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ORDINANCE NO. 65

AN ORDINANCE OF THE SAN MARCOS COUNTY WATER DISTRICT DEFINING AND ESTABLISHING THE POLICY AND THE RULES AND REGULATIONS OF THE DISTRICT RELATING TO THE OPERATIONS, MAINTENANCE AND THE USE OF THE FACILITIES FOR THE COLLECTION, TREATMENT AND DISPOSAL OF SEWAGE AND WASTE OF THE DISTRICT AND ITS INHABITANTS: AND THE CONDITIONS UPON WHICH THE DISTRICT WILL ACCEPT A CONNECTION AND THE USE THEREOF TO SAID FACILITIES, INCLUDING INDUSTRIAL WASTE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE SAN MARCOS COUNTY WATER DISTRICT as follows:

Recitals

The San Marcos County Water District is organized under Division 12 of the Water Code of the State of California; and

The San Marcos County Water District has elected to acquire, construct and operate facilities for the collection, treatment and disposal of sewage and waste of the District and its inhabitants; and

The San Marcos County Water District desires to provide rules and regulations for the operation and use of said facilities and for the monthly sewer service charges; and

Division 12 of the Water Code, commencing with Section 31100 provides that sewer service charges may be collected with the water rates; and

The San Marcos County Water District has been the recipient of Grants in Aid for the enlargement of the Encina Water Pollution Control Facility; and

The San Marcos County Water District has agreed to abide by the Revenue Program Guidelines adopted by the State Water Resources Control Board on August 5, 1971 in accordance with Section 2142 of Clean Water Grant Program Regulations (California Administrative Code at Title 23, Chapter 3, Subchapter 7); and

Section 2142 of said regulations provide that industrial waste contributors shall pay according to their proportional use of waste water treatment facilities.

ARTICLE I

PURPOSE AND POLICY

The San Marcos County Water District will provide for the maximum public benefit from the use of the District's facilities. This shall be accomplished by regulating sewer use and wastewater discharges, by providing equitable distribution of District's costs, and by providing procedures that will allow the District to comply with the requirements placed upon the District by other regulatory agencies. The revenue derived from the application of this Ordinance shall be used to defray costs of

providing sewerage service by the District, including, but not limited to, administration, operation, monitoring, maintenance, financing, capital construction, replacement and recovery, and provisions for necessary reserves.

This Ordinance shall be interpreted in accordance with the definitions set forth in Article II. The provisions of the Ordinance shall apply to the direct or indirect discharge of all liquid wastes carried by, and to, facilities of the District.

To comply with Federal and State of California policies and to permit the District to meet applicable standards of treatment plant effluent quality, provisions are made in this Ordinance for the regulation of wastewater discharges. This Ordinance establishes quantity limitations on wastewater discharges which may adversely affect District sewerage systems treatment processes, or effluent quality. It is the intent of these limitations to improve the quality of wastewater received for treatment. This Ordinance also provides for the regulation of the degree of wastewater pre-treatment required, the issuance of permits for wastewater discharge and the establishment of penalties for violation of ordinance provisions.

ARTICLE II DEFINITIONS

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

A. "BOD" (denoting Biochemical Oxygen Demand) shall mean quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C, expressed in milligrams per liter by weight.

B. "Basic Agreement" shall mean that certain agreement entered into by and between the Vista Sanitation District and the City of Carlsbad entitled "Basic Agreement Between Vista Sanitation District and the City of Carlsbad for Acquisition and Construction of a Joint Sewer System:" dated July 13, 1961, (County Contract No. 1858-2129E) and any supplements or amendments thereto.

C. "Board" or "Board of Directors" shall mean the governing body of the San Marcos County Water District.

D. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5) outside the inner face of the building wall.

E. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

F. "Combined Sewer" shall mean a sewer receiving both sur-

face runoff and sewage.

G. "District" shall mean the San Marcos County Water District.

H. "Dwelling Unit Equivalent" (D.U.E.) shall mean up to 250 gallons per day of effluent discharge.

I. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.

J. "Industrial Waste" shall mean solid, liquid or gaseous substances discharged or flowing from an industrial, manufacturing or commercial premise resulting from manufacturing, processing, treating, recovery or development, or natural or artificial resources of whatever nature.

K. "Industrial Waste Permit" shall be the written document allowing proper industrial waste disposal to the public sewer.

L. "Joint Sewer System" shall mean the sewer system constructed jointly by the Vista Sanitation District, City of Carlsbad, Buena Sanitation District, Leucadia County Water District, Encinitas Sanitary District and the San Marcos County Water District pursuant to that certain contract entitled "Basic Agreement Between Vista Sanitation District and City of Carlsbad for the Acquisition and Construction of a Joint Sewer System: (County Contract No. 1858-2129E) and all amendments and supplements thereto and as said sewer system is specifically delineated on that certain map entitled "Map of Joint Sewer System-City of Carlsbad, Vista Sanitation District and Buena Sanitation District, Leucadia County Water District, Encinitas Sanitary District and the San Marcos County Water District" on file in the office of the Clerk of the Board of Supervisors of the County of San Diego.

M. "Manager" shall mean the manager of the San Marcos County Water District, or his authorized deputy, agent or representative.

N. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake, or other body of surface groundwater.

