

CODE OF REGULATIONS OF THE  
NORTHEAST OHIO REGIONAL SEWER DISTRICT

TITLE III

SEPARATE SANITARY SEWER CODE

**NORTHEAST OHIO REGIONAL SEWER DISTRICT  
CODE OF REGULATIONS**

**TITLE III - SEPARATE SANITARY SEWER CODE**

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**Chapter 1 – Title and Distribution, Applicability, and Statutory Authority**

- Section 3.0101      Title and Distribution – This Title of the Code of Regulations of the Northeast Ohio Regional Sewer District (District) shall be known as Title III – Separate Sanitary Sewer Code and may be separately printed and distributed.
- Section 3.0102      Applicability – This Title is applicable to all communities served by the District that have Separate Sanitary Sewers. However, Chapter 8 applies to all communities that are served by the District.
- Section 3.0103      Other Titles – The provisions of this Title are intended to be read in conjunction with, and complement, other provisions of the Code of Regulations.
- Section 3.0104      Severability – If the provisions of any paragraph, section, or article of this Title are declared unconstitutional or invalid by the final decision of any court of competent jurisdiction, the provisions of the remaining paragraphs, sections, or articles shall continue in full force and effect.
- Section 3.0105      Acceptance – By discharging into any system which is tributary to the District Sewers, or by discharging directly to a District Sewer, the Community agrees to comply with all terms and regulations of the District and to be bound by them.

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### Chapter 2 – Definitions

- Section 3.0201      Definitions – the meaning of the following terms where they are used in Title III of the Code of Regulations shall be as follows, unless the content specifically indicates otherwise.
- Section 3.0202      “Board” or “Board of Trustees” – shall mean the governing body of the District.
- Section 3.0203      “Chief Executive Officer (CEO)” – shall mean the Chief Executive Officer of the District.
- Section 3.0204      “Combined Sewer” – shall mean a sewer designed to receive and transport both Sanitary Sewage and stormwater runoff.
- Section 3.0205      “Common Trench Sewer” – shall mean any Separate Sanitary Sewer where the Separate Sanitary Sewer and the Separate Storm Sewer are constructed in the same trench.
- Section 3.0206      “Community” – shall mean any city, village, township, county, or other entity, other than the District, owning public sewers wholly or partly located within the District’s service area.
- Section 3.0207      “District Sewer” – shall mean any sewer, pump station, or force main owned, operated, and/or maintained by the District as identified in the District’s Court Order Description of Interceptors, or any modification thereof or any other applicable agreements; any interceptor, pump station, regulator, flow divider, force main or inter-community relief sewer that the District has constructed as its own facility; or any other sewer, pump station, or force main of District ownership. Service laterals and catch basin connections are not included in this definition and are not considered District Sewers, except where specifically designated by the District as District Sewers.
- Section 3.0208      “Excessive Inflow/Infiltration (Excessive I/I)” – shall mean a Separate Sanitary Sewer peak 5-minute flow rate exceeding a threshold determined by the District to indicate a higher than average I/I contribution during the 5-year, 1-hour rainfall.
- Section 3.0209      “Illicit Discharge” – shall mean any discharge to a Separate Storm Sewer or directly to a receiving water that is not composed entirely of stormwater except for discharges allowed under a National Pollutant Discharge Elimination System (NPDES) Permit or otherwise exempted by law such as groundwater, condensate, or landscape watering runoff.

