

DATE: May 11, 2004
AGENDA ITEM NO:
(x)APPROVED
()DENIED
()CONTINUED TO

RESOLUTION NO. 2004- 4

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
FOR THE ACCEPTANCE OF OUTSIDE DISCHARGE
TO THE DISTRICT'S WASTEWATER TREATMENT PLANT**

WHEREAS, the Avila Beach Community Services District ("District") operates a wastewater treatment plant ("WWTP") for the residents within the District; and

WHEREAS, said WWTP has temporary capacity in excess of that which is required to provide wastewater treatment for its residents; and

WHEREAS, the District desires to establish rules, regulations, fees and charges to allow the WWTP to provide wastewater treatment ("Treatment") to other local agencies and private entities that operate wastewater treatment facilities, located outside of District boundaries, pursuant to Regional Water Quality Control Board Discharge Orders (collectively "Outside Dischargers"), so long as said Treatment does not disrupt the WWTP's ability to provide wastewater treatment for its residents; and

WHEREAS, it is the purpose of this Resolution to establish an application procedure and fees and charges for accepting wastewater to be treated at the WWTP from Outside Dischargers; and

WHEREAS, based on Staff presentation, Staff Report and public comment the District Board of Directors finds:

- a) That the District's WWTP has excess capacity to provide limited wastewater treatment services to Outside Dischargers.
- b) The rates and charges established herein reasonably relate to the District's costs and liabilities for providing such outside wastewater treatment services.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. Specifications and Agreement.

District General Manager is directed to:

- A. Prepare specifications for acceptance of wastewater at the District's WWTP from Outside Dischargers; and

B. Prepare an application form and agreement ("Agreement") for acceptance of wastewater from Outside Dischargers . The form of said Agreement shall be approved by District Legal Counsel and shall include:

1. Wastewater specification;
2. Discharger warranties;
3. Indemnification of the District;
4. Proof of appropriate insurance;
5. The posting of adequate securities.

2. Discharge When Allowed.

Wastewater from Outside Dischargers shall not be accepted at the WWTP unless and until the Agreement is signed by the Outside Discharger and signed and approved by the District General Manager, appropriate fees and charges paid and all supporting documents lodged with the District.

3. Fees and Charges.

The fees and/or charges for accepting wastewater from Outside Dischargers is established as shown on the attached Exhibit "A".

4. CEQA Findings.

The Board of Directors of the District finds that the adoption of this Resolution does not constitute a "project" under the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) or its implementing Guidelines (14 California Code of Regulations Section 15000 et seq.) ("CEQA Guidelines"). The Board further finds that the adoption of this Resolution falls within the activities described in Section 15378(b)(2) and/or (4) of the CEQA Guidelines which are deemed not to be "projects". Even if the adoption of this Resolution were a "project" for purposes of CEQA, the District Board finds that it is exempt from review pursuant to Section 15061(b)(3) which provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The District Board finds that it can be seen with certainty that there is no possibility that the adoption of this Resolution and the approval of the provisions contained herein may have a significant effect on the environment. The District General Manager is authorized to prepare, execute and file a notice of exemption pursuant to the above provisions.

5. Repeal of Prior Resolutions.

All Resolutions and Sections of Resolutions or motions that are inconsistent with this Resolution are hereby repealed.

6. Incorporation of Recitals.

The above Recitals are true and correct and incorporated herein by reference.

7. **Severance Clause.**

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

8. **Effect of Headings in Resolution.**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Resolution.

9. **Effective Date.**

This Resolution shall take effect immediately.

On the motion of Director Helenius, seconded by Director Slattery, and on the following roll call vote, to wit:

AYES: Helenius, Slattery, Guernsey, Kelley
NOES: None
ABSENT: Bernardo
CONFLICTS: None

the foregoing resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 11th day of May, 2004.



Christopher Helenius, President
Board of Directors, Avila Beach
Community Services District

ATTEST:



John Wallace, General Manager
Manager and Secretary to the Board

Exhibit A

Schedule of Fees for Outside Dischargers to the Avila Beach CSD Wastewater Treatment System

- | | | |
|----|---|-------------------|
| 1. | Raw Wastewater of domestic quality
(Not exceeding 350 ppm BOD) | \$0.05 per gallon |
| 2. | Processed Wastewater
Residuals from a qualified treatment system (1) | \$0.11 per gallon |
| 3. | Processed_High Strength Wastewater (> 1,500 ppm BOD)
From a qualified treatment system (1) | \$0.25 per gallon |

Notes

(1) Qualified treatment system that is owned/operated by a public agency, mutual water company or private water / wastewater company with waste discharge requirements established by the Regional Water Quality Control Board and with test results that show their waste will not be deleterious to the District's Wastewater Treatment Plant.

(2) Septic tank septage will not be accepted under any category above (1,2, or 3)

Resolution 2004-04
April 13, 2004