O. "Party" or "Party to the Basic Agreement" shall mean Vista Sanitation District, City of Carlsbad, Buena Sanitation District, Leucadia County Water District, Encinitas Sanitary, the San Marcos County Water District and all other persons permitted capacity rights as a result of supplements or amendments to the Basic Agreement.

P. "Person" shall mean any individual, firm, company, association, society, corporation or group.

Q. "Premise" shall mean any lot, piece or parcel of land building or establishment.

R. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in moles per liter of solution.

S. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-quarter (1/4) inch in any dimension.

T. "Public Sewer" shall mean a sewer which is owned and/or controlled by the San Marcos County Water District.

U. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.

V. "Service Lateral Connection" The privately owned physical pipeline beginning at the edge of the public right-of-way or District easement and terminating at the public sewer which carries the sewage.

W. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

X. "Sewer Capacity Right" The purchased ability to discharge a volume of sewage.

Y. "Sewer System" shall mean all facilities for collection, pumping, treating and disposing of sewage.

Z. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

AA. "Sewer" shall mean a pipe or conduit for carrying sewage.

BB. "Shall" is mandatory; "May" is permissive.

CC. "Slug" shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

DD. "Standard Methods for the Examination of Water and Waste Water" shall mean the latest edition, prepared and published jointly by the American Public Health Association, Water Pollution Control Federation and American Water Works Association.

EE. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooking water.

FF. "Superintendent of Reclamation" shall mean the superintendent of water reclamation of the San Marcos County Water District.

GG. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

ARTICLE III

USE OF PUBLIC SEWERS REQUIRED

Section 1. UNLAWFUL DEPOSITS ON PROPERTY. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District, or in any area under jurisdiction of said District, any human or animal excrement, garbage or other objectionable waste.

Section 2. UNLAWFUL DISCHARGES TO NATURAL OUTLETS. It shall be unlawful to discharge to any natural outlet within the District, or in any area under the jurisdiction of said District, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

ARTICLE IV

BUILDING SEWERS AND CONNECTIONS

Section 1. UNAUTHORIZED USE. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager and paying all applicable fees and charges.

Section 2. CONNECTION RULES AND REGULATIONS. The following rules and regulations for connection to the District's sewage collection system will apply:

a. Each application for the right to connect within the District's boundaries shall be made in writing and shall be in such form and shall contain such stipulations, terms and provisions as may be from time to time contained in a form provided by the District.

b. Application shall be made for a specific parcel of land and is not transferable to another parcel of land.

c. Applicant shall specify the proposed use of the property (project) and the number of dwelling unit equivalents required for that use. Said due are not transferable to another project.

d. Upon completion of a proper application and the payment in full for each dwelling unit equivalent requested, a permit to connect to the District's sewage collection system will be issued.

e. Physical connection to the District's sewage collection system shall be made in a manner, size and location as approved by the District Engineer in accordance with those regulations governing sewer lateral installation.

f. The District shall not maintain the sewer lateral between the street main and the property line; the property owner shall be responsible for said maintenance.

g. Except for sewer service provided within Improvement District "A", there shall be no requirement for a property line

cleanout. Within Improvement District "A", the District requires a property line cleanout.

Section 3. CLASSES OF SEWER PERMITS. There shall be two (2) classes of building sewer permits:

- a. For residential, sanitary sewage.
- b. For service to establishments producing sanitary and industrial wastes, said discharge requires an industrial waste discharge permit as herein provided.

Typical categories are as follows:

Category A: Industries which require pretreatment;

Category B: Industries which have some toxic discharges but do not require pretreatment;

Category C: Industries which have nontoxic discharges in addition to sanitary flow; and

Category D: Dry industries or industries with sanitary flow only.

All Category A, B, and C industries are included in the permit system, and requirements for necessary action are defined in the permit for each industry. In general, requirements are greatest for Category A industries and decreased successively for Categories B and C.

Industry permits are granted for a specified period of time and require adherence to certain conditions which are stated in the permit. All permits require that changes in an industry's location, waste strength, or flow as well as any accidental discharges of prohibited or controlled material shall be reported to the District as herein described.

The owner or his agent shall make application on special forms furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Manager. An application and inspection fee as determined by the District, for an industrial waste sewer permit shall be submitted together to the District at the time the application is filed.

Section 4. BUILDING SEWER INSTALLATION.

a. 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.

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

c. Whenever practical, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravi-

ty flow to the public sewer, sewage carried by such building drain shall be lifted by a means approved by the District and County Health Department and discharged to the building sewer.

d. No person shall make connection of roof downspouts, exterior foundation drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

e. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

f. The applicant for sewer connection shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Manager or his representative.

ARTICLE V

USE OF PUBLIC SEWERS

Section 1. DISCHARGE OF NON-SEWAGE WATERS. No person shall discharge or cause to be discharged any stormwater, surface water, yard drainage, street drainage, groundwater, roof runoff, swimming pool drainage, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 2. DISCHARGE OF SANITARY SEWAGE. With the exception as provided herein, no person shall discharge or cause to be discharged anything other than, sanitary sewage to any public sewers.

Section 3. DISCHARGE OF WATER SOFTENER BRINE PROHIBITED. The discharge of water softener brine wastes into District sewers is prohibited.

Section 4. INDUSTRIAL WASTE OPTION. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters are other than sanitary sewage and which in the judgement of the Manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Manager may:

a. Reject the wastes.

