

WEST BAY

SANITARY DISTRICT



**CODE OF GENERAL REGULATIONS
OF THE
WEST BAY SANITARY DISTRICT**

Revised: July 1, 2022

ARTICLE I	1
GENERAL PROVISIONS	1
SECTION 100. Purpose.	1
SECTION 101. Mailing Address and Offices of the District.	1
SECTION 102. Superseding Previous Regulations,	1
SECTION 103. Distribution of Revenue.	1
(01) The General Fund	1
(02) The Capital Assets Fund	1
(03) The Debt Service Fund	1
(04) The Clean Water Grant Fund	2
SECTION 104. Recording of Fees and Charges.	2
SECTION 105. Definitions.	2
ARTICLE II	8
MEETINGS OF THE DISTRICT BOARD	8
SECTION 200. Public Meetings.	8
SECTION 201. Regular Meetings.	8
SECTION 202. Special Meetings.	8
SECTION 203. Public Hearings.	8
SECTION 204. Quorum.	8
SECTION 205. Minutes of Meetings.	8
SECTION 206. Contracts.	8
SECTION 207. Amendments to the Code of General Regulations.	8
SECTION 208. Orders Not Establishing Amendments to the Code of General Regulations (Resolutions).	9
SECTION 209. Board Members Compensation.	9
ARTICLE III	10
COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE	10

SECTION 300. District Solid Waste Collection, Removal and Disposal System.	10
SECTION 301. Establishment of Rates	10
SECTION 302. Unlawful Acts.	10
ARTICLE IV	11
SPECIFICATIONS CONTROLLING MANNER OF CONSTRUCTION AND CLEARING SERVICES	11
SECTION 400. Standard Specifications.	11
SECTION 401. Building Sewers and Connections.	11
(01) Sewer Permit Required.	11
(02) Costs and Expenses of Installation.	11
(03) Separate Building Sewer Required.	11
(04) Cleanout Required.	11
(05) Cleanout Boxes.	11
(06) Cleanout Assembly.	12
(07) Side Sewer Ownership.	12
(08) Side Sewer Clearing	12
(09) Refusal of Clearing Services	12
(10) Side Sewer Clearing Request Notification	12
(11) Side Sewer Clearing Request Notification Data Analysis	12
(12) Side Sewer Damage Responsibility	13
(13) Side Sewer Overflow Responsibility	13
(14) Old Building Sewers.	13
(15) Residential Sewers.	13
(16) Elevation; Change of Direction.	13
(17) Artificial Lift.	13
(18) Excavation.	13
(19) Control Manholes.	13
(20) Alternative Sewer Lateral Materials	14
SECTION 402. Examination of Plans	14
SECTION 403. Inspection of Construction	14
SECTION 404. Dedication of Sewers - Easements	14
SECTION 405. Disconnection of Sewers	15
(01) Permanent Disconnection.	15
(02) Temporary Disconnection.	15
SECTION 406. Backflow Prevention Devices.	15
ARTICLE V	16
ANNEXATION OF TERRITORY	16
SECTION 500. Application for Annexation of Territory.	16

SECTION 501. Conditions and Payment of Fees.	16
ARTICLE VI	17
USE OF PUBLIC SEWERS	17
SECTION 600. Use of Public Sewers Required.	17
(01) Toilet Facilities and Connections required.	17
(02) Private Disposal Unlawful, with Exceptions.	17
SECTION 601. Private Wastewater Disposal.	17
(01) Sewers not Available.	17
(02) Permit Required.	17
(03) Compliance with Regulations.	17
(04) Discharge to Natural Outlet.	17
(05) Unlawful to Discharge to Public Sewer.	17
(06) Owner to Operate and Maintain.	17
SECTION 602. Grease, Oil, and Sand Interceptors.	18
(01) Applicability.	18
(02) Definitions.	18
(03) Prohibitions and Limitations	18
(04) Grease Control Device Requirements.	19
(05) Maintenance Requirements.	19
(06) Kitchen BMP Requirements.	19
(07) Recordkeeping Requirements.	20
(08) Inspection and Sampling Conditions.	20
(09) Variance.	20
(10) Charges and Fees.	20
(11) Falsifying Information or Tampering with Process.	20
(12) Enforcement.	20
SECTION 603. Prohibitions.	21
(01) General Prohibitions.	21
(02) Storm Drainage and Ground Water.	21
(03) Unpolluted Water.	21
(04) Garbage Grinders.	22
(05) Direct Discharge.	22
(06) Holding Tank Waste.	22
(07) Radioactive Wastes.	22
(08) Wastewater Strength.	22
(09) Additional Limitations,	23
(10) Specific Customer Limitations.	23
(11) Protection from Damage.	23
(12) Discharge to Natural Outlet.	24
(13) Interference with District Easements.	24
ARTICLE VII	25
PERMITS	25
SECTION 700. Permits Required.	25
SECTION 701. Pre-existing Discharges.	25

SECTION 702. Requirements Applicable to all Permits.	25
SECTION 703. Other Conditions and Requirements of Permits.	26
SECTION 704. Types of Sewer Connection, Disconnection and Construction Permits.	26
(01) Residential.	26
(02) Non-Residential.	26
(03) Sewer Mains, Pumping Station, Other.	27
(04) Class 4 – Sewer Disconnection.	27
(05) All Permits - Expiration.	27
(06) All Permits – Refund of Fees.	27
SECTION 705. Information Required by Type of Sewer Permit.	27
(01) Class 1.	27
(02) Class 2.	27
(03) Class 3.	28
SECTION 706. Wastewater Discharge Report.	28
SECTION 707. Wastewater Discharge Permits.	29
(01) Mandatory Wastewater Discharge Permit.	29
(02) Optional Wastewater Discharge Permit.	29
(03) Permit conditions.	29
(04) Duration of Wastewater Discharge Permit.	30
(05) Modification, Amendment or Other Change.	30
(06) Non-assignability of Wastewater Discharge Permit.	30
(07) Monitoring Facilities.	30
(08) Inspection and Sampling.	31
(09) Pretreatment.	31
(10) Protection Against Accidental Discharges.	31
(11) Public Information.	32
(12) Special Agreements.	32
(13) Notice to Affected Public Agencies.	32
SECTION 708. Private Wastewater System Permit.	33
SECTION 709. Extension of Sewer Permit.	33
SECTION 710. Payment of Permit Fees.	33
ARTICLE VIII	34
WASTEWATER VOLUME DETERMINATION	34
SECTION 800. General.	34
SECTION 801. Exceptions - Metering.	34
SECTION 802. Exceptions - Estimated Volume.	34
SECTION 803. Exceptions - Permit Required.	34
ARTICLE IX	35

FEES, RATES, AND CHARGES	35
SECTION 900. Sewer Service Charge.	35
(01) Purpose of Sewer Service Charge.	35
(02) Basis of Charge.	35
(03) Residential Customers Sewer Service Charge.	35
(04) Non-Residential Customer Sewer Service Charge.	35
(05) Non-Residential - Added Provisions.	36
(06) Adjustments and Reimbursements.	37
(07) Vacancy.	37
(08) Effective Date of Charges.	37
(09) Person Responsible.	37
(10) Collection of Sewer Service Charges on Tax Roll.	37
(11) Omission From Collection on Tax Roll - Direct Billing.	38
SECTION 901. Sewer Connection Charges.	39
(01) Purpose of Sewer Connection Charge.	39
(02) Basis of Charge.	39
(03) Charges by Type of Connection.	39
(04) Persons Responsible.	40
(05) Increased Use of Sewers.	40
(06) Repurchase of Capacity.	41
(07) Administration of Connection Charges.	41
SECTION 902. Permit and Inspection Fees.	41
(01) Class 1,2, 3, and 4 Permits.	41
(02) Non-Routine Wastewater Discharge Permits.	42
(03) Excess Expenses.	42
SECTION 903. Sewer Relocation Charge.	42
(01) Imposition of Charge.	42
(02) Effect of General Benefit.	43
(03) Parcels Subject to Relocation Charge.	43
(04) Determination of Net Cost.	43
(05) Computation of Relocation Charge Payable by Each Premise.	43
(06) Adoption of Resolution.	43
(07) Use of Relocation Charge Revenue.	44
SECTION 904. Annexation Fees.	44
(01) State of California Fees.	44
(02) Additional Fees.	44
SECTION 905. Solid Waste Collection and Disposal Charge.	44
SECTION 906. Environmental Impact Report and Negative Declaration -Preparation of Review Fee.	44
ARTICLE X	45
ENFORCEMENT	45
SECTION 1000. Violation, Notification of Violation, Unauthorized Discharges	45
(a) Violators Subject to Enforcement Provisions	45
(b) Powers and Authority of Inspectors.	45
(c) Notification of Unauthorized Discharge.	45

(d) Notices to Employees Regarding Unauthorized Discharges.	45
(e) Notice of Violation.	46
(f) Extension of Time to Comply.	46
SECTION 1001. Administrative Order.	46
SECTION 1002. Appeals From Notice Of Violation Or Administrative Order.	Error! Bookmark not def
SECTION 1003. Civil Penalties.	46
SECTION 1004. Administrative Penalties.	47
(a) Violators Subject To Administrative Penalties.	47
(b) Issuance of Administrative Complaint.	47
(c) Notice of Violation.	47
(d) Hearing.	47
(e) Determination of Penalty; Schedule of Penalties.	47
SECTION 1005. Collection of Fines and Penalties.	48
(a) Remedies Cumulative.	48
(b) Placed on Tax Bill.	48
(c) Lien.	48
(d) Petition to Court.	48
SECTION 1006. Criminal Penalties.	48
(a) Violations of Ordinances, Rules or Regulations.	48
(b) False Statements.	49
(c) Authority to Request Enforcement.	49
SECTION 1007. Termination of Service.	49
SECTION 1008. Revocation of Permit.	50
SECTION 1009. Public Nuisance.	50
SECTION 1010. Correction of Violations.	50
SECTION 1011. Injunction.	50
SECTION 1012. District Abatement and Enforcement Expenses, Losses or Damages.	51
SECTION 1013. Hearing.	52
SECTION 1014. Remedies Cumulative.	52
ARTICLE XI	53
VARIANCES AND APPEALS	53
SECTION 1100. Variances.	53
SECTION 1101. Appeals.	53
ARTICLE XII	53

ARTICLE II

MEETINGS OF THE DISTRICT BOARD

SECTION 200. Public Meetings.

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

SECTION 201. Regular Meetings.

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

SECTION 202. Special Meetings.

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

SECTION 203. Public Hearings.

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

SECTION 204. Quorum.

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

SECTION 205. Minutes of Meetings.

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

SECTION 206. Contracts.

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

SECTION 207. Amendments to the Code of General Regulations.

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

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

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

SECTION 209. Board Members Compensation.

Effective January 9, 2020, members of the District Board shall be compensated in the amount of \$20.00 per day for each day's attendance at meetings of the District Board, attendance at California Association of Sanitation Agencies conferences and for each day's service rendered as a Member of the District Board by request of the District Board. Compensation shall not exceed a total of \$1, (six days service) in any calendar month.

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

ARTICLE III

COLLECTION, REMOVAL AND DISPOSAL OF SOLID WASTE

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

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

SECTION 301. Establishment of Rates

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

SECTION 302. Unlawful Acts.

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

SECTION 303. Mandatory Organic Waste Disposal Reduction.

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

ARTICLE IV

SPECIFICATIONS CONTROLLING MANNER OF CONSTRUCTION AND CLEARING SERVICES

SECTION 400. Standard Specifications.

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

SECTION 401. Building Sewers and Connections.

(01) Sewer Permit Required.

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

(02) Costs and Expenses of Installation.

