. Residential development that will not contain landscape areas owned in common requiring irrigation.

b. Development of single-family, detached residences for which no homeowners' or similar association or entity will have responsibility for irrigation system maintenance and operations.

c. Development for which recycled water service is determined by the General Manager or his or her designee not to be economical or reasonable because of its distance from available or planned recycled water sources; and/or because irrigation and other demands within such development are very slight relative to overall water demands; and/or inadequate recycled water supply is available to serve the demand.

d. Development which is exempt from the recycled water requirements set forth in Title 16 of the City of Menlo Park Municipal Code, i.e., development that is not located in the zoning districts set forth in Paragraph 3, above.

6. Existing potable water customers within the Recycled Water Use Zone shall be exempt from the requirements of this Ordinance if it is not technically or financially feasible to connect them, provided, however, that any customer who received either a potable water connection or a construction permit (or both) containing conditions requiring use of recycled water or construction of recycled water facilities (dual-plumbing) when recycled water becomes available shall not be exempt.

7. Nothing in this Ordinance shall be construed to prohibit any existing customer from voluntarily applying for recycled water service. The District shall have the right to deny such application if the General Manager or his or her designee determines that such recycled water service would not be feasible because of its distance from available or planned recycled water sources; and/or because anticipated irrigation demands served

through that connection would be very slight relative to overall water demands; and/or because inadequate recycled water supply is available to serve the demand.

8. Procedures following determination

a. Each applicant or customer shall be notified in writing of any determination made under the preceding paragraphs (3, 4 or 5) and of the basis therefor. The notice, including any proposed conditions and time schedule for compliance, and, if applicable, a recycled water permit application and/or user agreement, shall be sent to the applicant or customer by certified mail. The determination shall be final if the applicant or customer does not file a written notice of appeal within thirty (30) days after receipt of the notice of determination.

b. The applicant or customer may file a written notice of appeal with the General Manager within thirty (30) days after any notice of determination to comply is delivered or mailed to the applicant or customer, and may request the Board to reconsider the determination or to modify the proposed conditions or schedule for conversion. The notice of appeal must specify each ground of the appeal. The Board will act on the appeal after reviewing the record of the General Manager's determination and the written notice of appeal, and such other information that the Board believes is necessary to review the General Manager's determination.

c. Any challenge to a decision of the Board pursuant to subparagraph b, above, shall be filed within ninety (90) days of the date such decision is rendered in accordance with California Code of Civil Procedure section 1094.6.

(02) Rules and Regulations Governing Use of Recycled Water.

The District will establish, by resolution, rules and regulations and standard specifications establishing the requirements for the planning, design, construction, operation, and maintenance of customer-owned recycled water systems in compliance with District Standards and the requirements of other regulatory agencies, including the California State Water Quality Control Board (SWQCB) Division of Drinking Water (DDW), and San Francisco Bay Regional Water Quality Control Board (RWQCB).

SECTION 1003. Provisions Concerning Recycled Water Service

(01) Pressure and Flow.

The District shall endeavor to provide continuous and adequate flows for all District recycled water customers, and shall endeavor to deliver recycled water at a pressure of between forty (40) psi and seventy-five (75) psi, measured at the recycled water customer's point of connection. In accepting recycled water, recycled water customers are deemed to have accepted all conditions of pressure and flow. If the available service pressure is higher than the customer can accept, the customer shall be responsible for providing a pressure-reducing valve downstream of the point of connection. If available pressure is lower than what the customer needs, the customer shall be responsible for providing a booster pump downstream of the point of connection. Any pumping of recycled water requires the prior written approval of the District.

(02) Allocation of Recycled Water in the Event of A Shortage or Mandated Reduction.

A. If the General Manager determines that the quantity of recycled water available at any time is, or is expected to be, less than the total demand, and such shortage is expected to be of a duration of less than thirty calendar days, the General Manager may prescribe and enforce rules governing allocation and use of recycled water. The

General Manager shall notify the Board of any shortages as soon as practical. The Board may formalize restrictions and prohibitions on the use of recycled water in times of shortage or mandated reduction.

B. The following guidelines shall be applicable to allocation of supply during shortages, in descending order of priority:

1. No service shall be extended to new customers until the shortage no longer exists;

2. Service to customers that have entered into an agreement with the District granting priority recycled water service shall take precedence over service to those who do not have contractual priority rights.

3. Service to commercial and non-irrigation customers shall take precedence over service to irrigation-only customers.

(03) Recycled Water Quality.

A. Recycled water supplied for any use shall at all times satisfy the applicable water quality requirements of the Regional Water Quality Control Board, and Division of Drinking Water.