Or if the Manager approves, an industrial waste discharge permit will:

b. Require pretreatment to an acceptable condition for discharge to the public sewers which shall be maintained continuously in effective operation by the owner at his expense.

c. Require control by the District over the quantities and

rates of discharge which shall be maintained continuously in effective operation by the owner at his expense.

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of Section 8 of this Article.

If the Manager permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Manager, and subject to the requirements of all applicable codes, ordinances, and laws pursuant to the permit.

Section 5. PERMIT REQUIRED. All existing industrial waste discharges are subject to review in accordance with the provisions of applicable state, federal and local law or ordinances and industrial waste discharge ordinances and these rules and regulations. A permit shall be required of any person currently discharging industrial waste into the sewer system or joint sewer system on the effective date of these rules and regulations.

Section 6. ENTRY UPON PREMISES; INSPECTION AND TESTING. The Manager, or the duly authorized employees and agents, shall be permitted to enter upon any premises served or to be served at any reasonable time for the purpose of:

(a) Inspection, observation, measurement, sampling and testing of the quantity, quality and characteristics of the waste water being discharged into the sewer system or the joint sewer system;

(b) Determining the condition, location, size or depth of any sewer connection;

(c) Gathering any information required for the effective enforcement of any applicable state, federal or local law or ordinance or any provision of these rules and regulations.

Section 7. CONTROL MANHOLE INSTALLATION. Any applicant or permittee may be required by the Manager to install a suitable control manhole together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling or measurement of wastes. Such manhole shall be constructed and placed in accordance with plans first approved by the Manager and shall be installed by the applicant or permittee at his own expense, and shall be maintained in a manner so as to be safe and accessible at all times.

In the event that no special manhole has been required or provided, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point of which the building sewer is connected.

Section 8. MEASUREMENT; TEST; ANALYSES. All measurements, tests, sampling and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be per-

formed in accordance with applicable test procedures approved by EPA at a laboratory certified for such testing by EPA or the State Department of Health Services, determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Waste-Water," published by the American Public Health Association, and shall be determined from samples taken at the control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all building sewers of a premise is appropriate of whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids and analyses are obtained from 24-hour composites of all building sewers whereas pH's are determined from periodic grab samples.)

Section 9. SPECIAL AGREEMENT. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the person concerned.

ARTICLE VI

INDUSTRIAL WASTE DISCHARGE PERMITS

Section 1. DISCHARGE OF INDUSTRIAL WASTE: PERMIT REQUIRED. Industries discharging toxic wastes into the sewer system will be considered individually. No person shall connect to or otherwise discharge, or cause to be discharged into the sewer system of the District or into the joint sewer system, any industrial waste without a valid industrial waste discharge permit.

Section 2. PERMIT ISSUANCE. No permit shall be issued to any person to discharge industrial waste into the sewer system of the District or the joint sewer system, if such discharge will be a hazard or danger to the health or safety of any person or to the property of any person or if such discharge will result in a danger to the capacity, construction, use, or proper performance or utilization of the sewer system of the District or to the joint sewer system, or be otherwise detrimental or injurious to such systems or either of them, and unless the applicant has complied with all the provisions of all applicable state, federal and local laws or ordinances and with all the provisions of these rules and regulations. The issuance of a permit shall not be construed to be a permit for, or approval of, any violation of any provision of these rules and regulations or any applicable state, federal or local law or ordinance.

Section 3. PROCEDURE FOR PROCESSING APPLICATION. Procedure for processing of an application for an industrial waste discharge permit with the San Marcos County Water District shall be as follows:

(a) Applicant shall be required to deposit an amount of money, (per Article IV Section 3) to be determined by the District Manager, to cover the costs of evaluating the application. These costs shall include, but not be limited to, the collection of additional information, analysis, testing, or data necessary to adequately evaluate the use and discharge for which the permit is sought.

(b) Applicant for an industrial waste discharge permit makes a written application to the District.

(c) The District refers the application to the Superintendent of Reclamation for evaluation.

(d) Superintendent of Reclamation proceeds to evaluate the application.

(e) Superintendent of Reclamation will make an evaluation and present findings and recommendations in writing to the Manager regarding the proposed discharge.

(f) Based on the findings and recommendations prepared by the Superintendent of Reclamation, the Manager will either refuse to issue a permit or issue the industrial waste discharge permit to the applicant.

Section 4. APPLICATION. Each party shall be provided standardized application forms indicating thereon the information which the applicant for a permit shall be required to furnish. At his own expense, the applicant may be required to provide, in addition to the information required to be furnished on the printed application form, such additional information, analysis, or data as deemed necessary by the District or the Superintendent of Reclamation to evaluate the use and discharge for which a permit is sought.

(a) Industrial discharge permits valid for a period of up to three years will be issued by the District.

(b) Applications for permit issuance shall be submitted to the District by all appropriate industrial dischargers. Permit applications shall include the following information:

- (1) Name, address, and phone number of permit application;
- (2) Name of facility;
- (3) Location of discharger;
- (4) Average and peak discharge flows;
- (5) Description of the discharge;
- (6) Signature of applicant or responsible official; and
- (7) Any other information requested by the District.

(c) Application or information submitted to the District, claimed as confidential by the discharger. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If a claim is asserted, the District will treat the information as restricted in accordance with applicable Federal or State Statutes and/or Regulations. If no claim is made at the time of submission, the District may make the information available to the public.

