

Section 4 - Legal Authority

A. Introduction

The intent of this section of the SSMP is to summarize the legal authority of the agency to regulate the design, construction, and operation of the wastewater collection system. Legal authority refers to powers granted to the wastewater collection system agency to provide services to the public, typically through sewer use ordinances, service agreements, and other mechanisms. Using this legal authority, the wastewater collection system agency can require system users to meet performance standards, maintain user-owned elements of the system, and pay penalties for non-compliance.

Without adequate legal authority to own and operate a public sewer system, an agency will not be able to effectively operate that system, insure new sewers are constructed adequately, solve operation and maintenance problems, interact with the public and developers, and reduce sewer system overflows.

B. Regulatory Requirement

Each Enrollee must demonstrate, through sanitary sewer system use ordinances, service agreements, or other legally binding procedures, that it possesses the necessary legal authority to:

- a. Prevent illicit discharges into its sanitary sewer system, including I/I from satellite wastewater collection systems and laterals, stormwater, unauthorized debris, etc.
- b. Require proper design and construction of sewers and connections
- c. Ensure access for maintenance, inspection and repairs to publicly owned portions of laterals
- d. Limit the discharge of FOG and other debris that may cause blockages
- e. Enforce violations of its sewer ordinances

C. City of Ceres Legal Authority

The City of Ceres legal authority to own and operate a public sewer system is established in Chapter 13 of the Ceres, CA Municipal Code. Chapter 13.12 SEWER SYSTEM and Chapter 13.16 INDUSTRIAL SEWAGE contain most of the provisions applicable to the SSMP.

Referencing the specific requirements of the WDR:

- a. Chapter 13.12.140 prohibits illicit discharges into its sanitary sewer system, including I/I from satellite wastewater collection systems and laterals, stormwater, unauthorized debris, etc.
- b. Chapters 13-12.020 and 13.12.030 require proper design and construction of sewers and connections.

- c. Chapter 13.12.140 limits the discharge and other debris that may cause blockages
- d. Chapter 13.12.150 provides penalties for unauthorized use of the sewer system, allowing enforcement of violations of the City's sewer ordinances.

In 1979 the City of Ceres entered into an Agreement with the City of Modesto for the City of Modesto to accept and treat wastewater from the North Ceres Sewer Service Area. Under the terms of this agreement, the City of Modesto agreed to accept and treat wastewater from the area bounded by South 9th Street on the west, the Tuolumne River on the north, Mitchell Road on the east, and Hatch Road on the south.

Under this agreement Modesto immediately agreed to accept and treat wastewater from an area designated as Area "1" on an attached figure. Area "1" is bounded by Richland Avenue on the east, Nadine Avenue on the south, Herndon Road on the west, the Tuolumne River on the north; with another area located east of Herndon Road, north of Sonora Avenue, east of Bystrum Road and south of the Tuolumne River.

Modesto agreed to accept and treat wastewater from area designated as Areas "2", "3", and "4" on the attached figure when requested by the City of Ceres subject to availability of treatment capacity at Modesto's wastewater treatment facilities. Areas "2" and "3" extend east from Area "1" to Central Avenue and south to Hatch Road, Area "4" extends east to Mitchell Road.

The Agreement stipulated that charges for treatment of the wastewater would be based on the flow volume, biochemical oxygen demand (BOD), and (total) suspended solids (SS). The Agreement also stipulated that only residential and commercial users would be allowed to discharge to the North Ceres Sewerage System. It was also stipulated that Ceres would prohibit the discharge of toxic or flammable material or any other material that would be injurious to Modesto's sewerage system.

Finally, the Agreement states that Ceres is responsible for the construction and maintenance of all trunk, sub-trunk, and lateral sewers required to serve the North Ceres Sewer Service Area except the existing trunk lines. These trunk sewer lines are located along Hosmer Road, Bystrum Road, Lombardo Avenue, Perfidia Avenue, Sonora Avenue, Herndon Road, and Horn Avenue.

A copy of the Agreement is attached behind a tab at the end of this Section.