B. In accepting recycled water, customers are deemed to have accepted the water quality conditions described herein. The District shall bear no responsibility for failure to supply water of a higher quality than described herein.

(04) Protection of Recycled Water System.

A. No recycled water customer shall create conditions that result in damage to or reduced life of the District's distribution facilities, or impairment of water quality in the district's system.

B. Operation and inspection of all of the District's treatment and distribution facilities, up to and including the customer's service meter, shall be under the management and control of the District. No persons except authorized employees, agents, or contractors of the District shall have the right to enter upon, inspect, operate, adjust, change, alter, move, or relocate any portion of the foregoing or any of the District's property.

(05) Liability.

The District and its officers, agents, or employees shall not be liable for damages resulting from the control, transportation, handling, use, disposal, or distribution of recycled water supplied by the District to a customer, after such water has been delivered to the point of connection of such customer, or in the case of delivery to customers who are water purveyors or truck haulers, after such water has left the District's distribution facilities. Customers shall reimburse the District for costs of repair to the District's distribution facilities and other damages resulting from the operations of the customer.

(06) Unauthorized Use of Water.

A. No person shall use recycled water from any service, blow-off valve, air relief valve, or any other District distribution facility without first applying for service and receiving a recycled water use permit from the District. Unauthorized use of water shall be subject to whatever penalties or charges may be imposed by the District

pursuant to applicable ordinances, resolutions, or other laws, and to whatever additional recourse may be sought by health and/or regulatory authorities. Additionally, the District may seek recovery of damages, including loss of revenue, as prescribed by law.

B. No person, other than the authorized agents, employees or contractors of the District shall turn on water or operate the shut-off valves at the customer service meters or any other distribution facilities. A fee outlined in the District's Master Fee Schedule or actual cost of damage, whichever is greater, may be charged to any customer who causes or allows the customer service meter shut-off valve or distribution facilities to be operated by unauthorized persons.

(07) Obligation to Pay for Water Delivered.

A. It shall be the obligation of the customer to pay for all recycled water delivered to any customer point of connection, or to the customer, in the case of delivery to customers who are water purveyors or truck haulers. The District shall bill the customer for all water so delivered, and the customer shall pay the District for all such water so delivered at the rate or rates and within the period established periodically by the District.

B. The District's recycled water rates will be based on a monthly fixed rate and a variable per gallon rate and will include costs for treatment and distribution, operation and maintenance, meter fee (based on size of meter), and share of capital replacement reserves.

(08) Obstruction of Recycled Water Facilities Prohibited.

No person shall place upon or about any valve box, manhole, blowoff, air relief valve, meter, meter box or vault, or any distribution facilities or appurtenances, any object, materials, debris, or structure of any kind so as to prevent free access to same at all times.

(09) Meter Reading.

Customer service meters shall be read by the District using remote smart meters on a regular basis, usually monthly. Special meter readings may be taken because of change of customer, changes of meter or meter size, or at other times as determined necessary by the District. The District shall estimate the quantity of recycled water used in whatever manner it considers most appropriate if a meter cannot be read or in the event that a meter has not registered or has registered incorrectly.

(10) Testing Meters.

A. Any customer may demand that the customer service meter be examined and tested by the District for the purpose of ascertaining whether it is registering correctly, if the customer believes the meter is over-registering the amount of recycled water being delivered. If on such examination and test the customer service meter shall be found to over-register recycled water by three percent or more, an adjustment of the recycled water bill shall be made to the customer by the district. No adjustment shall be made for any period more than six months preceding the date of the meter test.

B. The customer service meter may be examined and tested by the District for the purpose of ascertaining whether or not it is registering correctly, if the District believes the customer service meter is under-registering the

amount of recycled water being delivered. If on such examination and test the customer service meter shall be found to under- or over-register recycled water by three percent or more an adjustment of the recycled water bill shall be made to the customer by the District. No adjustment shall be made for any period more than six months preceding the date of the meter test.

(11) Billing and Collection for Water Deliveries.

A. The District shall bill customers for recycled water deliveries to the customer points of connection, or to the customer, in the case of deliveries to customers who are water purveyors or truck haulers. Billings for recycled water shall be due and payable within thirty days. Billings shall become delinquent if not paid within the thirtieth day. The District shall not be required to provide notice of delinquency.

B. If any customer directly served by the District shall be delinquent in the payment for recycled water delivered by the District, the District may assess a penalty charge of one and one-half percent for each thirty days of delinquency or part thereof.

C. If any customer served directly by the District is delinquent for more than thirty days, such delinquency may be reported by the General Manager to the District Board of Directors. The General Manager, or his/her designee at his/her discretion and upon such conditions as it may be prescribed, after giving the customer reasonable notice and an opportunity to be heard, may order the termination of recycled water service.