(d) Where the industrial discharger becomes aware that relevant facts were omitted or incorrect information was submitted in the industrial discharge permit application, the facts or corrected information shall be promptly submitted to the District.

(e) The industrial discharger shall notify, in writing, the District within 10 days of the following:

- (1) Significant change in the nature of the wastewater.
- (2) Increase in flow beyond that specified in the industrial discharge permit.
- (3) Other circumstances which result in a material change in character, amount, or location of the discharge.
- (4) Any planned changes in the regulated facility or activity which may result in noncompliance with the requirements in this ordinance.

Section 5. SUPERINTENDENT OF RECLAMATION TO MAKE EVALUATION AND RECOMMENDATION. Prior to submitting a written recommendation regarding the issuance of a permit, the Superintendent of Reclamation shall consider the following factors:

- (a) Whether the discharge of waste will cause damage to or be otherwise injurious or detrimental to the sewer system or the joint sewer system;
- (b) Whether the discharge or waste will cause an unwarranted increase in the cost of operation and maintenance;
- (c) Whether the discharge of waste will retard or inhibit the treatment of sewage;
- (d) Whether the discharge of waste will be a detriment to the quality of the receiving water of the treated waste waters;
- (e) Whether the wastes may be made acceptable by properly engineered pretreatment facilities;
- (f) Whether the sewer system or joint sewer system can properly and safely process the proposed industrial waste discharge;
- (g) The quantities of subject wastes in relation to flows and velocities in the sewers;
- (h) Any other matters including but not limited to applicable Federal and State Statutes and Regulations, deemed material in arriving at a determination upon which to base a recommendation.

Section 6. PROVISIONS

(a) Industrial waste permits issued do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws or ordinances, nor guarantee the discharger a capacity right in the sewer system.

(b) A copy of the industrial waste discharge permit shall be maintained at the industry so as to be available at all times to personnel of the industry.

(c) The industrial waste discharge permit is valid only for a waste discharge volume stated in the application, and at a discharge rate not exceeding the stated maximum discharge rate.

(d) The discharger shall allow the District or an authorized representative upon presentation of credentials to:

1. Enter upon the discharger's premises where a regulated discharge is located or where records must be kept under the conditions of the industry's discharge permit;
2. Have access to a copy, at reasonable times, any records that must be kept under the conditions of the industry's discharge permits;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the industry's discharge permit, and
4. Sample or monitor at reasonable times, for the purposes of assuring compliance with this ordinance or any applicable federal pretreatment standards, any substances or parameters at any location.

(e) The industrial discharger must comply with all conditions of this Ordinance. Noncompliance with any condition of this Ordinance is grounds for (a) enforcement action, (b) discharge permit revision or revocation or (c) the denial of a discharge permit renewal application.

(f) The industrial discharger shall furnish to the District any information which may be requested to determine whether cause exists for modifying, revoking or reissuing a discharge permit. The discharger shall also furnish to the District copies of any records required to be kept by the discharge permit.

(g) In the event of any change in name, ownership, or control of the company, the discharger shall notify the District within 10 days of such change, and shall notify the succeeding owner or operator that immediate reapplication is mandatory as the existing permit is nontransferable.

(h) In the event the discharger is unable to comply with any of the conditions of the industrial waste discharge permit due to:

1. Breakdown of waste treatment equipment;

2. Accidents caused by human error or negligence; or
3. Other causes such as acts of nature;

The discharger shall notify the District, by telephone, as soon as he or his agents have knowledge of the incident, and confirm this notification in writing within 24 hours of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance, and shall indicate that steps were taken to correct the problem, and the dates thereof, and what steps are being taken to prevent the problem from recurring.

(i) All wastes which are prohibited from being discharged into public sewers, including but not limited to, chemical solutions, acids, caustic wastes, solvents, inflammables, oil and grease, screenings, sludges, and other solids removed from liquid wastes, etc., shall be held in impervious containers and disposed of at a legal point of disposal, and in accordance with the provisions of applicable Federal and State Statutes and Regulations. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board, and which is in full compliance therewith.

(j) Industrial dischargers identified as generators of toxic solid wastes shall be notified of applicable requirements promulgated under the Solid Waste Disposal Act, as amended, and the Resource Conservation and Recovery Act and shall be referred to the State of California Department of Health Services.

(k) Industrial dischargers shall comply with applicable toxic waste and pretreatment standards promulgated in accordance with the Federal Water Pollution Control Act, or amendments thereto. Within 180 days of the date such pretreatment standards are promulgated, industrial dischargers subject to the standards must submit a baseline monitoring report to the District and to the U. S. Environmental Protection Agency detailing, in accordance with applicable Federal and State Statutes and Regulations the industry's compliance status with the regulations. If the industry is in noncompliance, the report shall include a time schedule outlining how the industry will achieve compliance within the date established for the applicable pretreatment standards. Progress reports, monitoring and reports of compliance shall also, be submitted by the discharger at the specified times.

Section 7. PRETREATMENT PLANTS REQUIRED. In the event the District or the Superintendent of Reclamation determines that pretreatment is required to make the waste acceptable, the applicant shall be so notified and shall submit suitable engineering plans and specifications showing in detail the proposed pretreatment facilities and pretreatment operational procedure which

shall then be included within and become a part of the original application. A permit shall not be issued until such plans, specifications and operational procedure have been reviewed and approved by the Superintendent of Reclamation.