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- Section 3.0210      “Infiltration” – shall mean the water entering a Separate Sanitary Sewer or service connection from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, Inflow.
- Section 3.0211      “Inflow” – shall mean the water discharged into a Separate Sanitary Sewer and/or service connection from sources including, but not limited to, roof leaders, foundation and other drains, cooling water discharges, cross connections from Separate Storm Sewers, catch basins, manholes and other similar sources. Inflow does not include, and is distinguished from, Infiltration.
- Section 3.0212      “Infiltration/Inflow” or “(I/I)” – shall mean the total quantity of water from both Infiltration and Inflow.
- Section 3.0213      “Local Sewer” – shall mean any sewer, service lateral, catch basin connection, pump station, force main, or other piece of sewer infrastructure that is not a District Sewer.
- Section 3.0214      “Sanitary Sewage” – shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters as may be present.
- Section 3.0215      “Separate Sanitary Sewer” – shall mean a sewer designed to receive and transport solely Sanitary Sewage.
- Section 3.0216      “Separate Sanitary Sewer Overflow (SSO)” – shall mean a discharge through an SSO structure, sewage overflow at a manhole, and/or other releases from Separate Sanitary Sewers to receiving waters.
- Section 3.0217      “Separate Storm Sewer” – shall mean a sewer that is designed to receive and transport solely stormwater runoff and/or unpolluted cooling water.

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**Chapter 3 – Purpose**

Section 3.0301      Purpose –The purpose of this Title is to:

- a) Control excessive I/I;
- b) Establish Community Discharge Permit requirements;
- c) Outline requirements for Communities to develop and implement a Community Compliance Plan;
- d) Establish requirements and procedures for acceptance of flow from sewer extensions or construction of new sewers tributary to a District Sewer and from direct connections to a District Sewer; and
- e) Establish a Water Quality Technical Support Program to assist Communities in addressing water quality issues.

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**Chapter 4 – Community Discharge Permits**

Section 3.0401      Community Discharge Permits – The District will issue Community Discharge Permits (Permits) to Communities. Permits will include the following:

- a) Schedule for preparation and submittal of a Community Compliance Plan;
- b) Identified areas of excessive I & I to be evaluated and mitigated;
- c) The Community’s reporting and record keeping requirements, including requirements to notify the District prior to construction of any new connections within the Community that are tributary to a District Sewer;
- d) A requirement for the Community to keep and maintain its local sewer records and data and provide them, as specified in the Permit, to the District.
  - i. Records and data must be maintained for all local Separate Sanitary Sewers, Combined Sewers, and Separate Storm Sewers, as well as for Separate Storm Sewer outfalls identified in applicable NPDES Municipal Separate Storm Sewer System (MS4) Permits, open and culverted streams, and any other watercourses in the Community. These data shall also include SSO structure locations and outfalls.
  - ii. All records and data shall be submitted in compliance with the District’s minimum data submittal standards;
- e) A requirement that the Community comply with the provisions of Chapter 6 and annually certify compliance with Section 3.0605 of Chapter 6.

Section 3.0402      Permit Issuance and Approval Process – The following process will be used to issue and modify Permits:

- a) A draft Permit will be issued to a Community by certified mail.
- b) The District will consider all comments on draft Permits that are received within a period of forty-five (45) calendar days following issuance of the draft Permit. All draft Permit comments must be sent to the District Community Discharge Permit Program Manager at the NEORS Administration Offices – 3900 Euclid Avenue, Cleveland, Ohio 44115.
- c) Permits will be submitted to the CEO for approval at an appropriate juncture. An appropriate juncture shall be:

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- i. When the District and the Community agree on the terms and conditions of the Permit;
- ii. When the Community fails to respond to the draft Permit within the forty-five (45) day comment period; or
- iii. When the District and the Community cannot agree on the terms and conditions of the Permit. In such circumstances, the District's version of the Permit and the Community's comments shall be submitted to the CEO or the CEO's designee for review. The CEO shall review the District's version and the Community's comments and take steps deemed necessary by the CEO to resolve a final version of the Permit.

d) A Permit shall become effective upon signature of the CEO.

Section 3.0403 Public Notice – The District will provide copies of draft and final Permits and Permit modifications to communities that both border a permitted Community and receive flow from that Community. These Communities may submit comments in accordance with Section 3.0402 (b).