(12) Billing Errors and Adjustments.

A. If a customer notes an error in their billing which overcharges or undercharges the customer or which, in the past, has resulted in the customer's underpayment or overpayment, the customer shall promptly notify the District of this error. When the District notes an error in its billing to a customer which has resulted in underpayment or overpayment by the customer, the District shall put the customer on notice of the error. In the case of underpayment, the customer shall reimburse the District that amount they have underpaid during the twelve-month period prior to notice. In the case of overpayment, the District shall reimburse the customer that amount the customer has overpaid during the twelve-month period prior to notice.

B. If a customer, or the District, makes the discovery that a condition exists with a bill that is the result of an extraordinary circumstance which is beyond the control of the customer, the General Manager, or such designee(s) assigned by the General Manager, may adjust the customer's billing in accordance with this section.

C. The purpose for providing administrative authority to perform billing adjustments is to allow the General Manager to authorize minor deviations from the strict application of the utility rate structures when extraordinary, nonrecurrent problems which are beyond the control of the customer occur that adversely affect the customer's billing. A billing adjustment may be granted only when the General Manager finds all of the following conditions to exist:

(1) That a written request for consideration of a billing adjustment has been received by the General Manager within thirty calendar days subsequent to the date the utility bill was mailed;

(2) That the conditions which caused the customer's need for administrative relief were not created by any act of the customer and were an extraordinary condition. Personal, family or financial difficulties, loss of prospective profits and standards of property maintenance which are at the discretion of the customer are not conditions which justify approval of a billing adjustment;

(3) That the billing adjustment, if granted, would not be a special privilege of the recipient not enjoyed by another customer facing similar circumstances;

(4) That the billing adjustment will not materially impair the purpose and intent of the rules and regulations used to govern the delivery and administration of recycled water service. Each request for the granting of a billing adjustment shall be considered on its individual merits and no billing adjustment shall be considered to have set a precedent for the denial or approval of further billing adjustments;

(5) That in any situation in which the justification for a billing adjustment is based upon the malfunction, breakage or failure of a component of the customer-owned water service system, no billing adjustment shall be granted until it has been demonstrated to the satisfaction of the General Manager that repairs or replacements of the malfunctioning, broken or failed component have been performed.

(13) Suspension or Termination of Service.

A. Whenever the General Manager determines maintenance of the District's treatment and/or distribution facilities requires suspension of delivery of recycled water at any point or points of connection or at any other location, such delivery in nonemergency situations may be suspended without liability on the part of the District upon provision of three days notice or as practicable. The District will attempt to schedule interruptions of service at such days and times as will provide the least inconvenience to the customer.

B. The General Manager may order the immediate suspension or termination of recycled water deliveries to any customer when any of the following conditions occur:

1. In the judgment of the General Manager, the customer has failed to satisfy all requirements of the District Code or regulations or has in any way endangered the public health and safety or the safety and integrity of the distribution facilities, or has violated a Regional Water Quality Control Board Order, a recycled water use permit, any Division of Drinking Water reuse criteria, or any law, regulation, agreement, order, permit, guideline or standard relative to recycled water; or

2. When so ordered by health or regulatory authorities having jurisdiction; or

3. When the District is unable to deliver properly and adequately treated recycled water; or

4. When the requirements of the Division of Drinking Water reuse criteria, and any amending or superseding provisions related to the quality of recycled water are not being met; or

5. If the Regional Water Quality Control Board or other authority changes the requirements for treating or delivering recycled water to a level the District determines it cannot reasonably meet or cannot reasonably meet without costly additional treatment making continued delivery impractical.

(14) Access to Customer Site.

All recycled water customers shall permit or cause to be permitted the District or its agents, the Regional Water Quality Control Board Division of Drinking Water, the San Mateo County Health Services Department, the Menlo Park Municipal Water District, Cal Water Services District and other entities with jurisdiction over recycled water or public health, access to the site where recycled water provided by the District is used or where records relative to recycled water use are kept for the purposes of: (A) inspection, testing and repair of facilities, equipment, practices or operations regulated pursuant to the RWQCB's general water reuse requirements, and any amending or superseding provisions the District Code and other laws; and (B) sampling or monitoring to assure compliance

with the general water reuse requirements, and any amending or superseding provisions, the District Code and other laws. In addition, customers shall supply access to or copies of records relative to recycled water use to representatives of the above named entities on request.

SECTION 1004. Recycled Water Rates, Fees and Charges

(01) Recycled Water Rates.

Rates for recycled water service within the District provided pursuant to a recycled water permit shall be established, and may be amended or revised periodically, by ordinance and set forth in Article IX "Fees, Rates and Charges." Rates for recycled water service provided pursuant to a contract shall be fixed by its terms.

