

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

ORDINANCE NO. 88-3

AN ORDINANCE ADOPTING CHAPTER 14.26 OF THE
MUNICIPAL CODE OF THE CITY OF ROSEVILLE
RELATING TO INDUSTRIAL WASTEWATER

WHEREAS, on the 7th day of July, 1988, South Placer Municipal Utility District, the County of Placer and the City of Roseville entered into an Agreement concerning the enforcement of industrial wastewater regulations within the boundaries of South Placer Municipal Utility District, a portion of the County of Placer, and the City of Roseville governing industrial users which discharge industrial wastewater to the Regional Sewage Treatment Facility operated by the City of Roseville and,

WHEREAS, Articles I and II of said Agreement require South Placer Municipal Utility District to adopt Chapter 14.26 of the Roseville Municipal Code relating to industrial wastewater and to expressly grant to the City of Roseville the authority to enforce said Chapter 14.26 of the Roseville Municipal Code;

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF DIRECTORS OF SOUTH PLACER MUNICIPAL UTILITY DISTRICT AS FOLLOWS:

Section 1

Chapter 14.26 of the Municipal Code of the City of

Roseville relating to industrial wastewater, consisting of Sections 14.26.010 through 14.26.440 is hereby adopted by South Placer Municipal Utility District insofar as the Municipal Utility District Act of the State of California (Sections 11501, et seq, of the Public Utilities Code) impliedly authorizes it to do so.

Section 2

South Placer Municipal Utility District does hereby expressly grant to the City of Roseville full authority to enforce Chapter 14.26 of its Municipal Code within the boundaries of South Placer Municipal Utility District insofar as the Municipal Utility District Act of the State of California impliedly authorizes it to do so.

Section 3

A true and complete copy of Chapter 14.26 of the Municipal Code of the City of Roseville, a public record, is on file at the District Offices located at 3671 Taylor Road, Loomis, California, and is available for public inspection during normal business hours.

Section 4

This Ordinance is necessary for the protection and preservation of the public health and safety and shall be in full force and effect from and after the date of its final passage.

Section 5

This Ordinance was introduced at a regular meeting of the Board of Directors of South Placer Municipal Utility District on the 1st day of September, 1988.

Section 6

This Ordinance shall be published pursuant to the provisions of Section 11910 of the Public Utilities Code.

Passed and adopted at a regular meeting of the Board of Directors this 6th day of October, 1988, by the following vote:


AYES : Directors Forristall, Hebard, Lemos, Shearer, Scheible

NOES : None

ABSENT: None

SOUTH PLACER MUNICIPAL UTILITY DISTRICT

By: _____


ROY HEBARD, President

ATTEST:



CAROL BEAN, Secretary

FILED

AGREEMENT FOR INDUSTRIAL WASTE

AUG 26 1988

PRETREATMENT PROGRAM

CITY OF ROSEVILLE
BY dlm

This Agreement is made this 19th day of August,
1988, by and between the City of Roseville, a municipal
corporation ("CITY"), Placer County ("COUNTY"), and South Placer
Municipal Utility District ("DISTRICT"), and

W I T N E S S E T H:

WHEREAS, the City is responsible for operation and
maintenance of a Regional Wastewater Treatment Plant, and

WHEREAS, domestic and industrial waste waters from outside
the jurisdiction of the City are treated in the Regional
Wastewater Treatment Plant, and

WHEREAS, an Industrial Wastewater Pretreatment Program in
compliance with Title 40, Code of Federal Regulations, Part 403,
is required to monitor and control industrial wastewater at the
point of waste generation, and

WHEREAS, the City has developed and implemented an
Industrial Wastewater Program, and

WHEREAS, the County and District desire to adopt and
participate in the City's Industrial Wastewater Program, and

WHEREAS, the County and District desire to delegate
administration and enforcement of the Industrial Wastewater
Program to the City.

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NOW, THEREFORE, the Parties agree as follows:

Article I: Industrial Waste Ordinance

The Parties agree that the City's Industrial Wastewater Ordinance, Roseville Municipal Code Chapter 14.26 (hereinafter referred to as the Ordinance), and any and all future amendments, shall apply to all generators of industrial wastewater that discharge such waste to the Roseville Regional Wastewater Treatment Plant. The County and the District shall within sixty (60) days from the date of this agreement amend their ordinances and regulations to adopt the Ordinance.

Article II. Enforcement

The Parties agree that the City of Roseville shall have enforcement authority over any and all users, as defined in the Ordinance, that discharge waste to the Roseville Regional Wastewater Treatment Plant (RWWTTP) and that the County and District shall amend their ordinances and regulations to expressly grant the City such enforcement authority.

Article III: Administration

The Parties agree that the City shall administer the Industrial Wastewater Program in accordance with the Ordinance.

Article IV: Funding

The Parties agree that the City shall have the authority to collect fees, charges, and all costs of implementing and enforcing the program from users in accordance with the Ordinance.

Article V: Notification

The Parties agree that the City shall be notified of any potential industrial waste generator whose industrial waste will be discharged to the Roseville Regional Wastewater Treatment Plant as a result of new development or expansion of existing facilities, at the earliest possible time. In the case of County, such notification shall be made prior to the granting of a tentative map, parcel map, or use permit whichever is sooner. In the case of District, such notification shall be made immediately after District receives a request for service from a potential industrial waste generator or a request for expansion of existing facilities by a potential industrial waste generator.

Article VI: Hold Harmless

County and/or District shall defend, indemnify and hold harmless City, its officers, agents, and employees from liability of claims for damage of any nature, including but not limited to personal injury, including death, or property damage, which may arise from or be connected with the direct or indirect operations, inaction or action of the City or its contractors, subcontractors,

agents or employees arising out of or connected with this Agreement.

Article VII: Integration

This instrument constitutes the sole and only agreement of the parties hereto relating to the industrial waste pretreatment program and correctly sets forth the rights, duties and obligations of each to the other as of its date.

Article VIII: Attorney's Fees

If legal action by any party is brought against another for breach of this Agreement or to compel performance of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the City of Roseville a municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attested to by its City Clerk under the authority of Resolution No. 88-201, adopted by the Council of the City of Roseville on the 17th day of August, 1988, and COUNTY and DISTRICT have caused this agreement to be executed.

CITY OF ROSEVILLE, a

municipal corporation

By: Robert G. Hutchison

ROBERT G. HUTCHISON,

PLACER COUNTY

By: Robert P. Mahan

ROBERT P. MAHAN, CHAIRMAN

City Manager

SOUTH PLACER MUNICIPAL

UTILITY DISTRICT

ATTEST:

Helen Florance

HELEN FLORANCE, City Clerk

By: [Signature]

APPROVED AS TO FORM:

[Signature]

MICHAEL F. DEAN, City Attorney

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST:
City Clerk of the City of Roseville, California

[Signature]
DEPUTY CLERK

RESOLUTION NO. 88-201

RESOLUTION OF THE COUNCIL OF THE CITY OF ROSEVILLE APPROVING
AN AGREEMENT BETWEEN THE CITY OF ROSEVILLE AND SOUTH PLACER
MUNICIPAL UTILITY DISTRICT AND PLACER COUNTY
AND AUTHORIZING THE CITY MANAGER TO EXECUTE IT ON BEHALF OF
THE CITY OF ROSEVILLE

WHEREAS, an agreement for Industrial Waste Pretreatment Program
between the City of Roseville and South Placer Municipal Utility District
and Placer County
has been prepared and has been reviewed by the Council;

NOW THEREFORE, BE IT RESOLVED by the Council of the City
of Roseville that said agreement is approved and that the
City Manager is authorized to execute it on behalf of the
City of Roseville.

PASSED AND ADOPTED by the Council of the City of Roseville
this 17th day of August, 1988, by the following vote
on roll call:

- AYES COUNCILMEMBERS: Tom Chambliss, Phil Ozenick, John M. Byouk,
Mel Hamel, Bill Santucci
- NOES COUNCILMEMBERS: None
- ABSENT COUNCILMEMBERS: None

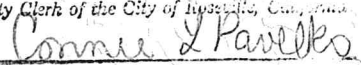


MAYOR

ATTEST:


City Clerk

The foregoing instrument is a correct copy of the
original on file in this office.

ATTEST:
City Clerk of the City of Roseville, California


DEPUTY CLERK