

RESOLUTION NO. 2011-2

(Replaces Resolution 95-4 in its entirety.)

A RESOLUTION ESTABLISHING DISCHARGE LIMITS WITH RESPECT TO THE DISPOSAL OF WASTE OR ACTIVITY WHICH MIGHT CONTAMINATE OR DEGRADE THE QUALITY OF WATERS OF THE STATE FLOWING THROUGH THE IRISH BEACH WATER DISTRICT

WHEREAS, The Board of Directors has hereby determined that it is necessary and proper to adopt a Resolution establishing a discharge limit with respect to the disposal of waste or activity which might contaminate the waters of the State flowing through the Irish Beach Water District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Irish Beach Water District that:

Section 1. This Resolution shall be known as “The Irish Beach Water District Water Quality Control Resolution.”

Section 2. Definitions

- (a) “Board” means the Board of Directors of the Irish Beach Water District.
- (b) “District” means the Irish Beach Water District, whose extent is shown in the figure.
- (c) “Person” means any individual, group, organization, corporation or agency, and includes any city, county, district, the state or any department or agency thereof. “Person” also includes the United States, to the extent authorized by federal law.
- (d) “Contaminate” means to impair the quality of the waters of the State by waste to the degree that creates a hazard to the public health through poisoning or through the spread of disease.
- (e) “Waste” includes sewage and all other waste substances, liquid, solid, gaseous, radioactive, or chemical associated with human habitation, or from any producing, manufacturing, or processing operation of whatever nature, including such wastes placed within containers of whatever nature prior to, and for purposes of, disposal.
- (f) “Beneficial Uses” of the waters of the state flowing through Irish Beach Water District, that may be protected against contamination and/or quality degradation include, but are not necessarily limited to, domestic, municipal, agriculture and industrial supply, power generation, recreation, aesthetic enjoyment, navigation, and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

- (g) “Quality of the Waters” or “Water Quality” refers to chemical, physical, biological, bacteriological, radiological and other properties and characteristics of water that affects its use.
- (h) “Waters of the State” means any water, surface or underground, including saline waters, within the boundaries of the State.
- (i) “Waters of the State Flowing Through the Irish Beach Water District” means any and all such waters that originate, enter or otherwise flow within or through the jurisdictional boundaries of the Irish Beach Water District. The Figure 1 shows the District boundaries and the watershed protected by this resolution.
- (j) “Public nuisance” means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

Section 3. This resolution is enacted pursuant to California Water Code SS35400, 354007, 35408, 35409 and is in no way meant to conflict with any other laws of this State or any regulations of the State Water Resources Control Board or any regional water quality control board.

Section 4. The Board is charged with the duty of furnishing sufficient water for any present or future beneficial uses. In order to obtain sufficient water the District must rely on waters provided naturally by the watershed serving the Irish Beach Water District. The contamination of said waters would result in a water shortage that the District could not remedy. To avoid this consequence, the Board hereby finds and declares that to protect the utility of the waters, as well as the health and welfare of the people of the District, it is necessary to protect the quality of the waters of the State flowing through the District as well as the surrounding watershed, water supply areas, and all beneficial uses to which said water may be put, from contamination or degradation resulting from the discharge or application of any wastes in any amount into said waters.

Section 5. Prior to the use, application, discharge, or disposal of any substance or any other activity producing waste which will or might possibly contaminate or degrade the quality of said waters in an amount exceeding statutory limits, the person proposing said use, application, discharge, disposal, or other such activity shall first secure a permit from the Board. Said permit application shall contain such information as may be required by the Board, and shall be accompanied by a filing fee according to a reasonable fee schedule established by the Board. Before issuing a permit, the Board shall develop a plan to monitor the quality of the water that may be affected by the proposed permit

application. Said monitoring plan shall be supported by pertinent analytical data, including provisions for sampling and testing procedures, and may be developed in cooperation with other public agencies or private entities. *The cost of developing and conducting the monitoring plan shall be borne by the permit applicant. Nothing in this resolution shall require property owners who use normal, Government-approved household chemicals, following manufacturer's recommendations, to obtain a permit.*

Section 6. Every permit that is issued pursuant to this resolution shall contain such specific conditions as may be deemed necessary to avoid contamination of, or creation of a public nuisance in, the waters of the State flowing through the Irish Beach Water District.

Section 7. Any person, firm, corporation, agency or partnership, whether as principal, agent, employee or otherwise, who violates the provisions of this resolution, or any condition set forth in the permit, shall be subject to reimbursing the Water District for any expenses incurred by the District, including legal fees.

