

BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT

ORDINANCE NO. 29

AN ORDINANCE OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT TO PROVIDE A COMPREHENSIVE SYSTEM OF WASTEWATER REGULATION AND REVENUE TO SUPPORT CONSTRUCTION AND OPERATION OF THE WASTEWATER DISPOSAL SYSTEM.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BOLINAS COMMUNITY PUBLIC UTILITY DISTRICT AS FOLLOWS:

This Ordinance #29 rescinds all previous District Ordinances setting forth usage regulations.

Section 1 : DEFINITIONS

- a. Average dry weather flow (ADWF).** The mean daily volume of sewage during the period of time not influenced by rainfall.
- b. BOD.** Biochemical oxygen demand as determined in accordance with standard analytical procedures and, unless otherwise noted, exerted in a period of 5 days at 20 degrees Celsius.
- c. District.** The Bolinas Community Public Utility District, of Bolinas, California (BCPUD).
- d. COD.** Chemical oxygen demand as determined in accordance with standard analytical procedures.
- e. Board of Directors.** The legislative body of the Bolinas Community Public Utility District.
- f. Manager.** The Manager for the Bolinas Community Public Utility District, or his/her designated representative.

g. Contamination. An impairment of the quality of the waters of the State by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

h. Dissolved Solids. Residue upon evaporation of water after filtration in accordance with standard analytical procedures. Also termed total dissolved solids or TDS.

i. Engineer. The District Engineer of the Bolinas Community Public Utility District, or other representative authorized by the Board of Directors.

j. EPA. Federal Environmental Protection Agency.

k. Federal Water Pollution Control Act of 1972. Public Law 92- 500, officially entitled the "Federal Water Pollution Control Act Amendments of 1972", and any amendments thereto, as well as guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.

l. Garbage. Putrescible animal or vegetable refuse, or any part thereof, resulting from the preparation, storage, handling, or consumption of foods.

m. Infiltration. Water entering the sewerage system through the ground.

n. Inflow. Water entering a sewerage system from surface drainage.

o. Mgd. Abbreviation for millions gallons per day.

p. Natural Outlet. Any outlet into a watercourse, ditch, pond, lake or other body or surface or groundwater.

q. Nonresidential User. Users whose premises are primarily for commercial, or governmental or other nonresidential activity. Incidental residential use is not precluded.

r. O&M. Operation and maintenance.

s. Peak Wet Weather Flow (PWWF). Peak rate of flow occurring during or from the effects of precipitation.

t. Person. Any individual, firm, company, association, society, partnership, corporation, organization, group or public agency.

u. pH. The logarithm of the reciprocal of the hydrogen-ion concentration in grams per liter of solution as measured by standard analytical procedures.

v. Pollution. An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects (1) such waters for beneficial use or (2) facilities which serve such beneficial uses.

w. Premise. A parcel of real property, or portion thereof, including any improvement thereon, which is determined by the Engineer to be a single unit for the purposes of receiving, using, and paying for sewerage service.

x. Pretreatment. The treatment or flow limitation of industrial wastes prior to discharge to the District sewerage system.

y. Public Agency. The United States Government or any department or agency thereof; the State of California or any department or agency thereof; any city, county, town or any department or agencies thereof; any school district; any other governmental or public district or entity; or any other legal public district, entity or entities; or any combination of the foregoing.

z. Residential User. Users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial or industrial nature.

aa. Regional Water Quality Control Board. The California Regional Water Quality Control Board, San Francisco Bay Region, which has jurisdiction in the Bolinas area.

bb. Sewage. The water-borne wastes received from human habitation and use of premises for residential, business and institutional purposes.

cc. Sewer, Sanitary Sewer. A pipe or conduit which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted. Unless otherwise qualified, the word "Sewer" when used in this ordinance shall be taken to mean "Sanitary Sewer." A public sewer is any sewer located within an easement or public right of way and which is maintained by the Bolinas Community Public Utility District. A building sewer or lateral service sewer or privately maintained collector sewer is a sewer serving a specific building or property and is maintained by the owner(s) thereof.

dd. Sewerage System. All works for collecting, pumping, treating, disposing, storing and reclaiming sewage. The boundaries of the Bolinas Community Public Utility District's sewerage system is defined by the boundary map included as attachment A, and is as fully a part hereof as if herein set out in full, and if not attached hereto, the same as if hereto attached.