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

(03) Separate Building Sewer Required.

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

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

(04) Cleanout Required.

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

(05) Cleanout Boxes.

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

(06) Cleanout Assembly.

The cleanout assembly, consisting of a “Y” and branch fittings, shall be made of cast iron or clay of the same size as the building sewer it serves. The cast iron riser shall connect the “Y” and branch fittings up to the cleanout box. The top of the riser shall be fitted with a brass or plastic screw type cleanout cap.

(07) Side Sewer Ownership.

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

(08) Side Sewer Clearing

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

(09) Refusal of Clearing Services

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

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

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

- I. Deny the request for clearing services;
- II. Charge for clearing services;
- III. Require the inspection, testing and repair or replacement of the side sewer. Such inspection, testing, repair or replacement shall be at the sole cost and expense of the property owner. [Gen. Reg. 111]

(10) Side Sewer Clearing Request Notification

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

(11) Side Sewer Clearing Request Notification Data Analysis

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

(12) Side Sewer Damage Responsibility

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

(13) Side Sewer Overflow Responsibility

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

(14) Old Building Sewers.

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

(15) Residential Sewers.

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

(16) Elevation; Change of Direction.

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

(17) Artificial Lift.

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

(18) Excavation.

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

(19) Control Manholes.

When required by the District Manager, the owner of any property served by a building sewer carrying non-residential wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be constructed in accordance with plans approved by the District Manager. The manhole shall be installed by and at the owner's expense,

and shall be maintained by the owner, at the owners sole cost and expense, so as to be safe and accessible at all times. [Gen. Reg. 111]

(20) Alternative Sewer Lateral Materials

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

1, Preferred Replacement

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

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

2. Acceptable Rehabilitation of Existing Side Sewer

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

- a) Cured-in-place materials
- b) HDPE SDR 17 installed by pipe bursting

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

If the existing side sewer is less than 36", the preferred method of installation must be applied.

SECTION 402. Examination of Plans

The District Manager or his representative shall examine the plans submitted under a Class 3 sewer permit to verify that they are in accordance with good engineering practices and in compliance with the standard specifications and policies of the District. Plans which have been so examined and approved will be submitted to the District Board for approval, alteration, or rejection.

SECTION 403. Inspection of Construction

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

All work shall be inspected by the District when construction is completed but before use is made of the facilities constructed. Inspection shall be made at such other times as the District Manager may require. The applicant shall give 24 hours advance notice to the District Manager that construction performed under a Class 1 or a Class 2 sewer permit is ready for inspection.

The applicant shall give 48 hours advance notice with respect to such construction performed under a Class 3 sewer permit.

SECTION 404. Dedication of Sewers - Easements

The District encourages the placement of main sewers in the public right-of-way. When no viable alternative exists the District Manager may authorize the placement of main sewers in Public Utility Easements or in dedicated easements. No sewer shall become a public sewer unless it is dedicated to public use and is

accepted by the District on such terms as the District may require. As a condition of accepting a sewer as a public sewer, the applicant shall provide such original grant deeds of easement to the District, together with rights of ingress and egress, as maybe necessary for the District to enter upon the property for the purposes of operating and maintaining the public sewers. No such easement shall be less than fifteen (15) feet in width.

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

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

SECTION 405. Disconnection of Sewers

(01) Permanent Disconnection.

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

(02) Temporary Disconnection.

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

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

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

SECTION 406. Backflow Prevention Devices.

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

ARTICLE V

ANNEXATION OF TERRITORY

SECTION 500. Application for Annexation of Territory.

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

- (01) The applicant has complied with all conditions of annexation imposed by the San Mateo County Local Agency Formation Commission (LAFCO);
- (02) The San Mateo County Local Agency Formation Commission has approved the territory for annexation by resolution; and
- (03) The applicant has complied with all conditions of annexation imposed by the District and any other public agency having jurisdiction over such matters.

SECTION 501. Conditions and Payment of Fees.

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

ARTICLE VI

USE OF PUBLIC SEWERS

SECTION 600. Use of Public Sewers Required.

(01) Toilet Facilities and Connections required.

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

(02) Private Disposal Unlawful, with Exceptions.

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

SECTION 601. Private Wastewater Disposal.

(01) Sewers not Available.

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

(02) Permit Required.

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

(03) Compliance with Regulations.

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

(04) Discharge to Natural Outlet.

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

(05) Unlawful to Discharge to Public Sewer.

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

(06) Owner to Operate and Maintain.

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

SECTION 602. Grease, Oil, and Sand Interceptors.

(01) Applicability.

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

(02) Definitions.

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

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

(B) Food Service Establishment (FSE).

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

(C) Grease Control Device.

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

(D) Remodel or Remodeling.

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

(E) Sanitary Sewer Overflow (SSO).

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

(03) Prohibitions and Limitations

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

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

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

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

(E) Introduction of any additives into the plumbing system of an FSE or grease control device for the purpose of emulsifying or chemically treating FOG for grease remediation or as a

supplement to device maintenance is prohibited. Biological treatment of grease control devices may be allowed upon approval of the District Manager or designee.

(04) Grease Control Device Requirements.

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

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

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

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

(05) Maintenance Requirements.

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

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

(06) Kitchen BMP Requirements.

All FSEs shall implement kitchen BMPs in accordance with requirements and guidelines established by the District Manager.

(07) Recordkeeping Requirements.

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

(08) Inspection and Sampling Conditions.

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

(09) Variance.

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

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

(10) Charges and Fees.

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

(11) Falsifying Information or Tampering with Process.

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

(12) Enforcement.

Failure to comply with the provisions of this Section 602 may result in one or more of the following enforcement actions in addition to any other remedy or provision of law, including but not limited to, those provided in Article X of this Code: (i) a notice of violation may be issued with a compliance schedule for correction; (ii) a noncompliance fee may be charged, which fee may be increased each time an FSE is issued a notice of violation; (iii) the District Manager may direct a contractor to pump and clean an FSE's grease control device; (iv) service to the FSE may be

suspended or terminated; (v) the FSE may be issued an administrative citation; (vi) a misdemeanor complaint against the FSE may be filed; and/or (vii) FSE noncompliance may be enjoined as a public nuisance through a civil action brought by District or the San Mateo District County Attorney against the FSE.

SECTION 603. Prohibitions.

(01) General Prohibitions.

No person shall, and it shall be unlawful to, discharge wastes into the wastewater facilities which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances;

- (A) A fire or explosion;
- (B) Obstruction of flow, or injury to, the wastewater facilities, or any portion thereof;
- (C) Danger to life or safety of persons;
- (D) Conditions inhibiting or preventing the effective maintenance or operation of the wastewater facility;
- (E) Strong or offensive odors, air pollution, or any noxious, toxic, or malodorous gas-or substance, or gas-producing substances;
- (F) Interference with the wastewater treatment process, or overloading of the wastewater facilities, or excessive collection or treatment costs, or use of capacity in the wastewater facilities to which the person is not entitled;
- (G) Interference with any wastewater reclamation process, which does or may operate in conjunction with the wastewater facilities, or overloading, or a breakdown of such reclamation process, or excessive reclamation costs, or any product of the treatment process which renders such reclamation process impracticable or not feasible under normal operating conditions;
- (H) A detrimental environmental impact, or a nuisance wherever located, or a condition unacceptable to any public agency having regulatory jurisdiction over operation of the wastewater facilities;
- (I) Discoloration, or any other adverse condition in the quality of the effluent from the wastewater facilities such that receiving water quality requirements established by any statute, rule, regulation, ordinance, or permit condition cannot be met by the District or the Authority;
- (J) Conditions at or near the wastewater facilities, or any portion thereof, which cause, or may cause, the District or Authority to be in violation of the requirements of law.
- (K) Pollutants introduced into the wastewater facilities which pass through or interfere with the operation or performance of the wastewater facilities. [Added by General Regulation No. 59.]

(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 therefor is issued by the District Manager. The District Manager may issue such permit only upon a finding by him that no reasonable alternative method of disposal of such water is available.

(03) Unpolluted Water.

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

(04) Garbage Grinders.

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

- (A) Wastes generated in preparation of food normally consumed on the premises may be so discharged; or
- (B) Such discharge is made pursuant to a permit issued by the District Manager.

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

(05) Direct Discharge.

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

(06) Holding Tank Waste.

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

- (A) Such discharges may be made into facilities designed to receive such wastes and approved by the District Manager; or
- (B) Such discharge may be made pursuant to a permit issued therefor by the District Manager. Unless otherwise provided by the District Manager, a separate permit shall be required for each separate holding tank waste discharge.

(07) Radioactive Wastes.

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

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

(08) Wastewater Strength.

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

-
- (a) 0.27 mg/l arsenic;
 - (b) 0.13 mg/l cadmium;
 - (c) 2.3 mg/l copper;
 - (d) 0.06 mg/l cyanide;
 - (e) 1.2 mg/l lead;
 - (f) 0.00097 mg/l mercury;
 - (g) 0.17 mg/l nickel;
 - (h) 0.44 mg/l silver;
 - (i) 3.3 mg/l total chromium;
 - (j) 6.5 mg/l zinc;

- (k) 0.098 mg/l selenium;
- (l) 0.07 mg/l methylene chloride;
- (m) 0.03 mg/l chloroform;
- (n) 0.03 mg/l tetrachloroethene (perchloroethylene);
- (o) 0.002 mg/l benzene;
- (p) 0.001 mg/l carbon tetrachloride;
- (q) 2,000 mg/l cBOD;
- (r) 3,600 mg/l TDS
- (s) 1,800 mg/l Electrical Conductivity

(09) Additional Limitations.

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

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

(10) Specific Customer Limitations.

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

- (A) The limitations set forth in this Article may not be sufficient to protect the operation of the wastewater facilities, or any portion thereof, or the waste or wastewater proposed to be discharged otherwise constitutes a hazard to, or an unreasonable burden upon, such operation, or otherwise causes or significantly contributes to violation of the Authority's National Pollutant Discharge Elimination System (NPDES) permit; or
- (B) The limitations set forth in this Article may be unreasonably restrictive when applied to a specific industry; and imposing a less stringent limitation will not cause or contribute to violation of any state or federal requirement of law; or
- (C) Specific standards have been established by the state or federal government for a specific category of industrial customer which would supersede the limitations set forth in this Article with respect to such category. [Amended by General Regulation No.59.]

(11) Protection from Damage.

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

(12) Discharge to Natural Outlet.

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

(13) Interference with District Easements.

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

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

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

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

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

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

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

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

(E) In the event of any substantial hardship, or for other good cause, any affected person may seek relief from the provisions of this Subsection (13) by requesting a variance pursuant to Section 1100 of Article XI of this Code.[Amended by General Regulation No. 82]

ARTICLE VII

PERMITS

SECTION 700. Permits Required.

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

- (01) Construct or use any private wastewater disposal system;
- (02) Uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof;
- (03) Reestablish use of any private wastewater disposal system where such use has been discontinued;
- (04) Reestablish service to any premises served by the public sewers, where use of the public sewers has been discontinued;
- (05) Increase the volume of discharge of wastewater from any premises into the public sewers or into a private wastewater disposal system beyond the volume authorized for such premises under any previously issued permit;
- (06) Change the nature of the discharge of wastewater from any premises into the public sewers or into a private wastewater disposal system beyond the nature of the discharge authorized for such premises under any previously issued permit.
- (07) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 0.02 mg/l total identifiable chlorinated hydrocarbons.
- (08) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 1.0 mg/l phenolic compounds.
- (09) Discharge, cause to be discharged or permit to be discharged any wastewater containing in excess of 20.0 mg/l fluoride compounds.

SECTION 701. Pre-existing Discharges.