Section 8. It is hereby declared that any such use, application, discharge, disposal, or other activity as aforesaid, which violates any provision of this resolution, or any condition set forth in the permit, is a public nuisance and the Board may cause proceedings to be brought for the abatement thereof.

Section 9. If any section, subsection, sentence, clause or phrase of this resolution or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this resolution or the application of such provisions to other persons or circumstances. The Board hereby declares that it would have passed this resolution or any section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared to be unconstitutional or invalid.

Approved at the regular meeting of the Board of Directors held on **May 14, 2011** by the following vote:

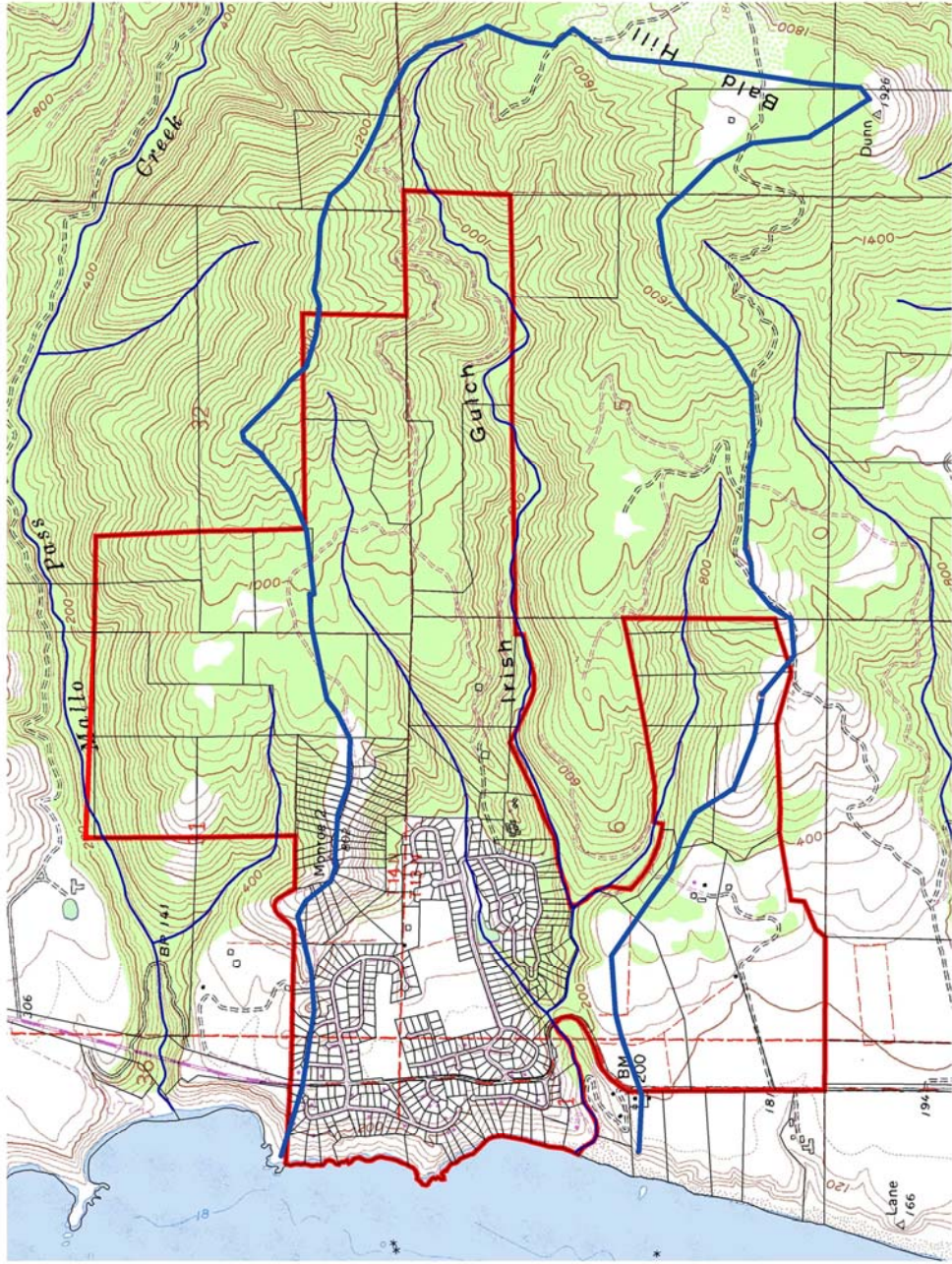
AYES: *Director Poling, Jassowski, Whitaker, Harley*

NOES:

ABSTAIN:

ABSENT: Judy Murray

President Stephen Whitaker



Map by Charles Acker, Operations Manager IBWD
 May 2, 2011

FIGURE 1