ee. Sludge. Any discharge of water or sewage which in concentration of any given constituent or in quantity of flow exceeds, for any period longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation.

ff. Standard Analytical Procedures. Procedures contained in the latest editions of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association), American Society of Testing and Materials (ASTM) standard and tentative methods, and other standard procedures appropriate to the conditions as set forth or approved by the EPA.

gg. Suspended Solids (SS). Particulate matter present in sewage and retained on a filter (Nonfilterable) in a standard analytical procedure.

hh. User. Any person who is owner of record, lessee, sublessee, mortgagee in possession, or responsible for property who contributes, causes, or permits the contribution of wastewater into the District sewer or for processes which contribute sewage to a District sewer.

ii. Water Quality Requirements. Requirements for District's treatment plant effluent established by the Regional Water Quality Control Board for the protection of receiving water quality. Water quality requirements include effluent limitations and waste discharge standards, limitations, or prohibitions which may be established or adopted from time to time by State or Federal laws or regulatory agencies.

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

kk. **Wastewater.** Sewage, whether treated or untreated, discharged into or permitted to enter a District sewer.

Section 2: SEWERS REQUIRED

a. It is unlawful to discharge any sewage, or other polluted waters into any storm drain or natural outlet.

b. Private sewage disposal systems built after September 14, 1988, are not permitted within the limits of the District's sanitary sewerage system. Attachment A defines the limits of the Bolinas Community Public Utility District's sanitary sewerage system.

c. Discharge of waste from any premise within the District onto land or to any natural outlet may be permitted only if the discharge complies with all requirements of the Regional Water Quality Control Board and of all other local, state and federal laws and regulations.

Section 3: CONSTRUCTION OF SEWERS AND SEWER CONNECTIONS

a. It is unlawful for any unauthorized person to uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Manager.

b. All construction of public sanitary sewers, or of lateral service connection sewers shall conform to the design criteria, the standard plans and specifications and the inspection and testing for sanitary sewers in accordance with current District standards as prescribed by the Engineer and approved by the Board of Directors.

c. **Connection of Surface or Subsurface Drains.** It is unlawful for any person to make connection of roof downspouts, areaway drains, foundation drains, or other sources of surface runoff or groundwater to a building sewer or lateral service sewer which in turn is connected directly or indirectly to a public sanitary sewer.

Section 4: SEWER USERS

All users shall be classified for sewage collection and disposal purposes in accordance with the governing activity conducted on the premises, as determined by the Manager. The purpose of the classification is to facilitate the regulation of sewer use based on character and

quantity of flow; to provide an effective means of source control of toxic substances; and to provide a basis for sewer use charges to insure an equitable recovery of capital and operating costs.

User classifications are as follows:

a. Residential. Users whose premises are primarily for residential purposes and have no significant producing or processing activity of a commercial nature.

b. Nonresidential. Users whose premises are primarily for commercial, governmental, or other nonresidential activity. Incidental residential use is not precluded.

Section 5: AMOUNTS OF FEES AND CHARGES

The amounts and rate schedules for fees and charges authorized hereunder shall be as determined by the Board of Directors and adopted by resolution by the Board of Directors.

a. Installation Charges are authorized and charged to recover construction costs and/or inspection costs of the physical connection to the public sewer.

b. Connection Fees are authorized and charged to recover prior and estimated future outlays by the District for providing sewage collection and treatment capacity utilized to serve the premises.

c. Sewer Use Permit Fees are authorized and charged for applications for Sewer Use Permits and to recover costs of administering Sewer Use Permits.

d. Sewer Service Charges are authorized and charged to recover the cost of operating and maintaining the District Sewer System.

Section 6: ESTABLISHMENT OF SEWER SERVICE CHARGES

The Board of Directors shall establish sewer service charges and revisions when required so that the total revenue from the collection of such charges is equal to the total cost of operating and maintaining the District sewer system. The cost of operating the system shall include the cost of providing reasonable reserves in accordance with standard public utility bookkeeping practices and the cost of providing bond interest and redemption as may be ordered by the Board of Directors with regard to any bonds which District has issued or may issue for the sanitary sewer system purposes. All rates and charges shall meet applicable State and Federal guidelines.

Section 7: BASIS OF SEWER SERVICE CHARGES

Sewer service charges shall be based on the guidelines established by the State of California Water Resources Control Board.