Where industrial waste pretreatment facilities are required, these facilities shall be continuously maintained in a satisfactory and effective manner by the permittee at his own expense. The permittee shall maintain complete records and a continuous log of all such pretreatment operations, and, upon demand, all such records and log shall be made available for inspection by the Manager or the designated representative at all reasonable times.

Section 8. PROHIBITED SUBSTANCES. No person shall discharge or cause to be discharged into the sewerage system any of the following described waters or wastes:

(a) Any gasoline, benzene, naphtha, cleaning solvents, mineral oils, lubricating oils, fuel oil, or other flammable or explosive liquid, solid or gas.

(b) Solids or viscous substances in quantities, or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities, such as, but not limited to, ashes, feathers, cinders, sand, mud, straw, shavings, metal, glass, rags, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground.

(c) Any garbage that has not been properly shredded. Garbage ground in domestic and industrial grinders to a size of 1/4 inch or less is satisfactory. The installation and operation of any garbage grinder equipped with a motor of three-fourth (3/4) horsepower or greater shall be subject to the review and approval of the Manager.

(d) Wastes which contain or result in the production of toxic, corrosive, explosive and malodorous compounds and/or gases.

(e) Wastes which contain dissolved sulfides in excess of 0.1 mg/1, iron, pickling wastes, or concentrated plating solutions whether neutralized or not.

(f) Any waters or wastes containing a toxic or poisonous solids, liquid or gases in sufficient quantity whether singly or by interaction with other wastes, to injure or interfere with sewage treatment process, constitute a hazard to human, animal or fish life, or create a public nuisance or create any hazard in the receiving waters of the sewage treatment plants and the Pacific Ocean.

(g) Wastes containing substances which are not amenable to treatment or reduction by the treatment processes employed, or are amenable to treatment only to such a degree that: (1) the

resulting effluent cannot meet the waste discharge requirements of the Regional Water Quality Control Board or other agencies having jurisdiction over the quality and protection of the receiving waters or (2) the resulting sludge cannot meet limits for the chosen disposal method.

h. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150°)F.

i. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Manager as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

j. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits determined by the Manager in compliance with applicable State or Federal regulations.

Section 9. GUIDELINES FOR EVALUATION OF DISCHARGE. The following provisions and the values therein set forth shall not be regarded or construed as regulating or limiting the quantity or characteristics of any specific wastes which may be received into the sewerage system but shall serve as a guide in the use of the public sewerage system for the purpose of determining the acceptability of waste for admission into the sewerage system. In considering the following sewage characteristics, the dilution effect of the sewage at the point of discharge or any affected part of the system and whether or not unusual attention or expense would be required to handle such material in the sewerage system shall be taken into consideration.

(a) The admission into the public sanitary sewers of any water or waste having an average daily flow greater than one-fourth (1/4) percent of the average flow at the water pollution control facility shall be subject to review.

(b) Sea water and salt water brines shall be excluded. The salt content can render the waste water in the entire system unfit for reclamation and is also objectionable if the sludge produced at the treatment facility is used as fertilizer or if waste water re-use is practiced and/or contemplated.

(c) The temperature of liquid or vapor industrial waste discharged into the sewerage system shall be no greater than 150° F nor less than 32° F.

(d) Industrial wastes having a grease and oil concentration in excess of 100 mg/l. will be considered individually.

(e) The pH of industrial wastes shall average between 5.5 to

9.5 daily, and have no other corrosive property capable of causing damage or hazard to structures, equipment, treatment process and personnel of the District.

(f) Industries discharging toxic wastes into the sewerage system will be considered individually. For example, wastes which contain toxic metals, such as iron, chromium, copper, zinc, cyanids, hexavalent chromium, organic phosphorous type compounds, and similar objectionable or toxic substances would be considered as within this category. Wastes exerting an excessive chlorine requirement are not allowed. Limitations as to the discharge of water containing toxic substances shall take into account the total amount of such substances which can safely be received at the water pollution control facility or at the point of final disposal, whichever is effected.

(g) Industrial wastes containing radioactive compounds will be considered individually.

(h) Industrial wastes having suspended solids in excess of 450 ppm. will be considered individually.

(i) Industrial wastes will be considered individually which include:

- (1) Unusual concentrations of inert suspended solids (such as, but not limited to fullers earth, lime slurries, and lime residues) or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate, or;
- (2) Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions) or;
- (3) Unusual biochemical oxygen demand (BOD) or chemical oxygen demand (COD) or chlorine requirements in such quantities as to constitute a significant load at the sewage treatment plants or;
- (4) Unusual volume of Flow or concentration of wastes constituting "Slugs" as defined herein.