(02) Reimbursement Charge to Cover Retrofit Financing.

A. The District and customer may enter into an agreement wherein the District pays the actual cost of retrofit improvements and recovers the cost thereof, plus accrued interest, through the imposition of a reimbursement charge added to the regular District recycled water billings to the customer, if such retrofit improvements are necessary to enable a customer to safely and legally use recycled water. Reimbursement charges shall be added by the District to the customer recycled water billings.

B. In determining whether or not to enter into a retrofit financing agreement, the District shall consider such factors as the estimated present and future quantities of recycled water use, estimated cost of the necessary retrofit improvements, and estimated interest rates. The District may require, as part of the retrofit financing agreement, a minimum purchase amount of recycled water on an annual basis. The determination of whether to enter into a retrofit financing agreement shall be at the discretion of the District and Customer.

D. Interest rates to be charged by the District shall generally reflect the prevailing local agency investment fund rate plus one percent at the time the retrofit financing agreement is signed.

E. Payment of reimbursement charges shall be subject to the same terms and conditions as payment of recycled water billings.

(03) Connection Fees and Capacity Charges.

Prior to approval for a recycled water permit and connection to the District's recycled water distribution facilities the customer must submit the connection and capacity fees established by the District Board pursuant to the District's Code of General Regulations.

Connection and Capacity Fees will include the appropriate share of costs of the Treatment Facility, common distribution facilities, tanks and pumping facilities and meter installation costs.

ARTICLE XI

ENFORCEMENT

SECTION 1100. Violation, Notification of Violation, Unauthorized Discharges

(a) Violators Subject to Enforcement Provisions

Any person who violates any ordinance, rule or regulation of the District, or who alters or tampers with sewer facilities so as to render the operation thereof inconsistent with the approved plans, specifications or conditions for such facilities, shall be subject to the enforcement provisions of this ordinance. Each day that a violation of an ordinance, rule, regulation or condition that deviates from such approved plans, specifications or condition continues shall constitute a separate and additional violation.

(b) Powers and Authority of Inspectors.

The General Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Code. The General Manager and other duly authorized employees are further empowered to ascertain the nature of such premises, the type of activities carried on therein, the number and type of plumbing fixtures situated therein, and any other facts and information reasonably necessary to carry out the provisions of this Code.

(c) Notification of Unauthorized Discharge.

Every customer shall notify the General Manager immediately upon discharging wastes or wastewater in violation of the provisions of this Code, or any permit issued pursuant to this Code. A customer, who discharges, causes to be discharged, or permits to be discharged such wastes or wastewater shall, within five (5) days of the occurrence thereof, submit a written report to the General Manager describing the cause or causes of such unauthorized discharge, and measures taken, or proposed to be taken, to prevent future similar occurrences. Such report shall not relieve any customer of liability for any expense, loss, or damage suffered or incurred by the District or the Authority directly or indirectly, by reason of such unauthorized discharge. Such report shall not relieve or absolve any person from civil liabilities, or imposition of civil or criminal penalties in any manner whatsoever.

(d) Notices to Employees Regarding Unauthorized Discharges.

Every non-domestic customer, every customer issued a mandatory wastewater discharge permit and every customer issued an optional wastewater discharge permit shall prominently post a notice on the customer's premises advising of the requirement to notify the General Manager of any unauthorized discharge, including the telephone number of the General Manager to be called in the event of such discharge. The General Manager may require any customer to inform and advise the customer's officers, agents, and employees of the provisions of this Code, or the provisions of any permit issued pursuant to this Code, or of other requirements of law, or of any other information which may be of assistance in ensuring compliance with said Code, permit, or other requirements of law.

(e) Notice of Violation.

Whenever it is found that any person has violated, is violating, or is threatening to violate any District ordinance, rule or regulation, or any prohibition, limitation or requirement contained therein or in any sewer permit issued pursuant thereto, the District may serve upon such person a Notice of Violation stating the nature of the violation and providing a reasonable time, not to exceed thirty (30) days, for its satisfactory correction and the submission of an explanation of the circumstances giving rise to such violation. The Notice of Violation may set forth a compliance schedule with specific actions the user shall take in order to prevent or correct the violation. In addition, the Notice of Violation may require inspections or sampling and may impose other requirements deemed necessary. The Notice of Violation may also contain a statement that additional enforcement action may be pursued if corrective actions are not accomplished as scheduled.

(f) Extension of Time to Comply.

If the Manager receives a request from any person required to comply with a Notice of Violation, the Manager may grant an extension for any period of time to correct or remedy the violation if the Manager determines that such an extension of time will not create or perpetuate imminent danger to the public health and safety. The Manager shall have the authority to place reasonable conditions on such an extension.