- a. Residential users shall be charged a flat rate per month.
- b. Charges for nonresidential users shall be based on flow and strength factors as determined for each user by the Manager. In no case shall nonresidential charges be less than residential charges.

Section 8: UTILITY ACCOUNTING

An accounting system shall be maintained in accordance with generally accepted accounting principles. It shall be sufficient in detail to demonstrate that collections and disbursements are made in compliance with the intents and purposes of State and Federal regulations.

Section 9: DISPOSITION OF FUNDS

Disbursement of funds shall be for operation and maintenance expense of the entire sewerage system, capital-related expense of the collection system and other facilities exclusively serving the District service area, legal expenses, and interest expenses.

Section 10: PAYMENT OF CHARGES AND DELINQUENT CHARGES

All sewer charges shall become due and payable on the date of presentation thereof and shall become delinquent when the County of Marin establishes such a delinquency. All properties which have delinquent charges assessed to them are subject to the establishment of a lien, or liens.

Section 11: SEWER SERVICE CHARGE LEVIED

A sewer service charge payable in the amount imposed within this Title is hereby levied and assessed upon each lot, parcel of land, building or premises connected to the sanitary sewerage system of the District or otherwise discharging sewage into the sewer system of the District. The charges so levied shall be collected under the direction of the Board of Directors and shall be collected with the charge for water service rendered by or for the District and all charges shall be separately stated and billed upon the same bill and collected as one item.

Section 12: LIABILITY OF OWNERS FOR COLLECTION OF CHARGES

The District finds that the public health and welfare of the people of the Bolinas Community Public Utility District is benefited by a sanitary sewerage system. All owners are liable for the charges prescribed by this chapter regardless of whether the owners use the service herein provided.

Section 13: ADDITIONAL REMEDY

Sewer service, once established pursuant to application, shall be terminated only for the reasons and in the manner set forth in BCPUD Resolution No. 308. However, anyone using the District sewer other than through an established sewer connection shall be subject to termination of such use forthwith and without notice.

Section 14: PERMITS, GENERAL

The following permits are provided for in this chapter:

a. Connection Permit. A written authorization by the Manager to make a specific connection to a public sewer.

b. Sewer Use Permit. A license for a residential or non-residential user to discharge wastewater into a public sewer.

Section 15: CONNECTION PERMIT

No connection to a public sewer shall be made until a connection permit has been issued therefore by the Manager. The owner of the premises to be served shall provide all information required by the application form supplemented by any plans, specifications or other information which in the judgment of the Manager is pertinent to the location and use of the premises. Separate connections may be required for each building of a single premise. All applicable connection fees shall be paid prior to issuance of a connection permit in accordance with the then in effect District Ordinance or Resolution establishing sewer connection fees.

The permit shall be validated upon final inspection and acceptance of construction of the connection and, when required, upon the application and issuance of a sewer use permit.

Section 16: SEWER USE PERMIT

A Sewer Use Permit is required for users as follows:

- (a) Users whose premises are defined as residential under Section One (1) shall not use the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance, unless the residential users premises were connected to the sewer prior to November 16, 1994;
- (b) Users who convey waste by tank truck to a point of direct entry into the sewer system shall not discharge waste to the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance;
- (c) Users whose premises are defined as non-residential under Section One (1) and who acquire or newly occupy premises after November 16, 1994, shall not use the public sewer system without first obtaining a Sewer Use Permit pursuant to this Ordinance; or,
- (d) Users whose premises are defined as non-residential under Section One (1) and whose premises were connected to the sewer prior to November 16, 1994, shall not use the public sewer system without first filing an application for a Sewer Use Permit within 30 (thirty) days after being requested by the Manager to do so.

Section 17: APPLICATION FOR SEWER USE PERMIT

Persons applying for a Sewer Use Permit shall complete and file with the Manager an application form, accompanied by the applicable fees. The application may require the following information: description of activity, facilities, estimated wastewater strength; estimated wastewater flow; average and peak wastewater discharge flow; water supply information; and any other information the Manager shall deem necessary to evaluate the permit application. The Manager shall maintain the privacy of all business data and trade secrets supplied and identified as confidential matter by the applicant.

The Manager will evaluate the data furnished by the applicant and may require additional information. After evaluation and approval of the data furnished, the Manager will determine the class of the user and may issue a Residential or Non-residential Use Permit subject to conditions and terms as provided herein.