Section 3.0404 Annual Compliance Report – A Community shall provide an Annual Compliance Report updating the District on the Permit requirements and the status and progress of Community Compliance Plan. Updates of records and data required by Section 3.0401(d) must be provided to the District with the Annual Compliance Report and certified as follows:

*I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

This report must be submitted by April 30<sup>th</sup> each year and shall cover the previous calendar year. The report must be submitted to the District Community Discharge Permit Program Manager.

Section 3.0405 Appeal of Permit – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure to appeal the final Permit to the Board. A request for a hearing must be made within thirty (30) calendar days following issuance of the Permit.

Section 3.0406 Permit Modification – A Permit can be modified in the following fashion:

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- a) To request a modification of its Permit, a Community shall send a Permit modification request to the District by certified mail. The Permit modification request should be accompanied by the Community's proposed Permit language, justification for the request, and any supporting documents the Community wants the District to consider. The District shall respond to the Community within forty-five (45) calendar days of receipt of the modification request. The Community may appeal the District's response using the process outlined in 3.0406 within thirty (30) calendar days of the response.
- b) The District may modify a Permit by following the procedure set forth in Section 3.0402 for Permit Issuance and Approval. The Community may appeal the Permit modification using the process outlined in Section 3.0405.
- c) The CEO has the authority to sign Permit modifications, including where the Board of Trustees originally approved the Permit.

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**Chapter 5 – Community Compliance Plan**

Section 3.0501 Community Compliance Plan – Each Community shall develop and implement a plan to fulfill the requirements of its Permit. The Community Compliance Plan (Plan) must, at a minimum:

- a) Identify projects and develop a schedule for projects needed to meet the requirements of this Title.
- b) Identify specific steps the Community will take to implement these projects, including a timeline for each step.
- c) Develop and implement a program to monitor reduction in I&I.
- d) Develop and implement Best Management Practices (BMPs) for local Separate Sanitary Sewers. BMPs are those operation and maintenance methods that maximize the efficiency of Separate Sanitary Sewers, Separate Storm Sewers, and combined sewers, reduce or eliminate overflows, minimize pollutant concentrations, and promote the general integrity of sewers.

Section 3.0502 District Review – The District will assess and accept or reject Community Compliance Plans submitted by a Community. The District may request additional information or modifications, which the Community shall provide. The District will review submitted Plans within sixty (60) calendar days of receipt. These review timeframes shall not begin until the District has determined the submittals are complete. The District assumes no liability as a result of such review or approval.

The District’s acceptance of a Community’s Plan does not replace or substitute for any project approval required by any local, state, or federal agency. Prior to construction, Communities may be required to submit projects for District review pursuant to Chapter 6 of this Title, if applicable.

Section 3.0503 The District may reject the Plan if it finds:

- a) The Plan will not achieve the objectives of this Title, the Plan is insufficient to meet the Community’s Permit requirements, or the Plan does not comply with the requirements of 3.0501.
- b) The Plan cannot be implemented in a reasonable time period, as determined by the District.

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- c) The Plan will in any way hinder management and operation of any aspect of the District or any local sewer.
- d) The Plan is unacceptable because it violates an obligation of the District under state or federal law, rules or regulations, enforcement orders, or a condition imposed due to receipt of financial assistance from grantor/lender agency.

Section 3.0504 Incorporation of Community Compliance Plan – Upon acceptance by the District of a Plan, the Plan shall be deemed incorporated into the respective Permit. The District will notify the Community upon acceptance of the Plan.

Section 3.0505 Modification of Plans – At any time, the Community may request a modification be made to an accepted Plan. The request shall be made in writing to the attention of the Community Discharge Permit Program Manager. Modifications requested by a Community will be reviewed in accordance with the process set forth in Sections 3.0502 and 3.0503. The District may request a modification of an accepted Plan when the Plan no longer serves the purpose of the Permit. Modifications sought by the District will be executed according to a procedure approved by the CEO.

Section 3.0506 Five Year Plan Update – The District shall review the Plan and will request to modify the plan if necessary, in accordance with Section 3.0505. The Plan must be reviewed by the Community in coordination with the District every five years to ensure the Plan addresses the Permit’s requirements and outlines future work within the Community. If it does not, the Plan must be modified.