(j) The following list of toxic pollutants identified by EPA subject to modification from time to time shall not be exceeded by any discharger as established by district policy:

Acenaphthene	Chloroform
Acrolein	2-chlorophenol
Acrylonitrile	Chromium and compounds
Aldrin/Dieldrin	Copper and compounds
Antimony and compounds	Cyanides
Arsenic and compounds	DDT and metabolites
Asbestos	Dischlorobenzenes
Benzene	Dichlorobenzidine
Benzidine	Dichloroethylenes
Beryllium and compounds	2, 4-dichlorophenol
Cadium and compounds	Dichloropropane &
Carbon tetrachloride	Dichloropropene
Chlordane	2, 4-dimethylphenol
Chlorinated benzenes	Dinitrotoluene

Chlorinated ethanes	Diphenylhydrazine
Chloralkyl ethers	Endosulfan and metabolites
Chlorinated naphthalene	Endrin and Metabolites
Ethylbenzene	Phenol
Fluoranthene	Phthalate esters
Haloethers	Polychlorinated biphenyls (PCBs)
Halomethane	Polynuclear aromatic Hydrocarbons
Heptachlor and metabolites	Selenium and compounds
Hexachlorobutadiene	Silver and compounds
Hexachlorocyclopentadiene	2, 3, 7, 8 - tetrachloro- dibenzo-p-dioxin (TCDD)
Hexachlorocyclohexane	Tetrachloroethylene
Isophorone	Thallium and compounds
Lead and compounds	Toluene
Mercury and compounds	Toxophene
Naphthalene	Trichloroethylene
Nickel and compounds	Vinyl chloride
Nitrobenzene	Zinc and compounds
Nitrophenols	
Nitrosamines	
Pentachlorophenol	

Section 10. SELF MONITORING & REPORTING

(a) All categories A, B and C dischargers shall be subject to self-monitoring and reporting requirements.

(b) Self monitoring and reporting requirements for each applicable discharger shall be determined by the District and included in the industry's discharge permit. The nature of the sampling and frequency of analysis and reporting shall be based on the size and nature of the discharge.

(c) All sampling and analysis of wastewater shall be in accordance with Article V. Section 8.

(d) Self-monitoring programs shall, at the minimum, consist of the following for categories A & B:

1. Monthly sampling and reporting for all toxic constituents known to be in the discharge and for which this Ordinance specifies effluent limitations.

2. Monthly reporting of total water usage, average and peak discharge flow rates during the specified reporting period.

3. Monthly reporting of pH excursions beyond the established range with time durations of each incident.

4. Quarterly reporting of total suspended solids.

5. Quarterly reporting of total dissolved solids.

6. Any other sampling or reporting information so required by the District.

7. Self-monitoring reports shall be signed by a duly authorized representative responsible for the overall operation of the facility from which the discharge originates. Each report shall contain the following declaration:

"I declare under penalty of perjury that the foregoing is true and correct."

DATE _____
SIGNATURE _____
TITLE _____

8. Records shall be maintained by industrial dischargers subject to self-monitoring requirements for a minimum of three years for:

- a. The date, exact place, method and time of sampling and the names of the person or persons taking the samples;
- b. The dates the analyses were performed;
- c. Who performed the analyses and the analytical techniques used; and
- d. The results of said analyses.

Section 11. GENERAL INDUSTRIAL CLASSIFICATIONS. As an aid in generally classifying operations involving discharge of industrial waste, the general classifications listed below shall be used.

GENERAL INDUSTRIAL CLASSIFICATION

01 Aircraft	25 Laundry (commercial & Indust)
02 Animal Kennel & Hospital	26 Laundry (Self-service)
03 Auto Wash & Steam Racks	27 Meat & Poultry Processing
04 Automotive Mfg., Cleaning & Repair	28 Metal Fabrication
05 Bakery and Candy Mfg.	29 Metal Finishing & Plating
06 Beverage (Bottling & Mfg.)	30 Mining
07 Blueprinting and Engraving	31 Office & Service (commercial)
08 Cafe (Frozen Milk & Sandwich Stands)	32 Oil Well
10 Ceramic	33 Petroleum Products
11 Chemical Mfg.	34 Plastic & Wax Mfg.
12 Citrus Products	35 Radioactive Processes
13 Cosmetic & Soap Mfg	36 Rest Home
14 Dairy Products	37 Restaurants and Catering
15 Dry Cleaning	38 Retail Store or Market
16 Electrical Parts Mfg.	39 Rubber Manufacturing
17 Fermentation	40 Rug Laundry
18 Film & Litho Processing	41 Service Stations (Indicate: Wash racks, Automotive Service Garage, Trailer holding tank discharge)
19 Foundry	42 Shopping Center
20 Furniture & Paper Products	43 Swimming Pools
21 Grinding (Glass, Marble Metal, etc.)	44 Tanneries and Rendering
22 Grocery Supermarket	45 Textile and Dying
23 Hotel, Motel, Trailer Ct.	46 Transportation
24 Institutions (Hospitals, Dental Labs., Hotels, Schools, etc.; Government Agencies, Churches)	47 Water Softening Regeneration Service
	48 Wholesale Produce

100 Miscellaneous Classifications

Inclusive or exclusion of a particular industrial classification in the listing is not to be construed as acceptance or rejection of the proposed discharge.

ARTICLE VII
INDUSTRIAL WASTE ENFORCEMENT PROCEDURE

Section 1. ENFORCEMENT OF RULES AND REGULATIONS. The District shall enforce all applicable state, federal and local laws and ordinances regarding discharge of industrial waste into the sewer system under District jurisdiction, or the joint sewer system.

(a) Compliance inspections of discharge permit holders shall be regularly conducted by the District staff. Reasonable efforts shall be made to perform the inspections and conduct random sampling of discharges bimonthly for industries subject to existing federal categorical pretreatment standards and semiannually for all other industries subject to self-monitoring programs. Random sampling by the District staff shall be performed for wastewater constituents for which the industry must sample and analyze as part of a self-monitoring program. Samples shall be analyzed at a laboratory certified for such analyses.