Section 18: CONDITIONS ON SEWER USE PERMITS

Sewer Use Permits may contain prohibitions on discharge of certain toxic substances as identified by Federal or State law and of hazardous substances, and may contain other conditions as deemed appropriate by the Manager to insure compliance with this ordinance and the permit.

a. Responsibility. It shall be the responsibility of the property owner to perform all required maintenance and to keep the building sewer in good condition as defined by this ordinance.

b. Required Maintenance. The building sewer must be maintained to meet the following minimum requirements.

1. The building sewer shall be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.
2. All joints shall be tight and all pipe shall be sound to prevent exfiltration by waste or infiltration by ground water or storm water.
3. The building sewer pipe shall be free of any structural defects, cracks, breaks, or missing portions and the grade shall be uniform without sags or offsets.
4. No area drains, foundation drains, basement drains, roof leaders, sump pumps, and other direct connections that allow storm water or ground water into the building sewer shall be allowed unless an exemption is obtained from the Manager.
5. The building sewer shall have a two-way cleanout located at the property line or at the sewer main easement. All cleanouts shall be securely capped with a proper cap at all times.
6. The building sewer shall be free from breaks, openings, and rat holes.

The Manager shall determine testing and inspection methods and criteria for evaluating building sewers to ensure compliance with the above requirements.

d. Emergency Work. Nothing in this ordinance shall prevent any responsible person from doing such work and making such excavations as may be necessary for the preservation of life or property when such necessity arises; provided, however, that the person doing such work or excavations shall notify the District thereof as soon as is practicable.

e. Right of Entry. The Manager may enter, inspect, and test any buildings, structures, or premises to secure compliance or prevent violation of any portion of this ordinance. No premises shall be entered until a reasonable notice is given to the owner or his agent except to protect life or public safety.

f. Emergency Work. Whenever, in the opinion of the Manager, the public health, safety, or welfare shall require that repairs or protective measures to a building sewer be made or instituted immediately, he is hereby authorized to proceed with all necessary work to abate the condition and may enter upon private property for such purpose. He may erect and maintain all necessary barricades, warning lights, and other protective devices upon public or private property. He shall notify the owner of the premises as the circumstances shall permit.

The owner of the property upon which the condition exists and the person creating such condition shall be jointly and severally liable to Bolinas Community Public Utility District for all costs incurred by it in abating the emergency condition and erecting and maintaining said protective devices.

g. Order to Abate. The Manager shall investigate all dangerous and unsanitary conditions existing in or about building sewers and shall periodically require that building sewers be tested. If such a condition is a menace to life, health, safety, or property, or is in violation of law, he shall, in writing, order the owner of the premises to discontinue use of the sewer, or, to discontinue all construction work with respect to the sewer, and to abate the condition in such manner as shall comply with the law. Any stoppage in the building sewer or break in the watertight integrity of the building sewer shall be conclusively presumed to be a menace to life, health, safety, or property for purposes of requiring abatement of such a condition.

h. Building Sewer Materials for Construction and Repair. All materials used and all joints made in the construction or repair of building sewers shall be watertight and free from defects. No materials or construction procedures shall be used in the construction or repair of a building sewer without the approval of the Manager.

i. Building Sewer Construction and Repair. All building sewers shall be constructed and repaired in accordance with the requirements designated by the Manager. All work shall be tested by the property owner in the presence of the Manager or his designated representative in a manner approved by the Manager.

j. Abandonment of Existing Building Sewers and Sewage Disposal Facilities - Exception. An existing building sewer or its connection which is to be abandoned shall be sealed with a permanent, watertight plug at the connection to the public sewer in a manner satisfactory to the Manager. All other openings of the abandoned building sewer including plumbing connections, cleanouts, rat holes, etc., shall also be similarly sealed.

Section 19: TERMS OF SEWER USE PERMITS

A Sewer Use Permit shall be of indefinite term subject to the following conditions:

a. Change in user. A Sewer Use Permit shall not be assigned or * transferred.

b. Change in use. Whenever the use of the premises by the user, or the character of the discharge, changes materially from that stated in the permit application, the user shall file an application for a new permit within sixty (60) days.

c. Change of Permit Conditions. The District may change the conditions of a Sewer Use Permit, including changing the limits or constituency of wastewater strength from time to time, as circumstances may require.

d. Tank Truck Discharges. A separate Sewer Use Permit shall be required for each load of wastes conveyed to discharge point by tank truck, unless conveyer thereof possesses a valid annual blanket permit, or unless said load of wastes is conveyed to the discharge point by a District-owned truck.