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

SECTION 702. Requirements Applicable to all Permits.

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

- (01) It has been determined by the District Manager that:
 - (A) The real property to be served is located within the District;
 - (B) The proposed project is not prohibited or precluded by this Code or by the regulations of any other government agency having jurisdiction over wastewater disposal within the District;
 - (C) There is sufficient capacity within the District's wastewater facilities to accommodate the proposed project and, if required by the District, the applicant has received a written recommendation for wastewater discharge entitlement for a specified volume in gallons per day, average daily flow, from the local planning jurisdiction in which the project is located;
 - (D) No extension of the District's collection facilities is required to serve the proposed project or the applicant has satisfied all requirements of the District for extending the collection facilities to the vicinity of the project site; and
 - (E) Any easements necessary for the District to operate and maintain public facilities installed in private property have been granted and accepted by the District.

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

- (A) The name and address of the applicant;
- (B) The location and description of the discharge proposed to be permitted;
- (C) A detailed description of any work to be performed, and materials and equipment to be used in carrying out the provisions of such permit; and
- (D) Such other information deemed necessary by the District Manager to determine the effect upon the wastewater facilities of the proposed discharge or activities related thereto, or otherwise reasonably necessary to enable the District Manager to carry out the provisions of this Code, or any other requirements of law.

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

SECTION 703. Other Conditions and Requirements of Permits.

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

- (01) Impose additional requirements upon an applicant which must be satisfied before the permit will be issued;
- (02) Authorize issuance of the permit subject to satisfaction of conditions subsequent; failure to satisfy such conditions is grounds for the District Board to revoke the permit and discontinue any use authorized by the permit;
- (03) Waive compliance by the applicant with requirements or conditions previously imposed.

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

There shall be two (2) classes of sewer connection; one (1) class of sewer disconnection permit and one (1) class of construction permit as follows:

(01) Residential.

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

- Permit type 1A for single-family residences;
- Permit type 1B for multiple-unit residences;
- Permit type 1C for rooming houses or boarding houses;
- Permit type 1D for miscellaneous residential;
- Permit type 1E for residential STEP or Pressure Grinder Systems;
- Permit type 1F for residential Non-Preferred Method of lateral replacement

(02) Non-Residential.

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

- Permit type 2A for commercial establishments;
- Permit type 2B for industrial establishments;
- Permit type 2C for institutional establishments;
- Permit type 2D for miscellaneous non-residential;
- Permit type 2E for non-residential STEP or Pressure Grinder Systems;
- Permit type 2F for non-residential Non-Preferred Method of lateral replacement

(03) Sewer Mains, Pumping Station, Other.

Class 3 sewer permits are required for construction of sewer mains, pumping stations and other wastewater facilities including STEP or Pressure Grinder Systems.

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

(04) Class 4 – Sewer Disconnection.

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

Permit type 4A for Permanent Disconnection;

Permit type 4B for Temporary Disconnection.

(05) All Permits - Expiration.

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

(06) All Permits – Refund of Fees.

No refund of permit fees shall be made for expired permits

SECTION 705. Information Required by Type of Sewer Permit.

(01) Class 1.

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

- (A) Legal description including street address, lot number, block number, name of subdivision, assessor's parcel number and the parcel volume and page number according to the parcel map.
- (B) Type or work to be done including the kind of building to be connected, whether it is a new connection, repair or other, the building permit number and the District's connection record number.
- (C) The owner's name, address and telephone number.
- (D) The contractor's name, address and telephone number.
- (E) Any additional information which the District Manager may require due to the nature of the project.
- (F) The signature of the applicant including the applicant's address and telephone number.

(02) Class 2.

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

- (A) Applicant's business name.
- (B) Address of premises discharging wastewater, including the assessor's parcel number.
- (C) The standard industrial classification of applicant's business and the number of the classification.
- (D) The applicant's name, mailing address and telephone number.
- (E) The engineer/contractor's name, address and telephone number.
- (F) The volume of wastewater proposed to be discharged.
- (G) Any additional information which the District Manager may require due to the nature of the project, including a wastewater discharge report or permit.
- (H) The signature of the applicant and the date.

(03) Class 3.

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

- (A) The name of the owner or owner's agent making application.
- (B) The location of the project.
- (C) The name and address of the engineer.
- (D) The name and address of the owner.
- (E) The name and address of the contractor.
- (F) Maps, plans, profiles and other information as required by the District Manager. These maps, plans, profiles, etc. shall show the location and boundary lines of the property to be sewered and of each tract, lot, or parcel therein, together with existing and proposed streets, roads, highways, easements, and rights-of-way within and immediately contiguous with said property, and shall show the proposed connections with the District's sewer or other proposed facilities and existing ground surface elevations together with such changes as may result from subsequent grading, filling, road construction and the like.
- (G) A Negative Declaration or final Environmental Impact Report, whichever is applicable, as determined by the lead agency for the project pursuant to the California Environmental Quality Act, as amended.
- (H) The signature and address of the applicant.

SECTION 706. Wastewater Discharge Report.

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

- (01) A description of the activities, facilities, and plant processes conducted on the premises, including, but not limited to, all materials fabricated or processed and the type of materials which are or could be discharged into the wastewater facilities;
- (02) The type and quantity of each product produced, fabricated or manufactured on the premises;
- (03) Site plans, floor plans, mechanical and plumbing plans in detail necessary or appropriate to show and to describe all sewers and appurtenances by size, location and elevation.
- (04) The number and classifications for work categories of employees, and the hours of work or operation on the premises;
- (05) Wastewater constituents and characteristics the presence and amount of which shall be determined by a laboratory competent to test and describe such constituents and characteristics, as approved by the District Manager;
- (06) Average volumes and 30-minute peak flow rate of fresh water, non-wastewater, and wastewater proposed to be discharged, including daily, monthly, and seasonal variations, if any;
- (07) Time and duration of the proposed wastewater discharge;
- (08) Such other information deemed necessary by the District Manager to determine the affect upon the wastewater facilities of the proposed discharge, or to determine the necessity for, or type of pretreatment, or permit conditions, or other measures necessary or appropriate to enable the District Manager to carry out the provisions of this Code or any other requirements of law. The District Manager may also require that such reports include the chemical constituents and quantity of liquid, gaseous, or solid materials stored on the premises relating to such discharge, even though such materials are not normally discharged into, or become a part of the wastewater, in the wastewater facilities. Such reports shall be in addition to self monitoring reports, information furnished in connection with wastewater discharge permits, or other permits authorized under this Code. Reports authorized and required under this Section shall be filed with the District Manager periodically and/or at such other times as the District Manager may reasonably require.

SECTION 707. Wastewater Discharge Permits.

(01) Mandatory Wastewater Discharge Permit.

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

(02) Non-Routine Wastewater Discharge Permit.

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

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

(03) Permit conditions.

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

- (A) The unit charge or schedule of charges and fees for the service and use of the wastewater facilities to be paid by the permittee, and the terms and conditions of such payment;
- (B) The allowable average and maximum wastewater constituents and characteristics thereof permitted to be discharged into the wastewater facilities;
- (C) Limitations upon time and rate of wastewater discharge, or requirements for flow regulations and equalizations thereof;
- (D) Requirements for the installation of inspection, sampling, or testing facilities;
- (E) Pretreatment requirements;
- (F) Specifications for monitoring programs which may include, but shall not necessarily be limited to, sampling locations, frequency and method of sampling, number, types and standards per test, and reporting schedule;

- (G) Requirements for submitting chemical, engineering or other kinds of technical reports or wastewater discharge reports;
- (H) Requirements for maintaining plant records related to the wastewater discharge, as specified by the District Manager, and provisions for access by the District Manager thereto;
- (I) The mean and maximum mass emission rates, or other appropriate limits, when incompatible pollutants are proposed to be discharged into, or are present in, the customer's wastewater discharge; and
- (J) Such other conditions, requirements, or provisions deemed appropriate by the District Manager to insure compliance with the provisions of this Code or other requirements of law.

(04) Duration of Wastewater Discharge Permit.

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

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

(05) Modification, Amendment or Other Change.

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

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

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

(06) Non-assignability of Wastewater Discharge Permit.

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

(07) Monitoring Facilities.

The District Manager may require a customer to construct, operate, and maintain, at the customer's own expense, monitoring, sampling, or metering facilities or other equipment to allow inspection, sampling, and flow measurement of the customer's building sewer, or internal drainage systems, or waste or wastewater discharges. Such monitoring, sampling, or metering facilities or equipment shall be located on the customer's premises; provided, however, that the District Manager may allow such equipment or facility to be constructed upon public property adjacent to the customer's premises upon a determination by the District Manager that location of such equipment or facilities upon the customer's premises would be impracticable or cause

unnecessary or undue hardship. In the event that the District Manager makes the foregoing determination, and the public property upon which such facilities or equipment are proposed to be constructed or installed is outside the District, the customer shall obtain permission for such installation or construction, and for the maintenance and operation of such facilities or equipment, from the government agency having jurisdiction over such public property. Monitoring, sampling, or metering facilities or equipment to be provided, installed, maintained and operated pursuant to the provisions of this Section shall be so situated and constructed and installed as to permit safe and immediate access thereto by the District Manager; provided, however, that the District Manager may, at the option of the customer, secure such equipment or facilities with a lock furnished by the District Manager, at the expense of the customer. The customer shall provide sufficient space, as determined by the District Manager, at or near such equipment or facilities so as to allow ready and accurate monitoring, sampling, and composition of samples for analysis. Such equipment and facilities, and the sampling and measuring equipment to be maintained and operated in connection there-with, shall be so maintained and operated at all times in a safe and proper condition, by and at the expense of the customer.

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

(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.

(09) Pretreatment.

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

(10) Protection Against Accidental Discharges.

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

The District Manager may specify standard procedures and/or facilities for each classification of customer, and, to the extent so specified, he is hereby authorized and directed to require the institution and use of such procedures, and the installation and construction of such facilities for each such classification. Alternatively,

the District Manager may require any customer to propose such procedures and/or facilities, which proposals shall be submitted to the District Manager for review, with such supporting plans, specifications, data, explanations, or other matters as may reasonably be required by the District Manager in order to ascertain the effectiveness of the procedures and/or facilities proposed. The District Manager may require such revisions, amendments, modifications, or other changes to such proposals, or approve, or reject the same, as the District Manager deems reasonably necessary or appropriate in order that such proposals ensure protection against accidental or unauthorized discharge.

(11) Public Information.

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

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

(12) Special Agreements.

The provisions of this Code shall not be deemed a limitation upon the District or Authority to enter into agreements, and to recover costs relating thereto, with any customer relating to treatment, pretreatment, or other matters in furtherance of the provisions of this Code and the purposes thereof, and not inconsistent therewith, when unique, unusual, or extraordinary circumstances require such special agreements; provided, however, that no such agreement shall authorize an extension of the final dates for compliance with required federal standards or waive such standards. [Amended by General Regulation No. 59]

(13) Notice to Affected Public Agencies.

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

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

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

(C) Any affected public agency may comment upon the proposed permit and may request changes to the conditions or that the permit not be issued. If the Manager agrees with the requests, the changed conditions shall be included in the permit or the permit shall not be issued, as the case may be. If the Manager does not concur with the request, the affected public agency or agencies may appeal the Manager's decision in accordance with the procedures set forth in Article HI, Section 1101. The permit shall not be issued, nor shall it become effective, until the appeal process has been concluded. [Amended by General Regulation No. 73]

SECTION 708. Private Wastewater System Permit.

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

SECTION 709. Extension of Sewer Permit.

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

SECTION 710. Payment of Permit Fees.