SECTION 1101. Administrative Order.

In lieu of issuing a Notice of Violation under Section 1100, above, or, if a person does not take appropriate corrective action in response to a Notice of Violation issued under Section 1100, the Manager may issue an Administrative Order requiring immediate compliance with the terms of the District ordinance, rule, regulation, or permit or setting forth a compliance schedule with specific actions the user shall take in order to prevent or correct the violation. In addition, the Administrative Order may require inspections or sampling and may impose other requirements deemed necessary by the Manager. Prior to issuing such an Administrative Order, the Manager may, but shall not be required to, issue an order to show cause. Said order to show cause shall present the user with the facts demonstrating non-compliance and shall ask that the user show cause why the District should not institute formal enforcement action or discontinue sewer service.

SECTION 1102. Appeals From Notice Of Violation Or Administrative Order

Any person affected by a Notice of Violation or Administrative Order issued pursuant to Section 1100 or Section 1101 may file a written request for reconsideration or appeal the same pursuant to Section 1201.

SECTION 1103. Civil Penalties.

Any person who discharges pollutants, except in compliance with waste discharge requirements, or who violates any Administrative Order, prohibition, waste discharge requirement, effluent standard, water quality related effluent standard, federal standard or performance, pretreatment or toxicity standard or requirement, or who refuses to comply with the requirements adopted to control the discharge of pollutants, or who fails to comply with the conditions of their permit, or who alters a sewer system so as to render it out of compliance with plans and specifications approved by the District, or who fails to comply with any condition or requirement set forth in any District ordinance, rule or regulation, shall be subject to a civil penalty not to exceed one thousand dollars ($1,000) for each such discharge, violation, refusal or failure to comply occurs. The District may utilize any mechanism authorized by law to impose, assess and recover any such civil penalty, including but not limited to petitioning the Superior Court to impose, assess and recover such civil penalty.

SECTION 1104. Administrative Penalties

(a) Violators Subject To Administrative Penalties.

A person who violates any District ordinance, rule, regulation or permit, or who tampers with or alters any sewer facility constructed pursuant to a District-issued permit so as to render it out of compliance with plans and specification approved by or conditions imposed by the District shall be subject to an administrative penalty pursuant to this Section, in addition to any other remedy authorized by this Code or otherwise by law.

(b) Issuance of Administrative Complaint.

Prior to imposing such administrative penalties, the District shall issue an administrative complaint to the person the District alleges has violated a District ordinance, rule, regulation or permit, or who has tampered with or altered any sewer facility as set forth in subsection (a), above. The administrative complaint shall be served by personal delivery or certified mail, and shall inform the person served that a hearing shall be conducted within forty-five (45) days after the person has been served.

(c) Notice of Violation.

Where the alleged violation does not create an immediate danger to health or safety, the District shall, prior to imposing administrative penalties, first issue a Notice of Violation that gives the person responsible for a continuing violation a reasonable period of time to correct or remedy the violation.

(d) Hearing.

The hearing shall be before a hearing officer designated by the Board of Directors. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A person dissatisfied with the decision of the hearing office may appeal to the Board of Directors pursuant to Section 1201.

(e) Determination of Penalty; Schedule of Penalties.

If after the hearing, or appeal, if any, it is found that the person has violated a District ordinance, rule, regulation or permit, or has tampered with or altered any sewer facility as set forth in subsection (a), above, the hearing officer or Board of Directors may assess an administrative penalty against that person. In determining the amount of the administrative penalty, the hearing officer or Board of Directors shall take into consideration all relevant circumstances, including but not limited to the extent of the harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any attempted or taken by the discharger. Penalties imposed pursuant to this section shall not exceed the limits set forth in subdivision (d) (1) of Cal. Gov't Code, section 54740.5.

(f) The County of San Mateo, the District's Designee for Edible Food Recovery

The County of San Mateo, the District's Designee for Edible Food Recovery, is hereby authorized to and may enforce the Edible Food Recovery provisions in the District's Mandatory Organic Waste Disposal Reduction Ordinance as adopted by reference in Article III, Section 303, upon entry into a Memorandum of Understanding with the County of San Mateo. The County's enforcement authority includes, without limitation, the authority to inspect, investigate, hold hearings, issue citations and/or assess administrative fines on behalf of the District as its Designee for Edible Food Recovery.

SECTION 1105. Collection of Fines and Penalties.

(a) Remedies Cumulative.

Remedies for collecting and enforcing fines and penalties for violation of any ordinance set out in this Article are cumulative and any and all may be used alternatively, and none of the remedies are exclusive.

(b) Placed on Tax Bill.