e. Temporary Suspension. A Sewer Use Permit may be temporarily suspended by the Manager at any time if, in his opinion, the continued discharge of the waste or water into the sewerage system would substantially jeopardize the ability of the treatment system to meet water quality requirements, or would cause an unsafe condition. In lieu of temporary suspension of permits, the Manager may impose such temporary restrictions, conditions, or limitations upon the quantities, qualities, and rates of discharge made thereunder as he deems necessary to assure that said receiving water quality requirements will not be violated by the sewage discharged by the District System, or to alleviate the unsafe condition. Notice of the temporary suspension or the imposition of temporary restrictions, conditions, or limitations shall be given in writing by the Manager to the permittee. Personal delivery of said notice to the permittee's place of business within the District or deposit in the U.S. Mail, first class postage prepaid, shall constitute delivery of notice to permittee. Any discharger notified of a suspension of his Sewer Use Permit shall immediately cease and desist any and all discharges to the District's sewerage system.

f. Revocation. A Sewer Use Permit may be revoked by the Manager for any of the following:

1. Failure of the permittee to comply with the conditions of the permit.
2. Failure of the permittee to pay when due any charges imposed as a condition of the issuance of a permit.

No permit shall be revoked by the Manager until he has notified the permittee in writing of his intent to do so and has afforded the permittee the opportunity to appear before the Board of Directors within a reasonable period of time to show cause why the permit should not be revoked; provided, however, a permit may be summarily revoked by the Manager without prior notice to the permittee if, in the opinion of the Manager, the continuing discharge would result in a violation of receiving water quality requirements or unreasonable or irreparable damage to the District's sewers or sewage disposal system.

g. Compliance. Unless directed otherwise on the notice of revocation or suspension of permit, the permittee shall cease discharging into the public sewer on the effective date of said

revocation or suspension, or shall conform with temporary restrictions, conditions, or limitation on the effective date of such impositions.

Section 20: PERMISSIBLE DISCHARGES

Wastewater may be discharged into District sewers for collection, treatment, and disposal by the District, provided that such wastes do not contain substances prohibited or exceed limitations of wastewater volume or strength, as set forth in this ordinance and, if applicable, in a Sewer Use Permit; and further, provided that the user pays all applicable District charges and is in compliance with all other terms of this Ordinance.

Section 21: GENERAL PROHIBITIONS

No person shall discharge, or cause to be discharged, into a public sanitary sewer any stormwater, surface water, groundwater, roof runoff, water from basement floor drains or subsurface drainage.

Section 22: PROHIBITED EFFECTS

It is unlawful for any person to discharge, or cause to be discharged wastewater into a public sewer if it contains substances or has characteristics which, either alone or by interaction with other wastewaters, cause or threaten to cause:

- a. Damage to the District sewer collection system or interference with or impairment of the operation of maintenance of that system.
- b. Obstruction of flow in sewers.
- c. Danger to life or safety of any person.
- d. Damage to or interference with, or overloading, of the interceptors, treatment or disposal system of processes.
- e. Flammable or explosive conditions.
- f. Wastewater, or any other by-products of the treatment process, to be unsuitable for reclamation and reuse, or interference with any processes for reclamation.
- g. Noxious or malodorous gases or odors.

h. Conditions at or near District facilities which violate any statute, or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body.

Section 23: PROHIBITED SUBSTANCES OF CHARACTERISTICS

It is unlawful for any person to discharge, or cause to be discharged, to a District sewer the following:

a. Any waste or wastewater having a pH lower than 6.0, or greater than 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel.

b. Garbage, except ground garbage from residential and commercial premises where food is prepared and consumed. For the purpose of the ordinance, ground garbage shall mean that it has 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 0.25 inch (6mm) in any dimension.

c. Any ashes, cinders, sand, mud, straw, leaves, grass cuttings, metal, glass, ceramics, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of either causing obstruction to the flow in sewers or interfering with the proper sewerage system operation and/or maintenance.

d. Pesticides and toxic pollutants, including, but not limited to, the following:

1. Aldrin, Dieldrin
2. Benzidine and its salts
3. DDD, DDE and DDT
4. Endrin
5. Cadmium and all cadmium compounds
6. Cyanide and all cyanide compounds
7. Mercury and all mercury compounds
8. Polychlorinated biphenyls (PCBs)
9. Toxaphene