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

ARTICLE VIII

WASTEWATER VOLUME DETERMINATION

SECTION 800. General.

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

SECTION 801. Exceptions - Metering.

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

SECTION 802. Exceptions - Estimated Volume.

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

SECTION 803. Exceptions - Permit Required.

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

- (A) The name and address of the applicant ;
- (B) The location, or other description of the premises served by the wastewater facilities and for which such calculation is proposed to be made;
- (C) Reasons supporting use of a metering device or calculation or estimated volumes, as appropriate; and
- (D) Such data, statistics, or other information deemed necessary or appropriate by the District Manager to enable him to make the findings or determination specified in the two previous Sections (801) and (802), as appropriate.

ARTICLE IX

FEES, RATES, AND CHARGES

SECTION 900. Sewer Service Charge.

(01) Purpose of Sewer Service Charge.

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

(02) Basis of Charge.

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

(03) Residential Customers Sewer Service Charge.

(A) Residential Customers Rate.

The flat rate sewer service charge for fiscal year July 1, 2022 through June 30, 2023 for residential customers shall be One Thousand Two Hundred Eighty dollars and no cents (\$1,280.00) per Single Family Residence.

The flat rate sewer service charge for fiscal year July 1, 2023 through June 30, 2024 for residential customers shall be One Thousand Three Hundred Six dollars and no cents (\$1,306.00) per Single Family Residence.

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

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2022 through June 30, 2023 shall be Two Thousand Fifty Dollars and no cents (\$2,050.00) per Single Family Residence.

The sewer service charge for residential customers served by a STEP/Grinder System for fiscal year July 1, 2023 through June 30, 2024 shall be Two Thousand Two Hundred Twenty-Six Dollars and no cents (\$2,226.00) per Single Family Residence.

(04) Non-Residential Customer Sewer Service Charge.

(A) The rates for customers in the non-residential category for fiscal year July 1, 2022 through June 30, 2023 shall be computed on the basis of:

(1) A flow rate charge of \$7.61 per hundred cubic feet of metered water consumption in accordance with the formula set forth for non-residential customers, **PROVIDED** that District may make adjustments where it appears to District that water consumption is not a reasonably accurate measure of wastewater discharge.

(2) A biochemical oxygen demand rate of \$1.34 per pound per hundred cubic feet of water consumption; and,

(3) A suspended solids loading rate of \$1.53 per pound per hundred cubic feet of water consumption.

(B) The rates for customers in the non-residential category for fiscal year July 1, 2023 through June 30, 2024 shall be computed on the basis of:

(1) A flow rate charge of \$7.76 per hundred cubic feet of metered water consumption in accordance with the formula set forth for non-residential customers, **PROVIDED** that District may make adjustments where it appears to District that water consumption is not a reasonably accurate measure of wastewater discharge.

(2) A biochemical oxygen demand rate of \$1.37 per pound per hundred cubic feet of water consumption; and,

(3) A suspended solids loading rate of \$1.56 per pound per hundred cubic feet of water consumption.

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

The sewer service charge for non-residential customers served by a Septic Tank Effluent Pumping System or Grinder Pump System for fiscal year July 1, 2022 through June 30, 2023 shall be Two Thousand Fifty Dollars and no cents (\$2,050.00) for each 200 gallons per day, average annual daily flow rate, discharged to the District's sewer system.

The sewer service charge for non-residential customers served by a Septic Tank Effluent Pumping System or Grinder Pump System for fiscal year July 1, 2023 through June 30, 2024 shall be Two Thousand Two Hundred Twenty-Six Dollars and no cents (\$2,226.00) for each 200 gallons per day, average annual daily flow rate, discharged to the District's sewer system.

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

(05) Non-Residential - Added Provisions.

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

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

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

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

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

(06) Adjustments and Reimbursements.

It is the intent of the District Board, to establish different sewer service charges for different categories of customers, that reflect the proportional cost of the sewer service attributable to the premises or parcel, based upon the type of use of the premises or parcel. If, in respect to any customer the District Board should find that the charge is inequitable or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established, which will bear a closer relationship to the proportional cost of sewer service. Such special charge may be established by resolution or agreement, but may be revoked at any time by the District Board whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

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

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

(07) Vacancy.

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

(08) Effective Date of Charges.

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

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

(09) Person Responsible.

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

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

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

(B) The District Manager shall prepare and file with the District Secretary on or before the 15th day of July of each year written report containing a description of each and every parcel of real property receiving sewer service and facilities and subject to the sewer service charge established by this Section and the amount of the service charges for each parcel for the then current fiscal year, computed in conformity with the charges prescribed by the provisions of this Section. The parcels of real property included in said report may be described by reference to maps prepared in accordance with Section 327 of the Revenue and Taxation Code

of the State of California and on file in the office of the County Assessor of San Mateo County, California, or by reference to plats or maps on file in the office of the District.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 901. Sewer Connection Charges.

(01) Purpose of Sewer Connection Charge.

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

(02) Basis of Charge.

No connection shall be made to any public sewer, or to any sewer flowing into a public sewer within the District, until there shall be paid to the District a sewer connection charge, such charge to be in addition to charges for permits, inspections or the requirements of any other rule or regulation of the District. The connection charge shall be paid at the time the application for a Class 1 or Class 2 sewer permit is filed.

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

(03) Charges by Type of Connection.

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

Connection Fee Dollars	District
Residential Unit (includes 30 gpd lateral I/I) Minimum per EDU 200 Gallons Per Day (GPD)	\$8,608.00
Supplementary Connection Fee (a) (equivalent to 30 gpd lateral I/I)	\$1,291.20
Non-Residential Use (b) Equal or Less than 300 mg/l Biological Oxygen Demand (BOD) or Suspended Solids (SS) *per supplementary connection (a)	\$43.04/gpd +\$1,291.20*
Greater than 300 mg/l BOD or SS *per supplementary connection (a)	\$36.28/gpd + \$6.76/gpd x strength ratio (c) + \$1,291.20*

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

- (b) Non-Residential Use connection fees are calculated using average daily flow in gpd. Minimum Non-Residential Use is based on 300 gpd of average daily flow. In no event shall the Non-Residential Use connection fee be less than the Residential connection fee of \$8,608.00.
 Example: A Non-Residential Use connection with 300 gpd of average daily flow and 300 mg/l of BOD or SS would pay the following:
 $\$43.04/\text{gpd} \times 300 \text{ gpd} = \$12,912.00$
- (c) The strength ratio component for Non-Residential Use with BOD and/or SS concentrations greater than 300 mg/l, is calculated by the ratio of the highest of the BOD or SS concentrations to 300 mg/l.
 Example: A Non-Residential Use connection with 300 gpd of average daily flow and 400 mg/l of BOD and 350 mg/l of SS would pay the following:
 $\$36.28/\text{gpd} \times 300 \text{ gpd} + (\$6.76/\text{gpd} \times 300 \text{ gpd} \times (400 \text{ mg/l} \div 300 \text{ mg/l})) = \$13,588.00$

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

Accessory Dwelling Unit

Pursuant to Section 65852.2 of the California Government Code the District will charge an Accessory Dwelling Unit Connection Fee based on the number of plumbing fixture units (FU). District establishes 20 FU's per EDU (equivalent dwelling unit) as the basis for charging accessory dwellings for an existing customer. The connection fee would be \$430.40 multiplied times the number of fixture units in the accessory dwelling unit to charge a connection for the accessory dwelling unit.

Formula Assumptions:

#1 - District Connection Fee charge per EDU = \$8,608.00, the charge per fixture unit would be \$430.40 per FU (\$8,608.00 divided by 20 FU).

#2 - \$430.40 per FU per FU (\$8,608.00 divided by 20 FU).

Example: An accessory dwelling for an existing customer with 15 fixture units would be charged a connection fee of \$6,456.00 (15 x \$430.40).

(04) Persons Responsible.

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

(05) Increased Use of Sewers.

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

(B) In those instances where an increased use has been made without written notice by the customer to the District, the additional connection charge shall be computed at the rate in effect under this Code on the date

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

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

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

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

(06) Repurchase of Capacity.

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

(07) Administration of Connection Charges.

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

(B) The amount of connection charges for all classifications of connections shall be reviewed at least once each fiscal year. [Amended by General Regulation No. 66.]

SECTION 902. Permit and Inspection Fees.

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

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

(02) Non-Routine Wastewater Discharge Permits.

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

- (A) Mandatory wastewater discharge permit.
- (B) Determination and approval of metered waste water volumes, and metered volume permit.
- (C) Determination and approval of use of estimated wastewater volume, and estimated volume permit.
- (D) Private wastewater disposal permit.
- (E) Review of proposals for protection against accidental discharges.
- (F) Discharge report review. [Amended by General Regulation No. 78.] Service or work which is expressly or impliedly required to be performed by the District pursuant to the provisions of this Code, the payment for which is not otherwise provided for herein, shall be paid in advance of the performance of such services or work in an amount equal to the estimated cost to the District thereof. Upon performance of such services or work, and upon the calculation of the actual costs thereof, sums deposited in excess of such actual costs shall be refunded or additional charges equal to the amount by which the actual cost exceeds the estimated cost shall be paid.

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

(03) Excess Expenses.

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

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

SECTION 903. Sewer Relocation Charge.

(01) Imposition of Charge.

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

- (A) A governmental entity proposes to undertake a work of public improvement that will necessitate relocation, modification, or reconstruction of existing District wastewater facilities;
- (B) Except for the work of improvement, the wastewater facilities would not have required relocation, modification, or reconstruction at that time;
- (C) The District will be required to pay to the governmental entity all or some part of the relocation, modification or reconstruction costs, or the District will be required to perform the relocation, modification or reconstruction of its facilities without reimbursement for all or some portion of the attendant costs; and
- (D) The work of improvement is primarily for the benefit of some of the premises within the District's boundaries, and not primarily for the general benefit of all premises within the District.

(02) Effect of General Benefit.

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

(03) Parcels Subject to Relocation Charge.

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

(04) Determination of Net Cost.

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

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

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

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

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

(06) Adoption of Resolution.

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

- (A) A schedule of the relocation charges to be imposed.
- (B) The description of all premises subject to the charge by Assessor's Parcel Number.
- (C) The provisions for payment and collection of the charge.
- (D) The time and place at which the District Board will hold a public hearing at which persons may appear and voice any and all objections they may have to the imposition of the charge.

(07) Use of Relocation Charge Revenue.

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

SECTION 904. Annexation Fees.

(01) State of California Fees.

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

(02) Additional Fees.

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

SECTION 905. Solid Waste Collection and Disposal Charge.

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

SECTION 906. Environmental Impact Report and Negative Declaration -Preparation of Review Fee.

A charge shall be imposed upon and collected from applicants to defray costs for the preparation or review by the District of any environmental documents including an Environmental Impact Statement (EIS), an Environmental Impact Report (EIR), a Negative Declaration, or other similar statement, report or study for any projects (as defined in the California Environmental quality Act of 1969) undertaken by any person other than the District, according to the following methods:

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

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

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

ARTICLE X

ENFORCEMENT

SECTION 1000. Violation, Notification of Violation, Unauthorized Discharges

(a) Violators Subject to Enforcement Provisions

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

(b) Powers and Authority of Inspectors.

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

(c) Notification of Unauthorized Discharge.

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

(d) Notices to Employees Regarding Unauthorized Discharges.

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

(e) Notice of Violation.

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

(f) Extension of Time to Comply.

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

SECTION 1001. Administrative Order.