(b) The District staff shall investigate instances of non-compliance with requirements of this Ordinance or federal pretreatment standards as indicated by inspections, random sampling, self-monitoring reports or other surveillance. Investigations shall be conducted with sufficient care to produce evidence admissible in enforcement proceedings or judicial actions.

(c) For violations or threatened violations which constitute an imminent danger to the health or welfare of persons, to the environment, or causes interference with the operation of the treatment plant, the District shall take immediate and effective measures to halt or eliminate the violations or threatened violations. The District legal counsel is authorized to take such immediate actions upon notification by the Manager of a dangerous discharge or threatened discharge.

Section 2. PERMIT: VALIDITY. Any industrial waste discharge permit herein issued shall be valid for a period of 3 years at which time the permit will be reviewed and modified as necessary or until revoked as provided for herein, by the District.

Section 3. REVOCATION OR SUSPENSION OF PERMITS AND DISCONNECTION OF FACILITIES. The District may revoke or suspend a permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or ordinance or of any provision of these rules and regulations for fraud, misrepresentation or false statements contained in the application for permit. The District may disconnect from the sewer system any sewer connection, main line sewer, or other facility which is constructed, connected, or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or or-

dinance or contrary to any provisions of these rules and regulations. When a premise has been disconnected, it shall not be reconnected until the violation for which it has disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, has been paid, as established by the District.

a. If, after the granting of a permit, it shall develop, by reason of increased flow, change in the nature of industrial processes, or for any cause whatsoever that the industrial waste discharged by a permittee conflicts with any provisions of these rules and regulations or any applicable state, federal or local law or ordinance, the District may revoke or suspend the permit, or may require a re-evaluation of the permit, or may impose further conditions with respect thereto directed toward the elimination of such conflict. Any permittee shall immediately report to the District any significant increase in flow or in the nature of the discharge and failure to do so shall be grounds for suspension or revocation of the permit.

b. Any person violating any provision of these rules and regulations shall be liable for all damage to the sewer system or joint sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

Section 4. NOTICE. The District shall give not less than five days' notice of intention to disconnect the premise or to suspend or revoke a permit, stating the reasons therefor, and may grant a reasonable time for elimination of the violation; provided, however, that if the District determines that the danger is imminent, and such action is necessary for the immediate protection of the health, safety or welfare of persons or property, or for the protections of the sewer system or the joint sewer system, any premise may be disconnected and service terminated concurrently with the giving of such notice. Notice shall be given to the occupant of the premise, if any, and to the record owner of the property as shown upon the last equalized assessment roll of the property as shown upon the last equalized assessment roll of the County of San Diego by United States mail, certified, return receipt requested, postage prepaid, or by posting such notice on the premise.

ARTICLE VIII

PROTECTION FROM DAMAGE

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

ARTICLE IX

POWERS AND AUTHORITY OF INSPECTORS

Section 1. ACCESS TO PRIVATE PROPERTY. The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Manager or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities or waste treatment.

Section 2. SAFETY OBSERVANCE. While performing the necessary work on private properties referred to in Article VII, Section 1, above, the Manager or duly authorized employees of the District shall observe all safety rules applicable to the premises established by the company

Section 3. ACCESS TO EASEMENT. The Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a easement for the purpose of, but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement.

ARTICLE X

SEWER CAPACITY RIGHT FEES

Section 1. CAPACITY FEE OPTION. The following methods shall be used in determining sewer capacity right fees. Said fees shall become owing, due and payable at the time application is made to connect a premise to the sewer system. District, at its sole option, may apply either of the following methods of determining capacity fees:

a. "Dwelling Unit Equivalents" (DUE) is defined as a single family residence with a design waste flow of up to 250 gallons per day. The fee shall be based on the number of "Dwelling Unit Equivalents" (DUE) as determined by the District.

b. Actual water and waste discharge into the District sewer system. Commercial, industrial, institutional, governmental and other non-residential developments are deemed to have a waste discharge equal to the water delivered through their water meter.

Section 2. SEWER CAPACITY RIGHT FEES:

a. A schedule of fees shall be established for dwelling unit equivalents, as defined by Article X section 1a

herein which may be modified from time to time by the Board of Directors.

b. A fee shall be established for each gallon of industrial waste, as defined by Article X Section 1b which may be modified from time to time by the Board of Directors.

All waste discharges for which the District elects not to apply the dwelling unit equivalent schedule, the capacity right fee shall be based on the average amount of water discharged into the sewer system daily. Average amount of water (discharged into the sewage system daily) shall be defined as the mathematical equivalent determined by dividing the normal billing period usage by the actual number of days in that period. Said billing period shall be approximately 30 days which may be changed from time to time by the Board of Directors.

All water entering the property through the water meter is assumed to reach the sewer unless the discharger presents evidence to the contrary, which is satisfactory to the District. The District Manager with Board approval, may adjust the charges in those cases where a significant percentage of water entering the property does not enter the sewer system. In no case shall the manager adjust the capacity right fee so that the resulting fee is less than the charge for one (1) D.U.E. The capacity right fee shall be reviewed no less than annually during the third week of October each year and may be reviewed monthly for conformance.

If the computed average day discharge exceeds the purchased capacity for any single billing cycle, the purchase of additional industrial waste capacity is mandatory. The Manager, however may monitor the discharge one or more additional billing periods to quantify peak usage.