Section 24: REGULATED DISCHARGE CHARACTERISTICS

It is unlawful for any person to discharge or cause to be discharged, to a District sewer any of the following without first obtaining a Sewer Use Permit that specifically permits such waste discharge characteristics:

- a. Discharge during a daily twenty-four (24) hour period in excess of 5,000 gallons.
- b. Volume of flow or concentration of wastes constituting sludge as defined herein.
- c. Commercial discharge which has a daily average concentration of:
 1. BOD in excess of 500 milligrams per liter; or
 2. COD in excess of 700 milligrams per liter; or
 3. Suspended solids in excess of 350 milligrams per liter.
 4. Grease or other hydrocarbons in excess of 50 milligrams per liter.
- d. Waters or wastes with a pH lower than 6.0 or higher than 9.5.
- e. Discharges containing metal pickling or etching wastes or plating solutions, whether neutralized or not.
- f. Hot wastes at temperatures exceeding 160 degrees (70 degrees Celsius) or exceeding 110 degrees Fahrenheit (43 degrees Celsius) for any eight (8) hour period.
- g. Materials which exert or cause in the sewerage system:
 1. Unusual concentrations either of inert suspended solids (such as, but not limited to, soil solids, Fuller's earth, lime slurries, and lime residues) or of dissolved inorganic solids (such as, but not limited to, sodium chloride and sodium Sulfate) in excess of 750 milligrams per liter.
 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- h. Discharges in such quantities or such qualities that they are not amenable to treatment or reduction by wastewater treatment processes employed, or are amenable to treatment only to such a degree that the treatment plant effluent cannot meet water quality requirements.

Section 25: HOSPITAL WASTES

Hospitals, clinics, offices of medical doctors, and convalescent homes:

a. May discharge, through a District approved grinder installation with inlet size and design features suitable for its intended use and so constructed that all particles pass through a maximum 3/8 inch opening, wastes of the following categories:

1. Wet organic kitchen wastes from food preparation and disposal but excluding all paper and plastic items.
2. Disposable hypodermic needles, syringes and associated articles following their use.
3. Infectious wastes, defined as:
 - a. Laboratory and surgical operating room wastes except as excluded in b.2 below.
 - b. Wastes from outpatient areas and emergency rooms similar to those included in a. above.
 - c. Equipment, instruments, utensils and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having suspected or diagnosed communicable disease.

b. Shall not discharge to the sewer by any means:

1. Solid wastes generated in the rooms of patients who are not isolated because of a suspected or diagnosed communicable disease.
2. Wastes excluded by other provisions of this Title except as specifically permitted in a. above.
3. All solid wastes not included in a. above.

Nothing in this Section shall be construed to limit the authority of the Health Office of Marin County to define wastes as being infectious and, with the concurrence of the Manager to require that they be discharged to the sewer.

Section 26: MANAGER'S RESPONSIBILITY

The Manager is charged with responsibility for the District wastewater control program and the administration and enforcement of the provisions of this ordinance. For the purpose of inspecting the facilities for conformance with the provisions of this ordinance, he may enter upon the premises of any person discharging or applying for permission to discharge residential or

nonresidential wastes into the sewer system of the District. Such entry shall be during normal business hours or at other times by permission of User or by warrant if necessary because of imminent hazard to health and safety or persons or of damage to property.

Section 27: UNUSUAL CONDITIONS

Notwithstanding any provision of this ordinance to the contrary, the Board of Directors and any person may enter into an agreement where unusual conditions compel special terms and conditions and charges for the interception, treatment and disposal of any waste necessary to meet the purposes of this ordinance.

Section 28: UNMETERED WASTE FLOWS

Sewage flows from nonresidential discharges shall be determined as follows:

a. For premises where no significant portion of the water received from any source is consumed in the principal activity of the User, or is removed from the premise by means other than the sewerage system the volume of waste flow shall be equal to the total volume of water used from all sources. Water received from each source shall be determined by the registration shown in the corresponding water meter.

b. For premises where a portion of the water received from any source does not flow into the sewerage system, either because of the principal activity of the User or because of its removal by other means, the volume of waste flow shall be equal to the volume of water used from all sources less the volume of water removed by the User's activity.