Section 3.0507 Right of Appeal – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure of the District’s determination under the Chapter. A request for a hearing must be made within thirty (30) calendar days of the District’s rejection of or denial of a modification of an existing Plan.

**Chapter 6 – Connections, Sewer Extensions, or New Sewers**

Section 3.0601      New Sewers and Connections – The District will review and approve or deny proposed direct connections to a District-owned Sewer according to its procedures. Upon request, the District will, in accordance with its procedures, approve or deny the acceptance of flow from sewer extensions or from any sewer project within the District’s service area as required by the Ohio Environmental Protection Agency (Ohio EPA).

Section 3.0602      Required Plan Review – Communities shall submit or cause to be submitted to the District all proposed direct connections to District sewers for review and approval. All direct connections to a District sewer require plan review and approval from the District, in accordance with Section 3.0603.

Upon approval or denial, notice will be issued in writing from the District’s Community Discharge Permit Program Manager.

District review does not waive a Community’s obligation to comply with applicable local, county, state, and federal law and/or regulation.

Section 3.0603      Issuance of Approval for Direct Connection to a District Sewer – The submittal and review process for direct connection to a District Sewer is as follows:

- a) The Community shall submit, or cause any party seeking connection to a District Sewer, to submit an application to the District’s Community Discharge Permit Program Manager for approval.
- b) All applications shall be submitted for review prior to the start of any construction, grubbing, grading, demolition, or any other construction-related activity.
- c) Applications will be reviewed based on the following criteria:
  - i. Available capacity of the existing District Sewer to which the applicant intends to connect.
  - ii. Effect on downstream overflows.
  - iii. Effect on downstream sewer capacity.
  - iv. Physical attributes of the connection to the District-owned sewer.

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Upon approval or denial, notice will be issued in writing from the District's Community Discharge Permit Program Manager.

#### Section 3.0604

Issuance of Acceptance of Flow for the Extension or Replacement of Existing Local Sewers or Construction of New Local Sanitary Sewers – Upon request, the District shall review the acceptance of flow request pursuant to the Ohio EPA Permit to Install application process and issue an acceptance of flow letter, if appropriate. Review will be done in the following fashion:

- a) Applications will be reviewed by the District's Community Discharge Permit Program Manager.
- b) Applications will be reviewed based on the following criteria:
  - i. Whether the flow from the proposed construction would be wholly within the service area.
  - ii. Capacity of the receiving wastewater treatment plant.
  - iii. Available capacity of the existing District sewer to which proposed tributary connection are to be made.
- c) The District will send a written response to the requester.

#### Section 3.0605

Notice to Finance Department – Communities must report all proposed new residential, industrial, and commercial connections, extensions of existing sewers, and new sewer construction to the Manager of Billing Services of the District's Finance Department (216-881-6600) prior to connection.

#### Section 3.0606

Community Codes – Communities shall adopt and enforce codes, ordinances, and/or resolutions that:

- a) Prohibit the installation of stormwater connections to any Separate Sanitary Sewer.
- b) Prohibit any changes that result in service being provided outside of the service area without proper approval to change the service area.
- c) Prohibit unpermitted connections to local Separate Sanitary Sewers.
- d) Prohibit any direct connection to a District sewer, extension of an existing local sewer, or construction of a new local sewer without District approval as detailed in this Chapter.

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Section 3.0607      Approvals – Approvals issued by the District under this Chapter for connections to a District owned sewer shall remain valid for three (3) years from the date of approval. Connections must be completed within the three (3) year approval timeframe. If connection is not completed within the three (3) year approval timeframe, reapplication is necessary and new approval must be received pursuant to either section 3.0602 or 3.0603 before connection can occur.

The District may revoke approval at any time before completion based upon change in circumstance impacting the criteria listed in section 3.0603(c).

