3.0 LEGAL AUTHORITY

This element of the SSMP discusses the District's Legal Authority including its Code of General Regulations. This section fulfills the Legal Authority requirement for the RWQCB (Element 5) and the SWRCB (Element 3).

3.1 Regulatory Requirements for Legal Authority Element

The requirements for the Legal Authority element of the SSMP are summarized below:

3.1.1 RWQCB Requirement:

The District must demonstrate that it has the legal authority (through ordinances, service agreements, and other binding procedures) to control infiltration and inflow (I/I) from satellite collection systems and private service laterals; require proper design, construction, installation, testing, and inspection of new and rehabilitated sewers and laterals; and enforce violation of ordinances.

The SSMP should describe specific applicable legal mechanisms, with citations of names and code numbers of ordinances. If legal authority does not currently exist for a required element, the SSMP should indicate a schedule of activities to obtain the proper legal authority.

3.1.2 SWRCB Requirement:

The District must demonstrate, through collection system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- Prevent illicit discharges into its wastewater collection system (examples may include infiltration and inflow (I/I), storm water, chemical dumping, unauthorized debris and cut roots, etc.);
- Require that sewers and connections be properly designed and constructed;
- Ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the Public Agency (as applicable);
- Limit the discharge of fats, oils, and grease and other debris that may cause blockages; and
- Enforce any violation of its sewer ordinances.

3.2 District Legal Authority

The legal authority required for the SSMP by the RWQCB and the SWRCB is contained within the District's Code of General Regulations (Code), which is included in its entirety in Appendix 3A. The District amended the Code defining Legal Authority in Section 602 and 1012 in September 2014.

The following subparagraphs of the District code are discussed in more detail below as they pertain to the requirements of the RWQCB and SWRCB.

3.2.1 Prevention of Illicit Discharges

- Measures prohibiting illicit discharges are included in Article VI, Section 603, Prohibitions, of the District's Code. The purpose of this section is to prevent the discharge or any pollutant or any combination of pollutants into the sewers that would obstruct or damage the collection system, interfere with treatment, or threaten harm to human health or the environment. Examples of discharges covered by Section 603 are outlined below, and the complete text of the District Code is in Appendix 3A.
- Subsection (01) General Prohibitions, Items (A)-(K): Prohibits and makes unlawful the discharge of wastes into the wastewater facilities that cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, the obstruction or damage of the collection system, interfere with treatment, or threaten harm to human health or the environment.
- Subsection (02) Storm Drainage and Ground Water: No person shall, and it shall be unlawful to, discharge, cause to be discharged, or permit to be discharged, any storm water, ground water, rain water, street drainage, subsurface drainage, swimming pool drainage, or yard drainage, either directly or indirectly into the wastewater facilities, unless a permit therefore is issued by the District Manager. The District Manager may issue such permit only upon a finding by him or her that no reasonable alternative method of disposal of such water is available.
- Subsections (03)-(13): Describes additional prohibitions and limitations. Refer to the District Code in Appendix 3A for complete text.

3.2.2 Proper Design and Construction of Sewers and Connections

Measures outlining the District's authority regarding proper design and construction of sewers and connections are included in the District's Code at Article IV, Specifications Controlling Manner of Construction and Clearing Services, and Article VII, Permits. Relevant sections are referenced below. Refer to the District Code in Appendix 3A for complete text.

"Standard Specifications for Sanitary Sewer Construction – 2014," at Part D – Technical Specifications, incorporated by reference as part of the District's Code also outlines the District's authority. References to this document, listed below, are marked by an "*."

- Article IV, §400: Requires sewer design and construction in accordance with District Standards;
- Article IV, §401: Prohibits connections to the public sewer without a permit;
- Article VI, §401: Requires separate sewers for every house and building;
- Article IV, §401.20: Specifies requirements for depth of lateral sewers;
- Article IV, §401: Requires wye clean-out fittings for lateral sewers;
- Article IV, §401, *B2.02: Specifies requirements for minimum pipe size and slope for sewers;

- Article IV, §401.20, *C5.02: Specifies requirements for pipe materials;
- Article IV, §700-705: Requires permits and compliance with design standards for Pump Stations and Community Force Mains;
- Article VII, §700-705: Requires permits for Public Sewer Extensions;
- Article VII, §700-705: Requires plans, profiles and specifications prepared by a registered civil engineer for all public sewer construction applications.

3.2.3 Access for Maintenance, Inspection & Repairs

Measures detailing the District's authority to enter buildings for the purpose of protecting the public sewer system and enforcing provisions of the Sanitary Code are included in Article VII, Section 707.08, Inspection and Sampling, of the District's Code.

- Article VII, Section 707.08 Inspection and Sampling: The District Manager is hereby authorized to inspect the premises of any customer at all reasonable times to ascertain whether the provisions of this Code or the provisions of any permit issued pursuant to this Code are being complied with. Owners or occupants of premises where wastewater is created, held or discharged shall allow the District Manager ready access at all such reasonable times to all parts of the premises for the purposes of inspection, sampling, monitoring, or performing any or all of the duties reasonably necessary or appropriate in carrying out or enforcing the provisions of this Code or any permit issued pursuant to this Code. The District Manager shall further have the right to install and use on the customer's premises such devices as are reasonably necessary or appropriate to conduct sampling, metering, or monitoring operations or other of the aforesaid duties. In the event a customer has established security measures requiring identification and clearance prior to entry onto such customer's premises, the customer shall furnish and provide such identification or clearance to the District Manager so as to permit ready access by the District Manager to the premises for the purposes described in this Section.

3.2.4 Limit Discharge of Fats, Oils & Grease and Debris

As discussed in Element 7: Fats, Oils and Grease Control, the District has the legal authority to control the discharge of fats, oils and grease (along with other substances) to the public sewer. The District's Code (Article VI, Section 603.09, Additional Limitations) prohibits the discharge of fats, oils and grease as follows:

- Article VI, §603.09: Prohibits the discharge of any wastewater:
  - Containing more than 300 mg/l of oil or grease of animal or vegetable origin;
  - Containing more than 100 mg/l of oil or grease of mineral or petroleum origin.

3.2.5 Enforcement Measures

The District's Code (Article X, Enforcement) details the District's ability to enforce provisions of the Sanitary Code. Refer to the District Code (Appendix 3A) for complete text.

Section 1000: Violation, Notification of Violation, Unauthorized Discharges;

Section 1001: Administrative Order;

Section 1002: Appeals From Notice Of Violation Or Administrative Order;

Section 1003: Civil Penalties;

Section 1004: Administrative Penalties;

Section 1005: Collection of Fines and Penalties;

Section 1006: Criminal Penalties;

Section 1007: Termination of Service;

Section 1008: Revocation of Permit;

Section 1009: Public Nuisance;

Section 1010: Correction of Violations;

Section 1011: Injunction;

Section 1012: Liability for District Enforcement Expenses, Losses or Damages;

Section 1013: Hearing;

Section 1014: Remedies Cumulative.

3.2.6 Agreements with Other Agencies

The District does collect wastewater from 1-satellite system. This facility is monitored through the SVCW Pollution Prevention Program in conjunction with the WBSD.