In lieu of issuing a Notice of Violation under Section 1000, above, or, if a person does not take appropriate corrective action in response to a Notice of Violation issued under Section 1000, the Manager may issue an Administrative Order requiring immediate compliance with the terms of the District ordinance, rule, regulation, or permit or setting forth a compliance schedule with specific actions the user shall take in order to prevent or correct the violation. In addition, the Administrative Order may require inspections or sampling and may impose other requirements deemed necessary by the Manager. Prior to issuing such an Administrative Order, the Manager may, but shall not be required to, issue an order to show cause. Said order to show cause shall present the user with the facts demonstrating non-compliance and shall ask that the user show cause why the District should not institute formal enforcement action or discontinue sewer service.

SECTION 1002. Appeals From Notice Of Violation Or Administrative Order

Any person affected by a Notice of Violation or Administrative Order issued pursuant to Section 1000 or Section 1001 may file a written request for reconsideration or appeal the same pursuant to Section 1101.

SECTION 1003. Civil Penalties.

Any person who discharges pollutants, except in compliance with waste discharge requirements, or who violates any Administrative Order, prohibition, waste discharge requirement, effluent standard, water quality related effluent standard, federal standard or performance, pretreatment or toxicity standard or requirement, or who refuses to comply with the requirements adopted to control the discharge of pollutants, or who fails to comply with the conditions of their permit, or who alters a sewer system so as to render it out of compliance with plans and specifications approved by the District, or who fails to comply with any condition or requirement set forth in any District ordinance, rule or

regulation, shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000) for each such discharge, violation, refusal or failure to comply occurs. The District may utilize any mechanism authorized by law to impose, assess and recover any such civil penalty, including but not limited to petitioning the Superior Court to impose, assess and recover such civil penalty.

SECTION 1004. Administrative Penalties.

(a) Violators Subject To Administrative Penalties.

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

(b) Issuance of Administrative Complaint.

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

(c) Notice of Violation.

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

(d) Hearing.

The hearing shall be before a hearing officer designated by the Board of Directors. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. A person dissatisfied with the decision of the hearing office may appeal to the Board of Directors pursuant to Section 1101.

(e) Determination of Penalty; Schedule of Penalties.

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

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

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

SECTION 1005. Collection of Fines and Penalties.

(a) Remedies Cumulative.

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

(b) Placed on Tax Bill.

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

(c) Lien.

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

(d) Petition to Court.

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

SECTION 1006. Criminal Penalties.

(a) Violations of Ordinances, Rules or Regulations.

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

(b) False Statements.

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

(c) Authority to Request Enforcement.

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

SECTION 1007. Termination of Service.

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

Prior to termination of service, the District Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be terminated, which notice shall state the date of proposed termination of service, the reason(s) therefor, and the date, time and place a hearing shall be held by the District Board upon the question of the termination. Such notice shall be mailed to the owner at the address shown on the records of the assessor of the County of San Mateo or as known to the clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein described.

Any owner, the customer, the tenant, the alleged violator, the District Manager and any other person as the District Board may deem appropriate shall be heard at the hearing on the question of termination of service. The District Board shall determine such order as it deems appropriate under the circumstances and in furtherance of the purposes and intent of this Code.

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

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

In the event disconnection from the wastewater facilities would create a public hazard or nuisance, the District Manager or his representative may enter upon the premises for the purpose of doing such things as may be reasonably necessary to alleviate or remove such hazard or menace. The owner of

such premises shall have a duty to reimburse the District for all expenses incurred by the District in disconnecting any such premises, or in doing other things authorized by this Section; and no reconnection shall be made until all such charges are paid

SECTION 1008. Revocation of Permit.

Subject to the procedure set forth in Section 1013, below, the District Board may revoke any permit issued pursuant to the provisions of this Code upon a determination by the District Board that:

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

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

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

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

SECTION 1009. Public Nuisance.

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

SECTION 1010. Correction of Violations.

In order to enforce the provisions of any District ordinance, the District may correct any violation thereof. The cost of such correction (including, but not limited to, any fines or other costs imposed on the District by any Federal or State agency or court) shall be payable by the person violating the ordinance or by the owner or tenant of the property upon which the violation occurred. Such cost may be added to any sewer service charge payable in connection with the property. The District shall have such remedies for the collection of such costs as it has for the collection of sewer service charges, in addition to any other remedies provided for herein or by law.

SECTION 1011. Injunction.

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

SECTION 1012. District Abatement and Enforcement Expenses, Losses or Damages.

- (a) Any person violating any of the provisions of the ordinances, rules or regulations of the District, or any permit imposed pursuant thereto shall become liable to the District for each, every, any and all expenses, losses or damages occasioned by the District by reason of such violation. For the purposes of this provision, "expenses, losses or damages" shall include, but not be limited to, reasonable attorney's fees incurred by the District for negotiations, consultations, litigation or otherwise, and shall include reimbursement to the District for the costs to it of the hours expended by the employees of the District by reason of such violation and all other costs and expenses so occasioned.
- (b) The cost of abating a public nuisance and/or enforcing the Code shall be imposed as a special assessment and lien on the subject property or as a personal obligation of the owner of the subject property and/or the person responsible for creating, causing, committing, or maintaining the public nuisance or violating the Code. If there is more than one responsible party, each responsible party shall be jointly and severally liable for the costs. Costs incurred by the District are recoverable even if a public nuisance or Code is corrected by the property owner or other responsible party.
- (c) A schedule of District abatement and enforcement expenses, losses, and damages shall be established by the Board of Directors.
- (d) To collect abatement and enforcement costs under these procedures, the District shall invoice the noticed party for the costs incurred by the District, except that an invoice is not necessary for administrative citations and other fixed penalties where notice of the penalty and an opportunity for appeal of the underlying violation has been provided. The invoice shall notify the noticed party of the following:
- (i) A description of the abatement or enforcement action taken by the District, (where applicable) a description of the property subject to the abatement or enforcement, and the total amount of the costs incurred by the District.
 - (ii) That, should the noticed party fail to pay the invoiced costs within thirty (30) days from the date of service of the invoice, the invoiced costs may be collected in any or all of the following ways: by a collection agency as a personal obligation, through judicial action initiated by the District's attorneys, or as a special assessment and lien attached to the subject property.
 - (iii) That the noticed party has a right to administrative review of the accounting of the costs incurred by the District by filing a written request for such review with the District Manager within fifteen (15) days of the date of the invoice, and that a failure to request administrative review will be deemed a waiver of a right to review of the amount of the costs.
 - (iv) That before a special assessment is placed on the subject property, the costs will be confirmed by the Board of Directors and a notice will be issued at least fifteen (15) days before the Board of Directors meeting.
 - (v) That the invoice may be recorded as a Notice of Costs or Penalties in the San Mateo County Recorder's Office.
- (e) A noticed party shall have the right to administrative review of the accounting of the costs incurred by the District by filing a written request to the District for such review within fifteen (15) days of the date of the invoice. A failure to timely request administrative review will be deemed a waiver of a right to review of the amount of the costs.
- (f) If a request for administrative review is timely filed, a copy of the invoice and request for administrative review shall be delivered to the District Manager or his/her designee, which may include the appointment of a hearing officer, who shall set a date and time to review the accounting report and invoice with the requesting party. The administrative review shall be an informal proceeding where the

enforcement department and requesting party may present any evidence they deem pertinent to the amount of the costs. The scope of review shall be limited to the amount of the costs unless there has been no opportunity for a hearing on the underlying violation.

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

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

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

SECTION 1013. Hearing.

Prior to seeking a civil penalty under Section 1003, terminating service under Section 1007, revoking a permit under Section 1008, correcting a violation under Section 1010, seeking a temporary restraining order or injunction under Section 1011, taking action to abate a nuisance under section 1009 or referring a violation for criminal prosecution under Sections 1006 or 1009, the Board shall conduct a hearing to consider the proposed action. The person or persons affected by the proposed action shall be given at least ten (10) days notice of the hearing and shall be given the opportunity to present evidence and testimony relating to the matter. Such affected person or persons shall be notified of the decision made by the Board and such decision shall be final. Notwithstanding the foregoing, unless otherwise required by law, neither a hearing nor prior notice to affected persons shall be required in cases in which immediate action must be taken in order to prevent injury to persons or serious damage to property as a result of a violation hereunder. In the event the District seeks to impose an administrative penalty under Section 1004, the notice and hearing provisions specified therein shall apply.

SECTION 1014. Remedies Cumulative.

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

ARTICLE XI

VARIANCES AND APPEALS

SECTION 1100. Variances.

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

SECTION 1101. Appeals.

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

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

ARTICLE XII

VALIDITY

SECTION 1200. Severability.

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

SECTION 1201. Declaration.

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

ARTICLE XIII

CODE OF GENERAL REGULATIONS IN FORCE

SECTION 1300. Full Force and Effect.

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

SECTION 1301. Passed and Adopted.

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

Ayes: Boyce, Halbo, Inglis

Nayes: None

Absent: Wear

Abstain: None

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

Attest:

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

INDEX

A

agricultural · 9
American Public Health Association · 9
American Waterworks Association · 9
Authority: Revenue for future expansion · 9

B

Bbacteria · 10
Belmont · 9
Beneficial · 10, 11, 12
Biochemical · 10, 41, 42
Bonded indebtedness · 9
Bonds · 9
Building Sewer · 10

C

Clean Water Grant Fund · 9
Code · 2, 8, 9, 10, 12, 13, 14, 15, 21, 22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 38, 40, 42, 43, 44, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58; enactment required · 8; purpose · 8; superceding · 8
Code of General Regulations · 2, 8, 10, 14, 15, 58
Connection fee: portion for construction and replacement · 9
Capital Assets Fund · 8; seperate account required · 9

D

Distribution: distribution · 8

F

fecal coliform · 10
federal · 10, 11, 24, 26, 36

G

General Fund · 8

I

industrial · 9, 10, 11, 13, 26, 29, 30, 43, 55

J

joint powers agreement · 9

M

Mailing Address · 8
municipal · 9

N

National Pollutant Discharge Elimination System · 10, 12, 26
NPDES · 10, 11, 12, 26

O

organic matter · 10
oxidation · 10
oxygen · 10, 41, 42

P

pH · 10, 11, 25
pollutants · 10, 11, 33
public sewer · 10, 12, 17, 18, 19, 21, 22, 28, 45

R

Redwood City · 9, 12
Revenue: Debt Service Fund · 9; Record of monies recieved · 9

S

San Carlos · 9
Side Sewer · 10
Silicon Valley Clean Water · 9
Standard Methods for the Examination of Water and Wastewater · 9
State · 10, 11, 26, 33, 42, 44, 46, 50, 54, 55

T

Transfer monies · 9

W

wastewater facilities · 10
Water Pollution Control Federation · 9

APPENDIX "A"

AN ORDINANCE OF THE WEST BAY SANITARY DISTRICT ADOPTING MANDATORY ORGANIC WASTE DISPOSAL REDUCTION REGULATIONS

SECTION 1. PURPOSE AND FINDINGS

The Board of the West Bay Sanitary District finds and declares:

WHEREAS, State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (California Public Resources Code Section 40000, et seq., as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their Jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.

WHEREAS, State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling services and requires Jurisdictions to implement a Mandatory Commercial Recycling program.

WHEREAS, State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and Multi-Family property owners that generate a specified threshold amount of Solid Waste, Recycling, and Organic Waste per week to arrange for recycling services for that waste, requires Jurisdictions to implement a recycling program to divert Organic Waste from businesses subject to the law, and requires Jurisdictions to implement a Mandatory Commercial Organics Recycling program.

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including Jurisdictions, residential households, Commercial Businesses and business owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of Statewide Organic Waste disposal reduction targets.