Section 3.608      Right of Appeal – A Community may request a hearing pursuant to Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure of the District's determination under the Chapter. A request for a hearing must be made within thirty (30) calendar days following notice of a decision under 3.0603 or 3.0604.

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### Chapter 7 – Enforcement

- Section 3.0701      Circumstances for Initiation of Enforcement Actions – The District will initiate enforcement action for violation of Chapter 6 or where there is potential for damage to a District facility or downstream Community as a result of violating any provision of this Title.
- Section 3.0702      The District may initiate enforcement actions at any time the District determines that a Community is not in compliance with its issued Permit or the provisions of Chapter 5.
- Section 3.0703      Issuance of Notice of Violation (NOV)
- a) Whenever conduct justifies enforcement pursuant to Section 3.0701, the District will serve or cause to be served a NOV to the Community in the following manner:
    - i. When a violation is discovered, the District will issue a NOV and request for action from the Community to return to compliance with this Title.
    - ii. The NOV will be delivered to the Community via certified mail.
    - iii. The NOV will contain the findings and relevant circumstances underlying the District’s determination.
    - iv. The Community shall submit a written response to the NOV, by certified mail, within thirty (30) calendar days of receipt of the NOV. The response must contain a complete explanation of the cause for violation and an action plan designed to return the Community to compliance and prevent future noncompliance.
    - v. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the NOV, the violation may be elevated to issuance of Compliance Orders or the Community may be ordered to appear at a Show Cause hearing.
  - b) Whenever the District finds conduct which justifies enforcement pursuant to Section 3.0702 to return the Community to compliance, the District may serve or cause to be served an NOV to the Community in the following manner:
    - i. When a violation is discovered, the District may issue an NOV and request for action from the Community to return to compliance with this Title.
    - ii. The NOV will be delivered to the Community via certified mail.
    - iii. The NOV will contain the findings and relevant circumstances underlying the District’s determination.

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- iv. The Community shall submit a written response to the NOV, by certified mail, within thirty (30) calendar days of receipt of the NOV. The response must contain a complete explanation of the cause for violation and an action plan designed to return the Community to compliance and prevent future noncompliance.
- v. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the NOV, a second NOV may be issued to the Community.
- vi. The Community shall submit a written response to the second NOV, by certified mail, within thirty (30) calendar days of receipt to the District.
- vii. If an acceptable written response is not received by the District within thirty (30) calendar days of receipt of the second NOV, the violation may be elevated to issuance of Compliance Orders or the Community may be ordered to appear at a Show Cause hearing.

### Section 3.0704

Compliance Orders (CO) – COs direct the Community to take specific actions necessary to return to compliance using the following framework:

- a) The CO will be delivered to the Community via certified mail.
- b) The Community must respond to the CO within fourteen (14) calendar days of receipt. The response shall be delivered to the District's Community Discharge Permit Program Manager.
- c) The District may require a Community to attend a compliance meeting.
- d) Failure to comply with the CO or attend the compliance meeting may result in the District taking further enforcement action against the Community.

### Section 3.0705

Show Cause Hearing – The District may order a Community to appear at a Show Cause Hearing when a violation is recurring, not corrected in a timely manner, or there is imminent risk to human health or safety or the environment or to District or Community infrastructure. The District will serve a written notice on the Community by personal service or certified mail, return receipt requested, regarding the violation or safety issue, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Community to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven (7) calendar days before the hearing. Service may be made on any agent, officer or Authorized Representative of a Community or to the Community's principal place of

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business. The proceedings at the hearing shall be in accordance with Section 1.0304 of Title I - Sewer Use Code and the Rules of Procedure.

Section 3.0706 Judicial Proceedings – The District’s Chief Legal Officer may take legal action to enforce this Title as appropriate.

Section 3.0707 Ineligible for District Funding – Communities not in compliance with any aspect of this Title may be ineligible for District funding and/or District funded projects under any Title or program.