Section 3. ADDITIONAL SEWER CAPACITY RIGHT FEES. In those instances where additional DUE's connections or sewerage flows are added to an existing sewer connection, application shall be made to the District and capacity right fees purchased prior to discharge and obtainment of any building permits in accordance with the foregoing.

Section 4. FACILITY PROVISIONS OF FEES. Said fee is a primary source of funds for the development of additional capacity and will be established at a level which will defray the costs of providing additional sewage treatment and/or reclamation facilities, major trunk and transmission pipelines and facilities for

pumping when such facilities are needed.

Section 5. NON-REFUNDABLE. To assure availability of funds for proper planning and to meet obligations incurred by the District to develop capacity in a timely manner, ALL FEES COLLECTED AS PAYMENT FOR THE RIGHT TO CONNECT ARE NON-REFUNDABLE.

Section 6. USE OF REVENUE. Revenues derived from fees or charges imposed herein shall be used for the acquisition, construction, reconstruction, maintenance and operation of sanitation or sewerage facilities, to repay principal and interest on bonds issued for the construction or reconstruction of such sanitation or sewerage facilities and to repay federal or state loans or advances made to entities for the construction or reconstruction of sanitation or sewerage facilities; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or service lateral connections as distinguished from main trunk, interceptor, and outfall sewers.

ARTICLE XI

MONTHLY SERVICE CHARGE

Section 1. ESTABLISH CHARGE. Sewer Service charges as established by the Board will be added to the customer's monthly water bill, or billed separately if customer does not receive water service from San Marcos County Water District. All water and sewer charges will become due and collected as one item or sewer only as a single item. In the event of failure to pay the whole or any part thereof, the District may discontinue any and all service for which such bill is rendered.

Section 2. TIME OF PAYMENT. All bills are due upon presentation. Bills become delinquent if not paid on or before twenty (20) days after presentation. If bills are not paid within twenty (20) days after presentation, service may be discontinued without further notice. The failure of the District to send or any such person to receive notice shall not affect the District's power hereunder. A customer's sewer service may be discontinued if sewer service furnished at a previous location is not paid within the time herein fixed for the payment of bills. If a customer receives sewer service at more than one location and the bill for a service at any one location is not paid within the time provided for payment, sewer service at all locations may be discontinued.

Section 3. NON-PAYMENT; RECONNECTION. A reconnection charge will be collected prior to re-establishing sewer service which has been terminated because of non-payment of monthly sewer service charges. However, when both water and sewer service has been so terminated there will be only one reconnection charge.

In the event it becomes necessary for the District to physically disconnect the customers sewer connection from the District's sewer system to enforce a "discontinuance for non-payment", the customer will be required to pay all costs incurred by the District before sewer service will be reestablished.

ARTICLE XII

SERVICE LATERAL CONNECTION

All service laterals will be installed by the District or under its direct supervision by a licensed contractor, in accordance with the current Rules and Regulations of the District.

Laterals will be installed upon receipt of written application and upon deposit of the fee as established by the Board of Directors.

ARTICLE XIII

EXTENSION OF DISTRICT SEWER LINES

The extension of sewer facilities at the initiative of an owner will be in accordance with the current Rules and Regulations of the District, including the District's Standard Plans and Specifications for construction of water and sewer which may be amended from time to time. Normally, parcels shall abut the public sewer for service, however, application maybe made for a offsite service lateral connection where the District determines a public sewer extension is not to the District's advantage.

ARTICLE XIV

PENALTIES

Section 1. VIOLATION. Any person violating any provisions of this ordinance (except Articles VIII and XI), shall be served by the District with written notice stating the nature of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations. Continuance of violations shall be sufficient cause for discontinuance of service.

Section 2. VIOLATION A MISDEMEANOR; PENALTY. Violation of any provision, or the failure to comply with any of the requirements of this Ordinance or of any rule or regulation adopted as herein provided excepting Articles VIII and XI shall constitute a misdemeanor. Any person convicted of such violation or such failure shall be punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

Section 3. CRIMINAL AND CIVIL LIABILITY; PENALTY. In addition to Section 2, Federal or State Statutes and/or Regulations provide for other criminal and civil liability and penalties.

ARTICLE XV
PROVISIONS

Section 1. In the event that any portion or provision of this ordinance is declared by any court to be invalid or in contravention with any law, such invalidity or contravention shall not effect the remaining portion and provisions of this ordinance.


Section 2. Ordinance Numbers 42 and 42A, 47, 47-5, 47-6, 54, 55, 64, Resolution Numbers 360 and 594 and any other actions in conflict herewith are, hereby repealed.

Section 3. This Ordinance is designed and is to be interpreted, as consistent with Federal and State Statutes and Regulations applicable to public sewerage systems.

Section 4. This Ordinance shall become effective on the 7th day of March 1983 and notice and adoptions and availability of this Ordinance shall be published one time in a newspaper published and circulated within the District.

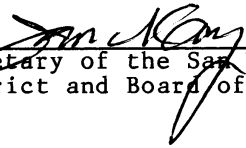
THIS ORDINANCE PASSED, APPROVED AND ADOPTED this 7th day of March, 1983, by the following roll call vote.

AYES: Newport, Ferguson Mahr
NOES: Mason, Holm
ABSTAIN: None
ABSENT: None



President of the Board of Directors
of the San Marcos County Water District

ATTEST:



Secretary of the San Marcos County Water
District and Board of Directors thereof

1. Reviewed and Corrected
08/16/01
S Danko