WHEREAS, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires Jurisdictions to adopt and enforce an ordinance or enforceable mechanism to implement relevant provisions of SB 1383 Regulations. This ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

WHEREAS, Even if the District delegates responsibility for enforcement to another public entity, the District itself will remain ultimately responsible for compliance of this ordinance as required in 14 CCR Section 18981.2 (c).

SECTION 2. DEFINITIONS

- (a) “Blue Container” has the same meaning as in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials or Source Separated Blue Container Organic Waste.
- (b) “Black Container” has the same meaning as in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Black Container Waste.
- (c) “Black Container Waste” means Solid Waste that is collected in a Black Container that is part of a three-container Organic Waste collection service that prohibits the placement of Organic Waste or Source Separated Recyclables in the Black Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5).
- (d) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on Jurisdictions (and others).
- (e) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (f) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6). A Multi-Family Residential Dwelling that

consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this ordinance.

- (g) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in this ordinance. For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (h) “Compliance Review” means a review of records by the District or its designated entity to determine compliance with this ordinance.
- (i) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (j) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (k) “Container Contamination” or “Contaminated Container” means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (l) “C&D” means construction and demolition debris.
- (m) “Designated Source Separated Organic Waste Facility”, as defined in 14 CCR Section 18982(14.5), means a Solid Waste facility that accepts a Source Separated Organic Waste collection stream as defined in 14 CCR Section 17402(a)(26.6) and complies with one of the following:
 - (1) The facility is a “transfer/processor,” as defined in 14 CCR Section 18815.2(a)(62), that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d), and meets or exceeds an annual average Source Separated organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024 and 75 percent on and after January 1, 2025 as calculated pursuant to 14 CCR Section 18815.5(f) for Organic Waste received from the Source Separated Organic Waste collection stream.
 - (A) If a transfer/processor has an annual average Source Separated organic content Recovery rate lower than the rate required in Paragraph 1 of this definition for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility”.

- (2) The facility is a “composting operation” or “composting facility” as defined in 14 CCR Section 18815.2(a)(13), that pursuant to the reports submitted under 14 CCR Section 18815.7 demonstrates that the percent of the material removed for landfill disposal that is Organic Waste is less than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), whichever is applicable, and, if applicable, complies with the digestate handling requirements specified in 14 CCR Section 17896.5. The definition of composting operation includes in-vessel digestion as regulated in 14 CCR Section 17896.
- (A) If the percent of the material removed for landfill disposal that is Organic Waste is more than the percent specified in 14 CCR Section 17409.5.8(c)(2) or 17409.5.8(c)(3), for two (2) consecutive reporting periods, or three (3) reporting periods within three (3) years, the facility shall not qualify as a “Designated Source Separated Organic Waste Facility.” For the purposes of this ordinance, the reporting periods shall be consistent with those defined in 14 CCR Section 18815.2(a)(49).
- (n) i. “Designee” means an entity that the District contracts with or otherwise arranges to carry out any of the District’s responsibilities of this ordinance as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- ii. “Designee for Edible Food Recovery” means the County of San Mateo’s Office of Sustainability with which the District has a Memorandum of Understanding for the purposes of Edible Food Recovery including, but not limited to, inspection, investigation, and enforcement of the Edible Food Recovery provisions of this ordinance. Contact information for the Designee for Edible Food Recovery can be found on the County of San Mateo’s Office of Sustainability website.
- (o) “District Enforcement Official” means the District manager, county administrative official, chief operating officer, executive director, or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing the ordinance. See also “Designee for Edible Food Recovery.”
- (p) “Edible Food” means food intended for and fit for human consumption and collected or received from a Tier One or Tier Two Commercial Edible Food Generator. For the purposes of this ordinance “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (q) “Edible Food Recovery” means actions to collect, receive, and/or re-distribute Edible Food for human consumption from Tier One and Tier Two Commercial Edible Food Generators that otherwise would be disposed.

- (r) "Enforcement Action" means an action of the District or County of San Mateo's Office of Sustainability to address non-compliance with this ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (s) "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances. Excluded wastes also includes construction materials, dirt, rock and concrete, electronic waste and batteries, fluorescent lights, hazardous waste, liquids and grease, medicines and sharps and treated wood.

These include material that facility collectors and operator(s), which receive materials from the District and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the District's, or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the District, or its Designee, to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include household batteries placed in a sealed clear plastic bag placed on top of the black can, or any other universal wastes if such materials are defined as allowable materials for collection through the District's collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the District or its Designee for collection services.

- (t) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores.
- (u) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (v) "Food Recovery" means actions to collect, receive and or re-distribute edible food for human consumption from Tier One and Tier Two Commercial Edible Food Generators, that otherwise would be disposed.
- (w) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:

- (1) A food bank as defined in Section 113783 of the Health and Safety Code;
- (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
- (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this ordinance.

- (x) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Tier One or Tier Two Commercial Edible Food Generator to a Food Recovery Organization or other entities for Edible Food Recovery. A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (y) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (z) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, commercial, or industrial locations of others based on contractual arrangements with these types of organizations.
- (aa) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons and should be placed in the green compost container with food scraps.
- (bb) “Food Waste” means Food Scraps, Food-Soiled Paper, and bio-plastics labeled “BPI Certified Compostable”.
- (cc) “Green Container” has the same meaning as in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Green Container Organic Waste.
- (dd) “Greenhouse gas (GHG)” means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC), perfluorocarbons (PFC) and other fluorinated greenhouse gases.

- (ee) “Greenhouse gas emission reduction” or “greenhouse gas reduction” means a calculated decrease in greenhouse gas emissions relative to a project baseline over a specified period of time, resulting from actions designed to achieve such a decrease.
- (ff) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (gg) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (hh) “Inspection” means a site visit where the District or its designee, reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).

“Inspection” for the purposes of Edible Food Recovery, means actions to review contracts and other records related to the recovery of edible food and may occur off-site via email and other forms of electronic communication, as well as the on-site review of an entity’s records and collection, handling and other procedures for the recovery of edible food to determine if the entity is complying with the requirements of this ordinance.

- (ii) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- (jj) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena,

hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.

- (kk) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (ll) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a black container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5). This definition is only applicable to select commercial and MF customers provided with a two container collection system. Three container collection system customers will use the black container waste definition instead.
- (mm) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses. Under the SB 1383 Regulations and in this Ordinance, Multi-Family Residential Dwellings with five (5) or more units are included under the definition of a Commercial Business per 14 CCR Section 18982(a)(6).
- (nn) “Non-Compostable Paper” includes but is not limited to paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (oo) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes including but not limited to bottles, cans, metals, plastics and glass, or as otherwise defined in 14 CCR Section 18982(a)(43).
- (pp) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (qq) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate,

and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- (rr) “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (ss) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (tt) “Printing and Writing Papers” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (uu) “Prohibited Container Contaminants”
 - (1) For those generators provided with a three container collection system (blue, green and black): “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Green Container that are not identified as acceptable Source Separated Green Container Organic Waste for the District’s Green Container; (iii) discarded materials placed in the Black Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Green Container Organic Wastes that belong in the District’s Green or Blue Container and (iv) Excluded Waste placed in any container.
 - (2) For those (limited commercial and MF) generators provided with two-container (blue/black) collection service for Source Separated Recyclable Materials and mixed materials): “Prohibited Container Contaminants” means the following: (i) discarded materials placed in a Blue Container that are not identified as acceptable Source Separated Recyclable Materials for the District’s Blue Container; (ii) discarded materials placed in the Black Container that are identified as acceptable Source Separated Recyclable Materials, which are to be separately collected in the District’s Blue Container; and, (iii) Excluded Waste placed in any container.
- (vv) “Recovered Organic Waste Products” means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (ww) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).

- (xx) “Regional Agency” means the South Bayside Waste Management Authority (SBWMA) as a regional agency as defined in Public Resources Code Section 40181.
- (yy) “Remote Monitoring” means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Blue Containers, Green Containers, and Black Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (zz) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (aaa) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (bbb) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (ccc) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (ddd) SBWMA means the South Bayside Waste Management Authority, a regional agency, as defined in Public Resources Section 40181, serving its member agencies on recycling and waste issues.
- (eee) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material he or she has generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A). “Self-Hauler” for the purposes of Edible food recovery, means a commercial edible food generator who holds a contract with and hauls edible food to a Food Recovery Organization or other site for redistribution according to the requirements of this ordinance.

- (fff) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (ggg) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (hhh) “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the ordinance, Source Separated shall include separation of materials by the generator, property owner, property owner’s employee, property manager, or property manager’s employee into different containers for the purpose of collection such that Source Separated materials are separated from Black container Waste or other Solid Waste for the purposes of collection and processing.
- (iii) “Source Separated Blue Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Blue Container including clean paper and cardboard.
- (jjj) “Source Separated Green Container Organic Waste” means Source Separated Organic Waste that can be placed in a Green Container that is specifically intended

for the separate collection of Organic Waste, excluding Source Separated Blue Container Organic Waste, carpets, Non-Compostable Paper, and textiles. Acceptable materials include food scraps, food soiled paper, plants and bio-plastics labeled BPI Certified Compostable.

(kkk) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Blue Container Organic Waste and includes clean paper and cardboard, glass bottles, cans and plastic bottles, tubs and containers.

(lll) “State” means the State of California.

(mmm) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(nnn) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this ordinance.

(ooo) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.

- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

- (ppp) "West Bay Sanitary District" or "District" is the entity responsible for ensuring solid waste, recycling and organics service is provided in accordance with SB 1383 guidelines.
- (qqq) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

SECTION 3. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

Single-Family Organic Waste Generators shall comply with the following requirements except Single-Family generators that meet the Self-Hauler requirements in Section 9 of this ordinance:

- (a) Shall subscribe to the District's Organic Waste collection services for all Organic Waste generated as described below in Section 3(b). The District shall have the right to review the number and size of a generator's containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Single-Family generators shall adjust its service level for its collection services as requested by the District. Generators may additionally manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (b) Shall participate in the District's three container Organic Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.

Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated blue container organic waste and recyclable Materials in the Blue Container; and Black container Waste in the Black container, per the District's and collector guidelines. Generators shall not place materials designated for the Black container into the Green Container or Blue Container.

SECTION 4. REQUIREMENTS FOR COMMERCIAL BUSINESSES

Note that Commercial Businesses includes Multi-Family Residential Dwellings of five (5) and more units.

Generators that are Commercial Businesses, including Multi-Family Residential Dwellings, shall:

- (a) Subscribe to the District's three container collection services and comply with requirements of those services as described below in Section 4(b), except Commercial Businesses that meet the Self-Hauler requirements in Section 9 of this ordinance. The District shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the District.
- (b) Participate in the District's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Commercial businesses that meet the self-hauler requirements in Section 9 of this ordinance are excluded from this requirement.
 - (A) Generator shall place Source Separated Green Container Organic Waste, including Food Waste, in the Green Container; Source Separated Blue container organic waste and source separated Recyclable Materials in the Blue Container; and Black container Waste in the Black container. Generator shall not place materials designated for the Black container into the Green Container or Blue Container.
 - (B) Generators that are offered two container service (this will be limited to a specified number of commercial and MF generators on an invitation only basis, based on waste quantities and type, and availability of new organics to energy processing system) shall place only source separated blue container organic waste and source separated recyclable materials in a blue container and all other materials (mixed waste) in a black container.
- (c) Supply and allow access to an adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 4(d)(1) and 5(d)(2) below) for employees, contractors, tenants, and customers, consistent with Jurisdiction's Blue Container, Green Container, and Black container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.
- (d) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are

provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:

- (1) A body or lid that conforms with the container colors provided through the collection service provided by the District, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (e) Multi-Family Residential Dwellings are not required to comply with container placement requirements or labeling requirement in Section 4(d) pursuant to 14 CCR Section 18984.9(b).
 - (f) To the extent practical through education, training, inspection, and/or other measures, excluding Multi-Family Residential Dwellings, prohibit employees from placing materials in a container not designated for those materials per the District's Blue Container, Green Container, and Black container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 9.
 - (g) Excluding Multi-Family Residential Dwellings, annually inspect Blue Containers, Green Containers, and Black containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
 - (h) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Green Container Organic Waste and Source Separated Recyclable Materials.
 - (i) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Green Container Organic Waste and Source Separated Recyclable

Materials separate from Black container Waste (when applicable) and the location of containers and the rules governing their use at each property.