Section 29: PRETREATMENT FACILITIES

Where required in the Waste Discharge Permit or by State or Federal laws and regulations, the discharger shall provide, at his expense, such preliminary treatment or controls as may be necessary to eliminate or reduce the objectionable characteristics, constituents, or quantities and rates of discharge to conform to the maximum limits provided for in the Permit.

Plans, specifications, design calculations, and any other pertinent information related to proposed pretreatment facilities shall be submitted for the approval of the Engineer. Construction of such facilities shall not commence until said approval is obtained in writing, and use of such

facilities shall not commence until completed facilities are approved in writing. Pretreatment facilities shall be continuously maintained in satisfactory and effective operating condition to the satisfaction of the Manager.

Section 30: INTERCEPTORS

Grease, oil, or sand interceptors shall be provided when, in the opinion of the Manager, they are necessary for liquid wastes containing grease in excessive amounts, or sand, flammable materials, or other harmful ingredients.

All interceptors shall be of a type and capacity approved by the Manager and shall be located so as to be readily and easily accessible for inspection and cleaning. All grease, oil, and sand interceptors shall be maintained in continuously efficient operation at all times.

Section 31 : DISCHARGE REPORTS FROM USER

The Manager may require waste reports, including, but not limited to, questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of wastewater discharge. When the requested report is not adequate in the judgment of the Manager, he may require the User to supply such additional information as the Manager deems necessary.

Waste reports may include, but are not necessarily limited to, nature of the process, volume and rates of wastewater flow, elements, constituents, and characteristics of the wastewater, together with any information required in the Sewer Use Permit.

When requested by the User who is providing the report, or permit application, the portions of the document which might disclose trade secrets or secret processes shall be kept confidential and shall not be disclosed to unauthorized persons or to the public; provided, however, that such portions of a report, or other document, shall be available for use by the District or the State or any State or Federal agency in judicial review or enforcement proceedings involving the discharger.

Section 32: MONITORING FACILITIES

a. The Manager may require, at the user's expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Manager may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it may not be obstructed by landscaping or parked vehicles.

b. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

c. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance the District's requirements and all applicable local construction standards and specifications. Construction shall be completed in 90 days following written notification by the District, unless otherwise allowed.

Section 33: INSPECTION AND SAMPLING

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

that upon presentation of suitable identification, personnel from the District will be permitted to enter without delay for the purpose of performing their specific responsibilities.

Section 34: CONDITIONS OF LATERALS AND SEWER CONNECTIONS

All persons shall be responsible for maintenance and repair of the sewer lateral from the building to its interconnection with the District's main. All persons shall keep their sewer laterals, sewer connections and/or building sewers in good order at their own expense and shall be liable for any damages which may result from their failure to do so.

Section 35: APPROVAL OF PLANS FOR SEWERAGE CONSTRUCTION

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

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

Plans for sewerage construction shall meet all design requirements of the District. An approval of plans for sewerage construction shall expire one year after date of approval unless construction has been initiated.

Section 36: INSPECTION AT TIME OF REMODEL

a. Whenever a person applies for a building and/or use permit for a remodel of an existing residential or non-residential facility from the County of Marin involving one or more plumbing fixtures, the property owner shall have the building sewer line tested for infiltration and

inflow, unless he or she presents satisfactory proof to the Manager that the private lateral sewer line is less than 20 years old or has been repaired but not completely replaced within the last 10 years.

b. In order to ensure compliance with this section, the property owner shall obtain a Sewer Lateral Certificate from the Manager for continued sewer service to an existing service in which there is a remodel involving one or more plumbing fixtures and which requires a county building or use permit.

Section 37: RULES FOR ENFORCEMENT

The Manager may adopt procedures and rules for the implementation and administration of this ordinance, including, but not limited to:

a. Require the Discharger to Submit Schedule of Remedial or Preventive Measures.

When the Manager finds that a discharge of wastes is taking place, or threatening to take place, that violates or will violate prohibitions or limits prescribed by this ordinance, or other wastewater source control requirements, or the provisions of a Sewer Use Permit, the Manager may require the discharger to submit for his approval a detailed time schedule of specific actions the discharger shall take to correct or prevent said violations of requirements. Failure to adhere to the schedule as approved shall constitute a public nuisance and the discharge or treatment discharge may be abated as a public nuisance.