Fines and penalties imposed pursuant to this Article may be added to and become part of the charges fixed by the District for services furnished to the property where the violation occurred if the property is owned, controlled, or in the possession of the same person who owned, controlled, or was in possession of it during the time the violation occurred. Fines and penalties may be collected in the same manner, by the same person, and at the same time together with the fees and charges levied by the District.

(c) Lien.

Fines and penalties added to a service charge are a lien on the subject property.

(d) Petition to Court.

Fines and penalties may be collected by an action in any court of competent jurisdiction against a person or persons who owned the property where the violation occurred, in addition to any other means of collection authorized by law.

SECTION 1106. Criminal Penalties

(a) Violations of Ordinances, Rules or Regulations.

Any person who willfully or negligently discharges pollutants, except in compliance with wastewater discharge requirements, or who willfully or negligently violates any Administrative Order, prohibition, wastewater discharge requirement, effluent standard, water quality related effluent standard, Federal standard of performance, pretreatment or toxicity standard or requirement, or who fails to comply with the conditions of their permit, compliance schedule or any standard, condition or requirement set forth in any District ordinance, rule or regulation, or who tampers with any sewer facility so as to render such facility our of compliance with any District-approved plans, specifications or permit conditions, shall be punished by a fine of not more than one thousand dollars ($1,000) for each day such violation occurs, or by imprisonment in the county jail for not more than thirty (30) days, or both.

(b) False Statements.

Any person who knowingly makes any false statement, representation, record, report, plan or other document filed with a Regional Water Quality Control Board or the State Water Resources Control Board, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required by the laws of the State of California shall be punished by a fine of not more than ten thousand dollars ($10,000), or by imprisonment for not more than six (6) months, or both.

(c) Authority to Request Enforcement.

If the District believes a criminal offense has been committed hereunder, it may refer the matter to the District Attorney for prosecution. Nothing in this Code of Regulations shall limit the District's authority to request enforcement of Section 6523 of the California Health and Safety Code, which provides that a violation of a regulation of the District is a misdemeanor punishable by imprisonment in the County jail not to exceed thirty (30) days or by a fine not to exceed one thousand dollars (1,000) or by both.

SECTION 1107. Termination of Service.

In order to effect its powers and subject to the provisions of this Section, the District may terminate sanitary wastewater service to any premises from which wastes or wastewater have been discharged, are being discharged, or are threatened to be discharged in violation of any provision of this Code, or of any permit issued pursuant to this Code, or because of delinquency of any charge or fee assessed by the District, or of any other requirement of law.

Prior to termination of service, the District Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be terminated, which notice shall state the date of proposed termination of service, the reason(s) therefor, and the date, time and place a hearing shall be held by the District Board upon the question of the termination. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the County of San Mateo or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein described.
Any owner, the customer, the tenant, the alleged violator, the General Manager and any other person as the District Board may deem appropriate shall be heard at the hearing on the question of termination of service. The District Board shall determine such order as it deems appropriate under the circumstances and in furtherance of the purposes and intent of this Code.

Notwithstanding the foregoing, any unauthorized connection with or opening into the public sanitary wastewater system or appurtenance thereof may be abated by the General Manager without notice if, in the judgment of the

General Manager, such unauthorized connection or opening poses an imminent threat of damage to the District's wastewater facilities or of injury to the public health, safety and welfare.

Notwithstanding the foregoing, any unauthorized connection with or opening into the public sanitary wastewater system or appurtenance thereof may be abated by the General Manager without notice if, in the judgment of the General Manager, such unauthorized connection or opening poses an imminent threat of damage to the District's wastewater facilities or of injury to the public health, safety and welfare.

In the event disconnection from the wastewater facilities would create a public hazard or nuisance, the General Manager or his representative may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of such premises shall have a duty to reimburse the District for all expenses incurred by the District in disconnecting any such premises, or in doing other things authorized by this Section; and no reconnection shall be made until all such charges are paid

SECTION 1108. Revocation of Permit.

Subject to the procedure set forth in Section 1113, below, the District Board may revoke any permit issued pursuant to the provisions of this Code upon a determination by the District Board that:

The permittee has failed to report factually the wastewater constituents, characteristics, or volume of the permitted wastewater discharge;

The permittee has failed to report significant or substantial changes in the operations conducted upon the premises to which the permit pertains, or significant or substantial changes in wastewater constituents, characteristics, or volumes pertaining to said premises; or

The permittee has refused, or failed to permit, reasonable access to the premises to which the permit pertains; or

The permittee has violated, caused to be violated, or allowed to be violated, any term, condition, or provision of the permit.

SECTION 1109. Public Nuisance.