- (j) Provide or arrange access for the District or its agent to their properties during all Inspections conducted in accordance with Section 10 of this ordinance to confirm compliance with the requirements of this ordinance.
- (k) Accommodate and cooperate with the District's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate generator's compliance with Section 4(b). Should a remote monitoring program be used by the District it shall involve installation of Remote Monitoring equipment on or in the Blue Containers, Green Containers, and Black containers.
- (l) At Commercial Business's option and subject to any approval required from the District, implement a Remote Monitoring program for Inspection of the contents of its Blue Containers, Green Containers, and Black containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Blue Containers, Green Containers, and Black containers subject to written notification to or approval by the District or its Designee.
- (m) If a Commercial Business wants to self haul, meet the Self-Hauler requirements in Section 9 of this ordinance.
- (n) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).
- (o) Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators shall comply with Edible Food Recovery requirements, pursuant to the Edible Food Recovery provisions of this ordinance in Section 6.

SECTION 5. WAIVERS FOR GENERATORS

(a) De Minimis Waivers: The District may waive a Commercial Business' obligation (including Multi-Family Residential Dwellings) to comply with some or all of the Organic Waste requirements of this ordinance if the Commercial Business provides documentation that the business generates below a certain amount of Organic Waste material as described in Section 5(a)(2) below. Commercial Businesses requesting a de minimis waiver shall:

- (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted below in (2) (A) or (B).
- (2) Provide documentation that either:

- (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in the Green Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in the Green Container comprises less than 10 gallons per week per applicable container of the business' total waste.
- (3) Notify the District if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) Provide written verification of eligibility for de minimis waiver every 5 years, if the District has approved de minimis waiver.
- (b) Physical Space Waivers: The District may waive a Commercial Business' or property owner's obligations (including Multi-Family Residential Dwellings) to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements if the District has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of Section 4.

A Commercial Business or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the premises lacks adequate space for Blue Containers and/or Green Containers including documentation from its hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to the District that it is still eligible for physical space waiver every five years, if the District has approved application for a physical space waiver.

SECTION 6. REQUIREMENTS FOR TIER ONE AND TIER TWO COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 6 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.

- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section commencing January 1, 2024.
- (c) Tier One and Tier Two Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Use the CalRecycle Model Food Recovery Agreement or the contractual elements contained in the Requirements for Food Recovery Organizations and Food Recovery Services section of this Ordinance to contract with, or otherwise enter into a written agreement with Food Recovery Organizations or Food Recovery Services for:
 - (A) The collection of Edible Food for Edible Food Recovery from the Tier One or Tier Two Commercial Edible Food Generator's premises; or,
 - (B) the acceptance of Edible Food that the Tier One or Tier Two Commercial Edible Food Generator self-hauls to the Food Recovery Organization.
 - (3) Contract with Food Recovery Organizations and Food Recovery Services able to demonstrate a positive reduction in greenhouse gas emissions from their Edible Food Recovery activity. A list of Food Recovery Organizations and Food Recovery Services is available on the County of San Mateo Office of Sustainability website.
 - (4) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (5) Allow the District's enforcement entity or their Designee for Edible Food Recovery to access the premises and inspect procedures and review records related to Edible Food Recovery and/or provide them electronically if requested by the District or the Designee for Edible Food Recovery.
 - (6) Keep records that include the following information:
 - (A) A list of each Food Recovery Organization or a Food Recovery Service that collects or receives Edible Food from the Tier One or Tier Two Commercial Edible Food Generator pursuant to a contract or written agreement as required by this Ordinance.
 - (B) A copy of all contracts or written agreements established under the provisions of this Ordinance.

- (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established schedule or frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
- (7) No later than June 30th of each year commencing no later than July 1, 2022 for Tier One Commercial Edible Food Generators and July 1, 2024 for Tier Two Commercial Edible Food Generators, they shall provide an annual Edible Food Recovery report to the Designee for Edible Food Recovery that includes, but is not limited to, the following information: a list of all contracts with Food Recovery Organizations and Food Recovery Services, the amount and type of Edible Food donated to Food Recovery Organizations and Food Recovery Services, the schedule of Edible Food pickup by Food Recovery Organizations and Food Recovery Services, a list of all types of Edible Food categories they generate, such as “baked goods,” that are not accepted by the Food Recovery Organizations and Food Recovery Services with whom they contract, the contact information for the manager and all staff responsible for Edible Food Recovery, and certification that all staff responsible for Edible Food Recovery have obtained a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe. With the exception of the food safety and handling training certification, Tier One and Tier Two Commercial Edible Food Generators may coordinate with their Edible Food Recovery contractors to supply this information. The Designee for Edible Food Recovery will assist in the preparation of these reports by providing guidance and a template located on the County of San Mateo Office of Sustainability website.
- (8) Mandate their Edible Food Recovery staff learn and follow the donation guidelines and attend trainings conducted by Food Recovery Organizations or Food Recovery Services with which they contract regarding best practices and requirements for the timely identification, selection, preparation, and storage of Edible Food to ensure the maximum amount of Edible Food is recovered and to avoid supplying food for collection that is

moldy, has been improperly stored, or is otherwise unfit for human consumption.

- (9) Tier One and Tier Two Commercial Edible Food Generators who self-haul Edible Food shall require those transporting Edible Food for recovery to obtain a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe and follow the best practices and standards for proper temperature control, methods, and procedures for the safe handling and transport of food.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).

SECTION 7. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Food Recovery Services operating in the District and collecting or receiving Edible Food directly from Tier One and/or Tier Two Commercial Edible Food Generators via a contract or written agreement established under the requirements of this Ordinance, shall maintain the following records:
 - (1) The name, address, and contact information for each Tier One and Tier Two Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food by type collected from each Tier One and Tier Two Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food by type transported to each Food Recovery Organization or redistribution site per month.
 - (4) The name, address, and contact information for each Food Recovery Organization or redistribution site that the Food Recovery Service transports Edible Food to for Edible Food Recovery.
- (b) Food Recovery Organizations operating in the District and collecting or receiving Edible Food directly from Tier One and/or Tier Two Commercial Edible Food Generators via a contract or written agreement established under the requirements of this Ordinance, or receiving Edible Food from Food Recovery Services or from other Food Recovery Organizations, shall maintain the following records:

- (1) The name, address, and contact information for each Tier One and Tier Two Commercial Edible Food Generator, Food Recovery Service, or other Food Recovery Organization from which the organization collects or receives Edible Food.
 - (2) The quantity in pounds of Edible Food by type collected or received from each Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Service, or other Food Recovery Organization per month.
 - (3) The name, address, and contact information for other Food Recovery Organizations or redistribution sites that the Food Recovery Organization transports Edible Food to for Edible Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services operating in the District shall inform Tier One and Tier Two Commercial Edible Food Generators from which they collect or receive Edible Food about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established as required by this Ordinance.
- (d) Commencing no later than July 1, 2022, Food Recovery Organizations and Food Recovery Services operating in the District and collecting or receiving Edible Food from Tier One and Tier Two Commercial Edible Food Generators or any other source shall report to the Designee for Edible Food Recovery the following: a detailed Edible Food activity report of the information collected as required under this Ordinance, including weight in pounds by type and source of Edible Food, the schedule/frequency of pickups/drop-offs of Edible Food from/to each Edible Food source or redistribution site, brief analysis of any necessary process improvements or additional infrastructure needed to support Edible Food Recovery efforts, such as training, staffing, refrigeration, vehicles, etc., and an up to date list of Tier One and Tier Two Commercial Edible Food Generators with whom they have contracts or agreements established as required under this Ordinance. The Designee for Edible Food Recovery will assist in the preparation of these reports by providing guidance and a template located on the County of San Mateo Office of Sustainability website. This Edible Food activity report shall be submitted quarterly, or at the discretion of the Designee for Edible Food Recovery, less frequently, and shall cover the activity that occurred since the period of the last submission.
- (e) Food Recovery Organizations and Food Recovery Services operating in the District shall contact the Designee for Edible Food Recovery to discuss the requirements of this Ordinance before establishing new contracts or agreements with Tier One or Tier Two Commercial Edible Food Generators and in order to maintain existing contracts or agreements for the recovery of Edible Food with Tier One and Tier Two Commercial Edible Food Generators.
- (f) In order to provide the required records to the State, the District, or the Designee for Edible Food Recovery, and Tier One or Tier Two Commercial Edible Food Generators, contracts between Food Recovery Organizations and Food Recovery

Services operating in the District and Tier One and Tier Two Commercial Edible Food Generators shall either:

- (1) Use the Model Food Recovery Agreement developed by the State of California's Department of Resources Recycling and Recovery (CalRecycle,) and include a clause requiring the Food Recovery Organization or Food Recovery Service to report to the Tier One and Tier Two Commercial Edible Food Generators with whom they have contracts the annual amount of Edible Food recovered and to inform them of the tax benefits available to those who donate Edible Food to non-profits
- (2) Or include in their contracts the following elements:
 - (A) List/description of allowable foods the Food Recovery Organization/Food Recovery Service will receive.
 - (B) List/description of foods not accepted by the Food Recovery Organization/Food Recovery Service.
 - (C) Conditions for refusal of food.
 - (D) Food safety requirements, training, and protocols.
 - (E) Transportation and storage requirements and training.
 - (F) A protocol for informing the Tier One or Tier Two Commercial Edible Food Generators of a missed or delayed pickup.
 - (G) Notice that donation dumping is prohibited.
 - (H) Provisions to collect sufficient information to meet the record-keeping requirements of this Ordinance.
 - (I) Fees/financial contributions/acknowledgement of terms for the pickup and redistribution of Edible Food.
 - (J) Terms and conditions consistent with the CalRecycle Model Food Recovery Agreement.
 - (K) Information supplying the Tier One or Tier Two Commercial Edible Food Generators with the annual amount of Edible Food recovered and informing them of the tax benefits that may be available to those who donate Edible Food to non-profits.
 - (L) Contact name, address, phone number, and email for both responsible parties, including the current on-site staff responsible for Edible Food Recovery.