b. Order to Cease and Desist. When the Manager finds that a discharge of wastes is taking place or threatening to take place in violation of prohibitions or limits of this ordinance, or wastewater source control requirements, or the provisions of a Sewer Use Permit, the Manager may issue an order to cease and desist and may direct that those persons not complying with such prohibitions, limits, requirements, or provisions (1) comply forthwith; (2) comply in accordance with a time schedule set by the Manager; or (3) in the event of a threatened violation take appropriate remedial or preventative action.

c. Elimination of Surface or Subsurface Drainage. When the owner of premises fails to comply with an order to cease and desist the entrance of surface or subsurface drainage water from his premises to the public sewer, the Manager shall have the right to enter the premises and to block the flow of drainage water. The costs thereof shall become a lien upon the premises.

d. Damage of Facilities and Processes. When the discharge of wastes causes an obstruction, damage, or other impairment to the sewerage facilities or treatment processes, the Manager will tabulate the expenses incurred for the work required to clean or repair the facility and correct the treatment process. Such expenses shall be added to the discharger's bill. Thereafter, such expenses shall be collected in the same manner, and User shall be liable to the same extent, or service charges.

e. Termination of Service. Pursuant to its Service Termination Procedures set forth by BCPUD Resolution 312, the District may terminate or cause to be terminated the service to any User or may revoke any sewer use permit if a violation of any provision of this Ordinance is found to exist or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this Ordinance. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency of payment or for any other reason. Whenever a premise has been disconnected from the District's sewer system for a violation hereof, reconnection of said premises shall be in accordance with District regulations. Notwithstanding the District's Service Termination Procedures set forth by BCPUD Resolution 312, immediate termination of service may be caused by the Manager on any premises if there is an immediate public nuisance. The Manager may then, enter upon the premises without written notice to do such things and expend such sums as may be necessary to abate such nuisance, hazard or menace and the reasonable value of work done and the amounts expended in so doing shall be charged against the person or owner of the property so in violation.

Section 38: REQUEST FOR RULING

If any discharger or applicant for a permit disputes the interpretation or application of this ordinance, he may request a ruling by the Manager, who will set forth his determinations on the request.

Section 39: APPEAL

If the discharger or applicant for a permit is dissatisfied with the determinations made by the Manager under the preceding section, he may, within sixty (60) days after receipt of said ruling by the Manager, appeal said ruling by giving written notice of the basis of his appeal to the Board of Directors. The Board of Directors shall, within thirty (30) days after receipt of said written notice of appeal, upon proper notice hold a hearing to make a final determination of the issue submitted. Hearings before the Board of Directors shall not be bound by formal rules of evidence; however, in no event shall a decision be based solely on hearsay evidence. Either party may be, but need not be, represented by an attorney. Upon request of either party, written findings of fact and conclusion of law will be prepared provided the request is made prior to commencement of the hearing.

Section 40: PUBLIC NUISANCE

Discharges of wastewater in any manner in violation of this ordinance or of any order issued by the Manager as authorized by this ordinance, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager.

Section 41: INJUNCTION

Whenever a discharge of wastewater is in violation of the provisions of this ordinance or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the Bolinas Community Public Utility District may petition the court of appropriate jurisdiction for the issuance of a preliminary or permanent injunction or both, as may be appropriate in restraining the continuance of such discharge.

Section 42: SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this ordinance. The Board of Directors declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more of such provisions be declared unconstitutional.

Section 43: The District Clerk be, and is hereby, directed to post this Ordinance for the period and in the manner required by the Public Utility District Act.

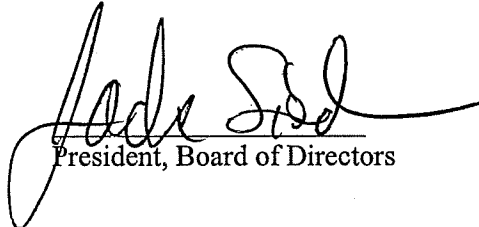
PASSED AND ADOPTED at a regular meeting of the Board of Directors on this 16th day of December, 2009.

AYES: AMOROSO, BENDER, KIMBALL, SIEDMAN, SMITH

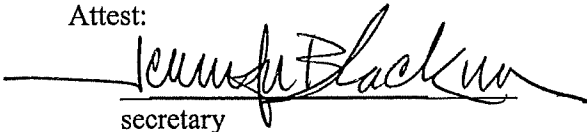
NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


President, Board of Directors

Attest:


secretary

As amended by BCPUD Ordinance 39 (first reading on December 16, 2009 and second reading on January 20, 2010).