Any discharge or threatened discharge, or any condition which is in any manner in violation of the provisions of this Code, or of any permit issued pursuant to this Code of any order or directive of the General Manager authorized by this Code, shall be, and the same is hereby declared to be, unlawful and a public nuisance. Any person creating a public nuisance is guilty of a misdemeanor. In the event of a public nuisance, the Board may direct the District's counsel to commence an action for appropriate legal and/or equitable relief in the Superior Court, or may refer the matter to the District Attorney for prosecution. In such event and as a condition of reconnection or as a condition of continued sewer service, there shall be paid to the District, by the person in violation, a sum of money equal to reasonable attorney's fees, costs of suit and all other expenses reasonably occasioned to the District as a result of said violation. "All other expenses" mentioned above, shall include, but not be limited to, a return to the District of a reasonable charge for the payment of the time expended by District employees as a result of the violation.

SECTION 1110. Correction of Violations.

In order to enforce the provisions of any District ordinance, the District may correct any violation thereof. The cost of such correction (including, but not limited to, any fines or other costs imposed on the District by any Federal or State agency or court) shall be payable by the person violating the ordinance or by the owner or tenant of the

property upon which the violation occurred. Such cost may be added to any sewer service charge payable in connection with the property. The District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, in addition to any other remedies provided for herein or by law.

SECTION 1111. Injunction.

Whenever a discharge of wastewater is in violation of the provisions of any District ordinance or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or in the case of non-discharge violations or other such non-compliance with a permit, compliance schedule or any standard, condition or requirement set forth in any District ordinance, rule or regulation, or in any case of tampering with any sewer facility so as to render such facility out of compliance with any District-approved plans, specifications or permit conditions, the District may petition the Superior Court for the issuance of a restraining order or a preliminary or permanent injunction, or any or all of these, as may be deemed appropriate by the General Manager.

SECTION 1112. District Abatement and Enforcement Expenses, Losses or Damages.

(a) Any person violating any of the provisions of the ordinances, rules or regulations of the District, or any permit imposed pursuant thereto shall become liable to the District for each, every, any and all expenses, losses or damages occasioned by the District by reason of such violation. For the purposes of this provision, “expenses, losses or damages’ shall include, but not be limited to, reasonable attorney’s fees incurred by the District for negotiations, consultations, litigation or otherwise, and shall include reimbursement to the District for the costs to it of the hours expended by the employees of the District by reason of such violation and all other costs and expenses so occasioned.

(b) The cost of abating a public nuisance and/or enforcing the Code shall be imposed as a special assessment and lien on the subject property or as a personal obligation of the owner of the subject property and/or the person responsible for creating, causing, committing, or maintaining the public nuisance or violating the Code. If there is more than one responsible party, each responsible party shall be jointly and severally liable for the costs. Costs incurred by the District are recoverable even if a public nuisance or Code is corrected by the property owner or other responsible party.

(c) A schedule of District abatement and enforcement expenses, losses, and damages shall be established by the Board of Directors.

(d) To collect abatement and enforcement costs under these procedures, the District shall invoice the noticed party for the costs incurred by the District, except that an invoice is not necessary for administrative citations and other fixed penalties where notice of the penalty and an opportunity for appeal of the underlying violation has been provided. The invoice shall notify the noticed party of the following:

(i) A description of the abatement or enforcement action taken by the District, (where applicable) a description of the property subject to the abatement or enforcement, and the total amount of the costs incurred by the District.

(ii) That, should the noticed party fail to pay the invoiced costs within thirty (30) days from the date of service of the invoice, the invoiced costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, through judicial action initiated by the District’s attorneys, or as a special assessment and lien attached to the subject property.

(iii) That the noticed party has a right to administrative review of the accounting of the costs incurred by the District by filing a written request for such review with the General Manager within fifteen (15) days of the date of the invoice, and that a failure to request administrative review will be deemed a waiver of a right to review of the amount of the costs.

(iv) That before a special assessment is placed on the subject property, the costs will be confirmed by the Board of Directors and a notice will be issued at least fifteen (15) days before the Board of Directors meeting.

(v) That the invoice may be recorded as a Notice of Costs or Penalties in the San Mateo County Recorder's Office.

(e) A noticed party shall have the right to administrative review of the accounting of the costs incurred by the District by filing a written request to the District for such review within fifteen (15) days of the date of the invoice. A failure to timely request administrative review will be deemed a waiver of a right to review of the amount of the costs.

(f) If a request for administrative review is timely filed, a copy of the invoice and request for administrative review shall be delivered to the General Manager or his/her designee, which may include the appointment of a hearing officer, who shall set a date and time to review the accounting report and invoice with the requesting party. The administrative review shall be an informal proceeding where the enforcement department and requesting party may present any evidence they deem pertinent to the amount of the costs. The scope of review shall be limited to the amount of the costs unless there has been no opportunity for a hearing on the underlying violation.