- (M) Food Recovery Organizations accepting self-hauling of Edible Food from Tier One and Tier Two Commercial Edible Food Generators must provide a schedule, including days of the week and acceptable times for drop-offs, and information about any limitation on the amount of food accepted, and/or the packaging requirements or other conditions of transport, such as, but not limited to, maintaining proper temperature control, and other requirements for the safe handling and transport of food, the self-hauler must follow for the Edible Food to be accepted.
- (g) Food Recovery Organizations and Food Recovery Services operating in the District shall demonstrate that all persons, including volunteers and contracted workers using their own vehicle, involved in the handling or transport of Edible Food, have obtained a food handler card through an American National Standards Institute (ANSI) accredited training provider that meets ASTM International E2659-09 Standard Practice for Certificate Programs, such as ServSafe.
- (h) Food Recovery Organizations and Food Recovery Services operating in the District shall use the appropriate temperature control equipment and methods and maintain the required temperatures for the safe handling of Edible Food recovered from Tier One and Tier Two Commercial Edible Food Generators for the duration of the transportation of the Edible Food for redistribution, including Edible Food transported by private vehicles.
- (i) In order to ensure recovered Edible Food is eaten and to prevent donation dumping, Food Recovery Organizations and Food Recovery Services operating in the District shall provide documentation that all redistribution sites which are not themselves Food Recovery Organizations to which they deliver Edible Food have a feeding or redistribution program in place to distribute, within a reasonable time, all the Edible Food they receive. Such documentation may include a website address which explains the program or pamphlets/brochures prepared by the redistribution site.
- (j) Food Recovery Organizations and Food Recovery Services operating in the District unable to demonstrate a positive reduction in GHG emissions for their Edible Food Recovery operational model cannot contract with Tier One and Tier Two Commercial Edible Food Generators in the District for the purpose of recovering Edible Food as defined in this Ordinance. Food Recovery Organizations and Food Recovery Services contracting to recover Edible Food from a Tier One and Tier Two Commercial Edible Food Generator for redistribution shall consult with the District's Designee for Edible Food Recovery to document that their overall operational model will achieve a greenhouse gas emissions reduction. Such review may analyze route review, miles traveled for pick-up and redistribution, amount of food rescued, and the likelihood of consumption after redistribution.

- (k) Food Recovery Organizations and Food Recovery Services operating in the District shall visually inspect all Edible Food recovered or received from a Tier One and Tier Two Commercial Edible Food Generator. If significant spoilage is found, or if the food is otherwise found to be unfit for redistribution for human consumption, Food Recovery Organizations and Food Recovery Services shall immediately notify the Designee for Edible Food Recovery using the process found on the County of San Mateo Office of Sustainability's website. The notice shall include:
- (1) The type and amount, in pounds, of spoiled food or food unfit for redistribution for human consumption, or provide a photographic record of the food, or both.
 - (2) The date and time such food was identified.
 - (3) The name, address and contact information for the Tier One or Tier Two Commercial Edible Food Generator which provided the food.
 - (4) The date and time the food was picked up or received.
 - (5) A brief explanation of why the food was rejected or refused.
- (l) Contracts between Tier One or Tier Two Commercial Edible Food Generators and Food Recovery Organizations or Food Recovery Services shall not include any language prohibiting Tier One or Tier Two Commercial Edible Food Generators from contracting or holding agreements with multiple Food Recovery Organizations or Food Recovery Services listed on the County of San Mateo Office of Sustainability website.
- (m) Food Recovery Organizations and Food Recovery Services operating in the District shall conduct trainings and develop educational material such as donation guidelines and handouts to provide instruction and direction to Tier One and Tier Two Commercial Edible Food Generators with whom they contract regarding best practices and requirements for the timely identification, selection, preparation, and storage of Edible Food to ensure the maximum amount of Edible Food is recovered and to avoid the collection of food that is moldy, has been improperly stored, or is otherwise unfit for human consumption.
- (n) Edible Food Recovery Capacity Planning
- (1) Food Recovery Services and Food Recovery Organizations. In order to support Edible Food Recovery capacity planning assessments or other such studies, Food Recovery Services and Food Recovery Organizations operating in the District shall provide information and consultation to the District and its Designee for Edible Food Recovery upon request, regarding existing, or proposed new or expanded, Edible Food Recovery capacity that could be accessed by the District and its Tier One and Tier Two Commercial Edible Food Generators. A Food Recovery Service or Food Recovery

Organization contacted by the District or its Designee for Edible Food Recovery shall respond to such requests for information within 60 days.

- (o) Allow the District's enforcement entity or their Designee for Edible Food Recovery to access the premises and inspect procedures and review records related to Edible Food Recovery and/or provide them electronically if requested by the District or the Designee for Edible Food Recovery.

SECTION 8. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS

(a) Requirements for Haulers

- (1) Exclusive Franchised hauler providing residential, Commercial, or industrial Organic Waste collection services to generators within the District's boundaries shall meet the following requirements and standards as a condition of approval of a contract, agreement, or other authorization with the District to collect Organic Waste:

- (A) Through written notice to the District annually on or before June 30th, identify, for customers with three container collection, the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Green Container Organic Wastes and black container waste.

Through written notice to the District annually on or before June 30th, identify, for customers with two container collection system, the facilities to which they will transport Source Separated Recyclable Materials and black container waste,

- (B) For customers with three container collection, transport Source Separated Blue Container Waste to a facility that recovers those materials and Source Separated Green Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

For customers with two container collection, transport Source Separated Blue Container Waste to a facility that recovers those materials and black container waste to a high diversion organic waste processing facility.

- (C) Obtain approval from the District to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site.

- (2) Franchised hauler with authorization to collect Organic Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained

within its franchise agreement, permit, license, or other agreement entered into with the District.

- (b) Requirements for Facility Operators and Community Composting Operations
 - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon the District's request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the District shall respond within 60 days.
 - (2) Community Composting operators, upon the District's request, shall provide information to the District to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation. Entities contacted by the District shall respond within 60 days.

SECTION 9. SELF-HAULER REQUIREMENTS

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the District otherwise requires generators to separate for collection in the District's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Green Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the District. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the waste.
 - (2) The amount of material in cubic yards or tons transported by the generator to each entity.

- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (d) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information collected in Section 9(c) to the District if requested.
- (e) A residential Organic Waste Generator that self hauls Organic Waste is not required to record or report information in Section 9(c) and (d).

SECTION 10. INSPECTIONS AND INVESTIGATIONS BY THE DISTRICT AND/OR ITS DESIGNEE

- (a) The District's representatives and/or its designated entity, including the Designee for Edible Food Recovery are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), property owners, Tier One and Tier Two Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws.

This Section does not allow the District to enter the interior of a private residential property for Inspection.

For the purposes of inspecting Commercial Business containers for compliance with Section 4(b) of this ordinance, the District may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 4(k) of this ordinance.

- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the District's employee or its designated entity or Designee for Edible Food Recovery during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this ordinance described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described.

- (c) Any records obtained by the District or Designee for Edible Food Recovery during its Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) The District's representatives, its designated entity, and/or Designee for Edible Food Recovery are authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this ordinance, subject to applicable laws.
- (e) The District and Designee for Edible Food shall receive written complaints from persons regarding an entity that may be potentially non-compliant with SB 1383 Regulations, including receipt of anonymous complaints.

SECTION 11. ENFORCEMENT

- (a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by a District Enforcement Official, Designee for Edible Food Recovery, or representative. Enforcement Actions under this ordinance are issuance of an administrative citation and assessment of a fine. The District's procedures on imposition of administrative fines set forth in Article X, Section 1004 of the Code of General Regulations are hereby incorporated in their entirety, as modified from time to time, and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this ordinance and any rule or regulation adopted pursuant to this ordinance, except as otherwise indicated in this ordinance.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The District or Designee for Edible Food Recovery may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The District or Designee for Edible Food Recovery may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of District or Designee for Edible Food Recovery staff and resources.
- (c) Responsible Entity for Enforcement
 - (1) Enforcement pursuant to this ordinance may be undertaken by the District's Enforcement Official, which may be the District manager or their designee, legal counsel, or combination thereof, or Designee for Edible Food Recovery.
 - (A) The District's Enforcement Official(s) and Designee for Edible Food Recovery (for Edible Food Recovery provisions) will interpret ordinance; determine the applicability of waivers, if violation(s) have

occurred; implement Enforcement Actions; and, determine if compliance standards are met.

- (B) The District's Enforcement Official(s) and Designee for Edible Food Recovery (for Edible Food Recovery provisions) may issue Notices of Violation(s).

(d) Process for Enforcement

- (1) The District's Enforcement Officials or Designee for Edible Food Recovery and/or their Designee will monitor compliance with the ordinance randomly and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Section 10 establishes the District's and Designee for Edible Food Recovery's right to conduct Inspections and investigations.
- (2) The District or Designee for Edible Food Recovery may issue an official notification to notify regulated entities of its obligations under the ordinance.
- (3) For incidences of Prohibited Container Contaminants found in containers, the District will issue a Notice of Violation to any generator found to have Prohibited Container Contaminants in a container. Such notice will be provided via a cart tag or other communication immediately upon identification of the Prohibited Container Contaminants or within 30 days after determining that a violation has occurred. If the District observes Prohibited Container Contaminants in a generator's containers on more than two (2) consecutive occasion(s), the District may assess contamination processing fees or contamination penalties on the generator.

For the purposes of Edible Food Recovery, for incidences of Prohibited Container Contaminants found in containers, the District or its Designee for Edible Food Recovery will issue a Notice of Violation to any Tier One or Tier Two Commercial Edible Food Generator found to have Prohibited Container Contaminants, such as Edible Food, in a container, or to any Food Recovery Organization or Food Recovery Service found to have Prohibited Container Contaminants, such as Edible Food recovered from a Tier One or Tier Two Edible Food Generator, in a container, which has not been documented by a complaint of spoilage as required in this Ordinance. Such notice will be provided by email communication immediately upon identification of the Prohibited Container Contaminants or within 3 days after determining that a violation has occurred. If the District or its Designee for Edible Food Recovery observes Prohibited Container Contaminants, such as Edible Food, in a Food Recovery Organization's or Food Recovery Service's containers on more than two (2) consecutive occasion(s), the District or its Designee for Edible Food Recovery may assess contamination processing fees or contamination penalties on the Edible Food Recovery Organization, or Food Recovery Service.

- (4) With the exception of violations of generator contamination of container contents addressed under Section 11(d)(3), the District or Designee for Edible Food Recovery shall issue a Notice of Violation requiring compliance within 60 days of issuance of the notice. For the purposes of Edible Food Recovery, the Designee for Edible Food Recovery may issue a Notice of Violation requiring compliance within 7 days of issuance of the Notice.
- (5) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the District or Designee for Edible Food Recovery (for the Edible Food Recovery provisions) shall commence an action to impose penalties via an administrative citation and fine, pursuant to its Administrative citation and fine procedures.

For the purposes of Edible Food Recovery, the Designee for Edible Food Recovery shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Edible Food Recovery Penalties provisions contained in this Ordinance.

Notices shall be sent to “owner” at the official address of the owner maintained by the tax collector for the District or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information

(e) Penalty Amounts for Types of Violations

The penalty levels for violations unrelated to the Edible Food Recovery requirement are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

The penalty levels for Edible Food Recovery violations are as follows:

- (1) For a first violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (2) For a second violation, the amount of the base penalty shall be \$200-\$500 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$500 to \$2000 per violation.

(f) Compliance Deadline Extension Considerations

The District or Designee for Edible Food Recovery (the County for edible food generator and food recovery organization and services requirements) may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with Section 11 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the District is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(g) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed and consistent with the District's or Designee for Edible Food Recovery's procedures in the District's or Designee for Edible Food Recovery's codes for appeals of administrative citations. Evidence may be presented at the hearing. The District or Designee for Edible Food Recovery will appoint a hearing officer who shall conduct the hearing and issue a final written order.

(h) Education Period for Non-Compliance

Beginning January 1, 2022 and through December 31, 2023, the District or Designee for Edible Food Recovery (for edible food generator and food recovery organization and service requirements) may conduct Inspections, Remote Monitoring, Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the District or Designee for Edible Food Recovery determines that Organic Waste Generator, Self-Hauler, hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials and/or, for the purposes of Edible Food Recovery, training to the entity describing its obligations under this ordinance and a notice that compliance is required by January 1, 2022, and that violations may be subject to administrative civil penalties starting on January 1, 2024.

(i) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the District or Designee for Edible Food Recovery (Designee for Edible Food determination only for Tier 1 and Tier 2 Commercial Edible food generator and food recovery organization and service requirements) determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to Section 11, as needed.