**Chapter 8 – Water Quality Technical Support Program**

Section 3.0801      Water Quality Technical Support Program – To support overall water quality improvement throughout the service area, the District will provide support as available to Communities to help address water quality related problems whether occurring in areas with Separate Sanitary Sewers or Combined Sewers.

The District’s Water Quality Technical Support Program is a voluntary partnership between a Community, as defined by the Member Community Infrastructure Program (MCIP), and the District. Participation in the Water Quality Technical Support Program enables a Community to be eligible to apply for MCIP funding. A Community choosing not to participate in the Water Quality Technical Support Program is ineligible to apply or to receive any funding from the MCIP.

Section 3.0802      Water Quality Technical Support Program Goals – The goal of the Water Quality Technical Support Program is to provide support for communities to address the following:

- a) Control and/or eliminate SSO occurrences;
- b) Eliminate basement back-ups;
- c) Correct Illicit Discharges;
- d) Address failing home sewage treatment systems; and
- e) Correct common trench and separate trench sewers issues.

Section 3.0803      Community Water Quality Technical Support Program – To be eligible for MCIP funding, the Community shall develop and implement a Water Quality Technical Support Program addressing the following requirements:

- a) Report, prevent, and eliminate or control SSOs.
  - i. Within twenty-four (24) hours of discovery by the Community of SSOs, the Community shall provide written documentation to the District’s Community Discharge Permit Program Manager of the location, description, and suspected cause of the SSO.
  - ii. Within five (5) business days of reporting the discovery of SSOs to the District, the Community shall provide written documentation to the District’s Community Discharge Permit Program Manager of the corrective measures taken or currently underway to eliminate the cause of SSOs, including, but not

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limited to, blockages in the sewer, improper connections, illicit connections, cracked or broken sewers, and/or pump station malfunctions.

- iii. Reporting SSOs to the District does not relieve the Community of any reporting obligations required by other local, state, or federal agencies.
  - iv. When SSOs are discovered by the District and reported to the Community, the Community must submit within five (5) business days to the District's Community Discharge Permit Program Manager a response describing the plans for further investigation and the corrective measures taken to eliminate the cause of SSO.
- b) Document and control basement back-ups.
- i. When basement back-ups are reported to the Community, the Community must document the course of action taken to investigate the cause and the corrective measures taken to control the basement back-up.
  - ii. The Community shall provide documentation to the District's Community Discharge Permit Program Manager of the location, description, and suspected cause of the basement back-up upon request.
- c) Investigate and correct Illicit Discharges.
- i. The Community shall investigate and correct any discharge to Separate Storm Sewers or directly to a receiving water that is not composed entirely of stormwater except for discharges allowed under a NPDES Permit or otherwise exempted.
- d) Address failing home sewage treatment systems.
- i. The Community shall work to address known failing home sewage treatment systems per the local Board of Health's findings.
- e) Separate, replace or rehabilitate deteriorated Common Trench Sewers.
- i. The Community shall outline a schedule of projects to separate, replace or rehabilitate Common Trench Sewers.
  - ii. Projects identified by the Community shall be studied and implemented in a timely manner.

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- f) Report any found (new) SSO structures to the District.
  - i. Community shall report any new SSO structures to the District's Community Discharge Permit Program Manager within twenty-four (24) hours of discovery.
  - ii. The location, description, and estimated activation frequency and volume shall be included in the report.
  - iii. All applicable information related to any new SSO structure shall be detailed and maintained.
- g) Replace or rehabilitate deteriorating separate trench sewers.
  - i. Community shall outline a schedule of projects to replace or rehabilitate deteriorating separate trench sewers.
  - ii. Projects identified by the Community shall be studied and implemented in a timely manner.

#### Section 3.0804

District's Responsibilities – The District will review the Community's Water Quality Technical Support Program to ensure it is complete. Upon determination that the Community's program is complete, the Community will be eligible to apply for MCIP funding.

The District may also provide support to the Community by providing the Community access to District staff and/or available technical resources to assist the Community in achieving full participation in the Water Quality Technical Support Program annually.