(g) The General Manager may affirm or reduce the costs if the General Manager determines that they are not supported by the evidence or upon a showing that the costs were unnecessary or unreasonable. The General Manager will not pass upon the validity of the underlying enforcement action or the amount of any penalties unless there has been no opportunity for a hearing of the underlying action. The General Manager's decision shall be memorialized in writing. The General Manager may approve a payment plan for the costs.

(h) The requesting party shall have thirty (30) days from the date of the General Manager's decision to pay the costs, unless a payment plan is approved, in which case the costs shall be paid in accordance with the payment plan.

(i) There is no right to administrative review if the costs have already been approved by a court of competent jurisdiction. There is no right to administrative review to confirm costs under this section if they have been previously upheld in an abatement or other administrative hearing.

SECTION 1113. Hearing.

Prior to seeking a civil penalty under Section 1103, terminating service under Section 1107, revoking a permit under Section 1108, correcting a violation under Section 1110, seeking a temporary restraining order or injunction under Section 1111, taking action to abate a nuisance under section 1109 or referring a violation for criminal prosecution under Sections 1106 or 1109, the Board shall conduct a hearing to consider the proposed action. The person or persons affected by the proposed action shall be given at least ten (10) days' notice of the hearing and shall be given the opportunity to present evidence and testimony relating to the matter. Such affected person or persons shall be notified of the decision made by the Board and such decision shall be final. Notwithstanding the foregoing, unless otherwise required by law, neither a hearing nor prior notice to affected persons shall be

required in cases in which immediate action must be taken in order to prevent injury to persons or serious damage to property as a result of a violation hereunder. In the event the District seeks to impose an administrative penalty under Section 1104, the notice and hearing provisions specified therein shall apply.

SECTION 1114. Remedies Cumulative.

The enforcement procedures set forth herein are in addition to and not in limitation of the enforcement procedures otherwise provided for by law. The District may utilize any available local, State or Federal enforcement procedures in addition to or in lieu of the procedures provided for hereunder."

ARTICLE XII

VARIANCES AND APPEALS

SECTION 1200. Variances.

Notwithstanding any other provision of this Code, the District Board may grant a variance from the terms, conditions, or charges as set forth herein where special circumstances make it reasonable to do so.

SECTION 1201. Appeals.

(01)Any customer, permittee, applicant, or other person aggrieved by any decision, action, finding, determination, order, or directive of the General Manager, made or authorized pursuant to the provisions of this Code, or any permit issued pursuant to this Code or interpreting or implementing same, may file a written request with the General Manager for reconsideration thereof within ten (10) days of such decision, action, finding, determination, or order, setting forth in detail the facts supporting such customer's or person's request for reconsideration. The General Manager shall render a formal decision within ten (10) days of the receipt of such request or reconsideration.

(02)Any customer, permittee, applicant, or other person aggrieved by the final determination of the General Manager may appeal such determination to the District Board within ten (10) days of notification by the General Manager of his final determination. Written notification of such appeal shall be filed with the Secretary of the District within ten (10) days after notification of the final determination of the General Manager, and shall set forth in detail the facts and reasons supporting the appeal. Hearing on the appeal shall be heard by the District Board within thirty (30) days from the date of filing the Notice of Appeal. The appellant, the General Manager, and such other persons as the District Board may deem appropriate, shall be heard at the hearing on such appeal. Upon conclusion of the hearing, the District Board may affirm, reverse or modify the final determination of the General Manager as the District Board deems just and equitable, and in furtherance

of the provisions, purposes and intent of this Code. The District Board's determination on the appeal shall be final.

ARTICLE XIII

VALIDITY

SECTION 1300. Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid, unconstitutional or unenforceable, such holding shall not affect the validity of the remaining portions of this Code. To this end, the provisions of this Code are severable.

SECTION 1301. Declaration.

The District Board hereby declares that it would have based the provisions of this Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid, unconstitutional or unenforceable.

ARTICLE XIV

CODE OF GENERAL REGULATIONS IN FORCE

SECTION 1400. Full Force and Effect.

This Code of General Regulations shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 1401. Passed and Adopted.

Passed and adopted by this District Board of the West Bay Sanitary District, County of San Mateo, State of California, on the 22nd day of November, 1982, by the following vote:

Ayes: Boyce, Halbo, Inglis

Nayes: None

Absent: Wear

Abstain: None

John Inglis, Jr.
President of the District
Board of the West Bay
Sanitary District, County of
San Mateo, State of
California

Attest:

Finn T. Halbo
Secretary of the District Board
of the West Bay Sanitary District
County of San Mateo, State of
California