

Attachment B

Article XI: Enforcement

Changes to Sections 11.05 Civil Penalties and 11.06 Termination of Service in shall be as shown in **RED** below. For clarity, the Chapter and Section references to the Governing Resolutions and Ordinances are shown in parathesis.

11.05 Civil Penalties (Section 6.02.110 E) – Any person who intentionally or negligently violates or threatens to violate any provision of this Ordinance or permit condition, who violates any cease and desist order, prohibition, effluent limitation, pretreatment or toxicity standard, or creates a nuisance shall be liable civilly in an amount not to exceed \$10,000 for each day in which such violation occurs. **Unless otherwise directed by the General Manager, Board action, or assigned violation by another regulatory agency (such as US Fish and Wildlife, California State Water Quality Control Board, etc.), the civil penalty shall be \$1,000 for each day for each violation which occurs for 30 days. If the violation continues past 30 days, the civil penalty shall increase to \$5,000 for each day per violation for 30 days (60 days total). If the violation continues past 60 days, the civil penalty shall increase to \$10,000 for each day per violation. If the violation continues past 120 days, MSWD will terminate wastewater and/or water service.** The Board may, after necessary hearing and finding that the violation or threatened violation exists, require their attorney to seek a preliminary or permanent injunction in the Superior Court, including the imposition of civil liability.

It is the responsibility of the permit-holder to notify the District and staff immediately once corrective action has been completed by the discharger, and discharger believes compliance has been achieved, so it may be confirmed by the District. In the absence of such notification, the permit-holder shall be deemed to be in continued violation for each day between two noncompliant test samples.

11.06 Termination of Service (Section 6.02.110 F) – The District, after a hearing and recommendations of ~~the Executive Committee of~~ the Board of Directors, may revoke any wastewater discharge permit, or terminate or cause to be terminated wastewater service to any building if a violation of any provision of this Ordinance causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in the Water Code. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment.