

District Code Of Regulations

Updated through Ordinance No. OVSD-85
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OVSD Code
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References to Ordinances

Chapter 1
General Provisions

(Ord. 82, 2021)

SECTION 100. Code Adoption

100.1 Short Title; Reference to Code

This Code shall be known as the "Ojai Valley Sanitary District Code of Regulations." This Code may also be referred to as the "Ojai Valley Sanitary District Code." Portions of this Code may be designated as an addition or amendment to, or a repeal of, the "Ojai Valley Sanitary District Code."

100.2 Codification Authority

This Code is adopted pursuant to the provisions of the Sanitary District Act of 1923 (California Health & Safety Sections 6400 et seq.) and other provisions of law that empower the District to enact regulations. This Code references applicable sections of State and Federal law. In the event that these statutory references are updated by new law or regulation, it is the intent of this Code that the successor statute will govern the District's authority.

100.2.1 District approval shall be required and applicable fees shall be paid prior to any construction, installation, alteration, repair, opening, uncovering, extending, connecting to, or other work related to any system discharging into public sewers. Contracts awarded under certain Emergency situations do not require prior approval of the Board of Directors.

100.2.2 District approval shall be required prior to the use of any system discharging to District Sewer System. A District Permit for Non-Domestic Wastewater Discharge shall be required prior to any discharge of non-domestic wastewater directly or indirectly to District Sewer System.

100.3 Effective Date

This Code takes effect upon the effective date of the ordinance of the Board of Directors of the Ojai Valley Sanitary District whereby this Code is adopted.

100.4 Severability and Validity of Code

If any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The Board hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

100.5 Distribution of Code

At least one (1) duly certified copy of this Code shall be filed for use and examination by the public in the office of the District Clerk. Additional copies shall be prepared in loose-leaf form in such binders as the District Clerk may prescribe. Copies thereof shall be distributed as determined by the District Clerk.

100.6 Amendments

The District Clerk, or other District Representative**,** shall prepare copies of such changes in the Code for insertion in the loose-leaf copies thereof. Every portion of the Code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted. All amendments shall be published in a newspaper published in the District and shall take effect upon the expiration of the week of publication pursuant to California Health and Safety Code Section 6490.

100.7 Notation of Amendments

Upon the adoption of any amendment or addition to this Code, or upon the repeal of any of its provisions, the District Clerk shall certify thereto and shall make an appropriate notation in the volumes of said Code of the taking of such action, noting thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such Code shall be filed in the office of the District Clerk in books for such purpose, duly indexed for ready reference.

100.8 District Fees and Charges

This Code sets forth District Capacity Charges, Sewer Service Charges and Debt Service Charges, and Fees for Sewer-System Related Services in Chapter 3, Appendices B, C and D, respectively. Said charges and fees, as set forth in said appendices, may be amended by the Board from time to time in accordance with this Code and other applicable law. In addition to the fees and charges imposed and collected by the District pursuant to this Code, the District may levy, assess and collect other fees, charges, penalties, refunds, reimbursements of any kind in accordance with applicable law.

100.9 Prior Ordinances and Regulations

This Code is intended to be a compilation of selected ordinances and regulations of general application governing the organization and functioning of the Ojai Valley Sanitary District as those ordinances and regulations have been adopted by the District's Board of Directors. The provisions of this Code which are substantially the same as existing District ordinances and regulations shall be construed as restatements and continuations of those ordinances and regulations, and not as new enactments. Therefore, this Code supersedes those prior ordinances and regulations from which it was compiled, and which were in effect on the effective date of this Code. All such prior ordinances and regulations shall be deemed amended to read as provided in this Code. This Code also supersedes all existing ordinances and regulations of the District that are contrary to or inconsistent with the provisions of this Code.

The District ordinances and regulations listed in Appendix A of this Chapter are not superseded by this Code, and shall remain in full force and effect until otherwise amended or repealed:

100.10 Pending Proceedings

Any action or proceeding commenced before this Code takes effect, and any right accrued, is not affected by this Code, but all actions or proceedings commenced after the effective date of this Code shall, where applicable, conform to the provisions of this Code.

100.11 Conflict with State Codes

Any provision of this Code in conflict with any provision of the governing codes of the State of California due to revisions made in such governing codes shall be automatically superseded by said revisions.

SECTION 101. RULES OF CONSTRUCTION; DEFINITIONS

101.1 Construction

Unless the provisions or the context require otherwise, the general provisions, rules of construction and definitions set forth below shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to accomplishing its objects and promoting justice.

101.2 Effect of Headings

Chapter, section and subsection headings contained in this Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any chapter, section or subsection of this Code.

101.3 Prohibited Acts include Causing, Permitting or Suffering

Whenever in this Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission.

101.4 Reference Applies to Amendments

Whenever a reference is made to any portion of this Code, or to any ordinance or regulation of the District, the reference applies to all amendments and additions now or hereafter made.

101.5 Service of Notices

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to such person to be notified, at his or her last known business or residence address as the same appears in the public records of Ventura County pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

101.6 Proof of Notice

Proof of giving any notice may be made by the certificate of any officer or employee of the District, or by affidavit or declaration under penalty of perjury as provided by the California Code of Civil Procedure Section 2015.5 of any person over the age of eighteen years, which shows service in conformity with this Code, or other provisions of law applicable to the subject matter concerned.

101.7 Tenses

The present tense includes the past and future tenses.

101.8 Gender

The masculine gender includes the feminine and neuter.

101.9 "Shall" and "May"

"Shall" is mandatory and "may" is permissive unless the context requires otherwise.

101.10 Definitions

The following words and phrases, whenever used in this Code, will have the following meanings, unless from the text a different meaning is construed:

Accessory Dwelling Unit or ADU shall mean an attached or a detached residential dwelling unit or an interior dwelling unit within the existing square footage of an existing primary residential structure or accessory structure that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, or as defined in Government Code
§65852.20)(1), and as it may be amended. (Ord. 82, 2021)

Applicant: The person making application for permission for a sewer or plumbing installation and shall be the owner of premises to be served by the sewer for which permission is requested or his authorized agent.

Basic Sewer Service Charge: A District charge to each Parcel served by the District Sewer System to recover the sum total of sewer system and treatment plant operation costs, maintenance and replacement costs, general administration and accounting costs for providing service, capital costs and District expenditures deemed necessary to conduct the lawful business of the District (see Appendix C in Chapter 3), with the exception of the Debt Service Surcharge.

Board of Directors: The governing board of the Ojai Valley Sanitary District of Ventura County. (Also referred to as "District Board," "Board Members" or "Board.")

Biochemical Oxygen Demand (BOD): The quantity of oxygen required in the biological oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Capacity Charge: A one-time Charge for a new connection to the District Sewer System or expansion of use to the sewer system to cover a Parcel's proportionate cost of: (1) the existing District Sewer System benefit conveyed to the Parcel being charged; and (2) the new District Sewer System Facilities to be acquired or constructed in the future that are of proportional benefit to the Person or Parcel being charged.

Capacity Unit: A unit of measurement based upon the wastewater flow derived from industry standards. A single Capacity Unit equals the average wastewater flow generated by a Single Dwelling Unit or two hundred (200) GPO, or twenty-five (25) Drainage Fixture Units (DFUs), as that term is defined by the current Uniform Plumbing Code, which is incorporated herein by reference.

Code: The Ojai Valley Sanitary District Code of Regulations as approved and adopted by the District Board and as it may be amended from time to time. (Also referred to as the "Ojai Valley Sanitary District Code.")

Collection System: The District's publicly owned and operated system of conduits and underground pipes (Local and Trunk Sewers) which receive and convey sanitary wastewater to the District's Treatment Plant.

Connection: A physical connection between any type of piping (or any other sewage conveyance system) not owned by the District to another type of piping which is directly or indirectly connected to the District's Sewage System.

Connection Fee: A fee paid by a new District Sewer System user for the capital costs of capacity made available for his or her use.

Contractor: An individual, firm, corporation, partnership or association duly licensed by the State of California to perform the type of work to be done.

County: The County of Ventura, unless otherwise specified.

Customer: The Owner of a Parcel of land, as defined by the Ventura County Assessor's Office, being provided with District Sewer System service.

Day: Calendar day, unless otherwise specified.

Debt Service Surcharge: A District charge levied on each Parcel connected to the District Sewer System to fund or pay for the debt service on the 2003 Series Bond Issue which funded necessary improvements to the City of Ojai's 1927 collection system so that could be compatible with the District's existing Collection System when the City of Ojai consolidated its sewer system with the District's. .

Director: Member of the District's elected governing Board. (Also referred to as "Board Member" or "Member.")

Discharger: Any person discharging sanitary wastewater, sewage, liquid waste or industrial waste to the District's Sewer System.

District: Ojai Valley Sanitary District, a sanitary district organized and existing under the laws of the State of California, and located in the County of Ventura, California.

District Representative: Any person authorized by the District Board or General Manager to act on the District's behalf in carrying out the administrative, operational or any other functions of the District.

District Sewer System: Collectively, all of the property, pipes, pumps, structures and appurtenances for collecting, transporting, conveying, treating and disposing of Sewage, which was acquired, constructed and financed by the Ojai Valley Sanitary District with funds derived from the sale of revenue bonds, general obligation bonds, or otherwise. (Also referred to as "District Sewage Facility," "District Sewerage Facility," or "District Wastewater Facility.")

Domestic Sewage: The liquid and water born waste derived from the ordinary living processes, free from non-domestic wastewater and of such character as to permit satisfactory disposal, without special treatment, into the District Sewer System. (Also referred to as "Residential Wastewater.")

Easement: A properly right, however created, by which the owner of the easement is entitled to make specified uses of real property owned by another.

Emergency: A condition which creates imminent danger to the public health, safety or welfare, or otherwise significantly impairs the District's ability to provide sewer service to its ratepayers.

Encroachment: An activity or condition which results in significant interference with the Easement rights of the owner of an Easement. As respects District easements, there are three classes of Encroachments:

> Class One:
> Encroachments which interfere only slightly with District easements. Examples may include loose paving stones and similar landscaping features, flowerbeds, small shrubs, lawn and ground covers which do not impede normal use and operation of the District's Sewer System and may readily be removed and restored at a modest cost if access to that system is required.
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> Class Two:
> Encroachments which will cause significant interference with District Easements but which, due to being readily removable or by virtue of District mandated safeguards and/or mitigation measures, the interference can be ameliorated to an acceptable level. Examples may include fences, gates, driveways, paving, portable or readily removable structures, larger vegetation whose roots do not have a propensity to invade wastewater facilities, and cuts and fills.
>
> Class Three:
> Encroachments which will cause significant interference with District

Easements. Examples may include permanent structures such as buildings, swimming pools, permanent decks, retaining walls and reinforced concrete or masonry; temporary structures which are not readily removable from the Easement; also trees, heavy brush, and vegetation that prevents District access to its facilities in the Easement; also any activities and conditions that are unlawful or prohibited by this Code or by other applicable laws.

Fees for Sewer System-Related Services: Miscellaneous fees imposed upon Parcel Owners for District services related to and necessary for the District's providing sewer service, including, without limitation, plan check fees, processing fees, inspection fees, permit fees, line cleaning and maintenance fees, violation abatement or correction fees, annexation fees, returned check fees, sewer atlas update fees and recording fees.

Food Preparation Area: An area containing plumbing fixtures, appliances, or devices commonly used for: (1) heating or cooking food; (2) refrigerating food; and (3) washing utensils used for dining and food preparation and/or for washing and preparing food. Permanent removal of two of the three above-numbered elements will result in the elimination of a Food Preparation, provided the Parcel Owner is required to remove the elements pursuant to an "Agreement to Cease an Unpermitted Connection" executed in the manner authorized by Chapter 10, Section 1014. *(Ord. 75, 2015)*

General Manager: The person appointed by the Board of Directors to administer and enforce the rules and regulations of the District. (Also referred to as "District Manager" or "Manager.")

Governing Body: The Ojai Valley Sanitary District Board of Directors is the governing body of the District. The Board is the governing power of the District, and exercises all District powers. (Health & Safety Code §6481) The Board receives its power from the California Constitution and State laws passed by the legislature, including the District's principal act, the Sanitary District Act of 1923, Health & Safety Code §6400 et seq.

Gallons per Day (GPD): Gallons of wastewater generated per day.

Industrial Wastewater: Any Wastewater containing solid, liquid, gaseous or radioactive substances that is discharged, flowing or permitted to escape from any producing, manufacturing, processing, institutional, commercial, agricultural or similar operation into the District Sewer System, and which Wastewater results from the development, recovery or processing of any material resource.

Inspection: The act of reviewing any or all Sewer construction work for the purpose of determining compliance with the District Code, and all other applicable laws, rules or regulations.

Inspector: The person appointed by and acting for the General Manager to inspect Wastewater generation, conveyance, processing and disposal facilities within the District's jurisdiction.

Interceptor: A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes and permit normal sewage or liquid wastes to discharge by gravity.

Lateral: A sewer beginning at the foundation wall of any building or structure and terminating at the District Sewer System, which sewer connects the building or structure to the District Sewer System. The Lateral includes the connection facility by which the Lateral is connected to the District Sewer System. (Also referred to as “Side Sewer.”)

Law: Denotes applicable federal law, the constitution and statutes of the State of California, the ordinances of the District, and any and all rules and regulations which may be promulgated thereunder.

Liquid Waste: The discharge from any plumbing fixture, which does not receive fecal matter.

Local Sewer: That portion of the District Sewer System which directly receives Wastewater from the Lateral of a Discharger.

Local Sewer Capacity Charge: A Capacity Charge based upon the District’s Local Sewer facilities in existence at the time the charge is imposed. The Local Sewer Capacity Charge is calculated by dividing the total replacement cost of the District’s Local Sewer facilities by the total Capacity Units accessing those facilities. Accordingly, the Local Sewer Capacity Charge equals each Parcel’s proportionate share of the total replacement cost of the District’s existing Local Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel.

Manufactured Home: A structure which is transportable in one or more sections and, when erected, meets the District’s criteria for a Single Dwelling Unit.
(Ord. 69, 2012)

Mobile Home: A structure which is transportable in one or more sections and, when erected, meets the District’s criteria for a Single Dwelling Unit. *(Ord. 69, 2012)*

Mobile Home Space: An area within a Premises with facilities by which a Mobile Home may be connected to the District’s Sewer System.

Multifamily Manufactured or Mobile Home: A structure which is transportable in one or more sections and, when erected, meets the District’s criteria for two or more Single Dwelling Units. *(Ord. 69, 2012)*

Non-Domestic Wastewater: Shall mean same as Industrial Wastewater.

Non-Residential: Use of a Parcel that does not include any habitation.

Non-Residential Wastewater: See ”Non-Domestic” Wastewater.

Nuisance: A discharge of Sewage in violation of District regulations or orders which is or could be harmful to, or unreasonably affect, the Sewer System, or which impairs or unreasonably affects the operation and maintenance of the District’s Sewer System**,** or which violates quantity, quality or other standards adopted by the District, or which places an unreasonable burden on the District’s ratepayers.

Occupant: Any person actually occupying any premises whether as owner or tenant or under contract or otherwise.

Owner: The record owner of a Parcel as shown by the official records of the Ventura County Recorder, Ventura County Assessor or the holder of any possessory interest in publicly owned property.

Parcel: A single lot of land for which a legal description has been filed on record, or the boundaries of which are shown on a subdivision map or a record of survey map, filed in the office of the Ventura County Recorder.

Permit: A formal authorization or approval by the District to engage in or undertake specified conduct or activities. This authorization/approval may be subject to limitations or conditions.

Person: Any human being, individual, firm, company, partnership, association and private**,** public or municipal corporations, the United States of America, State of California, districts and all political subdivisions and governmental agencies thereof.

Premises: Any lot, piece, or Parcel of real property improved or unimproved within the boundary of the District.

Public Sewer: A common sewer lying within a public way or Easement, which is controlled by or under the jurisdiction of the District, and which receives flows from buildings or structures connected thereto.

Recreational Vehicle: A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation or recreational, emergency, or other occupancy, meeting the District's criteria for a Single Dwelling Unit. *(Ord. 69, 2012)*

Recreational Vehicle Park (RV Park): Is any recreational vehicle park subject to a permit issued by either the Department of Housing and Community Development or other enforcement agency pursuant to the Special Occupancy Parks Act (Health and Safety Code Section 18860 et seq.). *(Ord. 69, 2012)*

Recreational Vehicle Space: Is any area within a Recreational Vehicle Park designed to accommodate a Recreational Vehicle in a manner that provides that Recreational Vehicle with the means to connect directly or indirectly to the District's Sewer System. *(Ord. 69, 2012)*

Sanitary Sewer: A conduit that conveys sewage or non-domestic wastes or a combination of both, and into which storm waters, surfaces, and ground waters and unpolluted waters are not admitted. See also Government Code section 53750(k).

Service Unit (SU): A measure of sewer service provided to a Parcel based upon the volume and strength of the Parcel's wastewater flow. The method used by the District to calculate Service Units for a given Parcel depends on the application of criteria and formulas derived by the District based on industry standards.

Sewage: A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

Sewer: A pipe or conduit for carrying sewage.

Sewer Service: The services and facilities for collection, treatment and disposal of Sewage furnished or available to a Parcel by the District Sewer System.

Sewer Service Charge: A charge imposed to recover the sum total of sewer service costs represented by the Basic Sewer Service Charge and the Debt Service Surcharge.

Single Dwelling Unit:

For purposes of determining the Capacity Fee for a Capacity Unit, a single dwelling unit shall be anyone of the following:

a. A room or rooms connected together (whether or not constructed in compliance with applicable governmental regulations) with all of the following: (a) an independent exterior access, (b) a Food Preparation Area, (c) a multi-purpose or bedroom area, and (d) a toilet.

b. Any trailer, boat, motor home or other Recreational Vehicle connected to the District's Sewer System, either permanently or for a temporary period exceeding thirty (30) days, except when occupying a Recreational Vehicle Space.

c. Notwithstanding any other provision of this Code of Regulations, where a structure located on a Parcel is not subject to an "Agreement to Cease an Unpermitted Connection" executed in the manner authorized by Chapter 10, Section 1014, the structure may be deemed a Single Dwelling Unit under the following circumstances:

1. Where one or more structures are located on a Parcel and connected to the District Sewer System (and none of the structures satisfy the Single Dwelling Unit definitions set forth in paragraphs a, b, and c, above, or fall within the non-residential or mixed use classifications established by this Code), the District may treat all the structures, collectively, as the equivalent of one Single Dwelling Unit [*For example, if three structures located on a Parcel are connected to the District Sewer System but none of the structures satisfy the Single Dwelling Unit definitions set forth in paragraphs a, b or c, above, or otherwise fall within non-residential or mixed use classifications established by this Code, the District may treat all of the structures on the Parcel, collectively, as the equivalent of one Single Dwelling Unit.*]; or

2. A structure located on a Parcel may be deemed a Single Dwelling Unit where the General Manager or his designee determine that the structure has been designed, modified or constructed to accommodate the installation of a Food Preparation Area and all other elements necessary to define the structure as a Single Dwelling Unit are present. This determination shall be based on either one of the following criteria:

    A. Final permits, plans and/or specifications filed with a government entity approving construction of a Food Preparation Area within the structure; or

    B. Direct observation by the General Manager or his designee of infrastructure within a structure that is configured in a manner commonly required for and associated with the installation of a Food Preparation Area. That infrastructure may include, without limitation, plumbing, electrical outlets and/or gas lines installed to accommodate a grouping of appliances for (1) heating or cooking food; (2) refrigerating food; and (3) the washing of utensils used for dining and food preparation and the washing and preparation of food. *(Ord. 69, 2012) (Ord. 75, 2015)*

Special Use Permit: A permit issued by the General Manager, in accordance with District regulations, allowing a Parcel Owner or other Person to make temporary or special use of District Sewer System including, without limitation, temporary or special connections to the system. *(Ord. 75, 2015)*

Street: Any public highway, road, street, avenue, alleyway, public place, public Easement or right of way within the District.

Suspended Solids (SS): Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering.

Treatment Plant: The arrangement of devices and structures owned and used by the District to treat Wastewater. (Also referred to as “Treatment Facility.”)

Treatment Plant Capacity Charge: A District charge equal to a Parcel’s proportionate share of the total replacement cost of unused treatment plant capacity which is also proportionate to the benefit received by the Parcel.

Trunk Sewer: The sewer in any public Street or Easement constructed to accommodate more than one Local Sewer.

Trunk Sewer Capacity Charge: A District charge equal to each Parcel’s proportionate share of the total replacement cost of the District’s existing Trunk Sewer facilities which is also proportionate to the benefit received by that Parcel. The Trunk Sewer Capacity Charge is calculated by dividing the total replacement cost of the District’s Trunk Sewer facilities by the total number of Capacity Units accessing those facilities. .

Unpermitted Connection: Any connection to the District’s Sewer System without required District authorization or permits. *(Ord. 69, 2012)*

Uniform Plumbing Code: The most current edition of the uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials.

User: Owner responsible for payment of Sewer Service Charges and other applicable fees for a Premise served by the District as provided in this Code.

Vehicle: A device that may be used to transport people or things.

Wastewater: All water-borne Sewage, industrial or other wastes, whether treated or untreated, discharged into or permitted to enter the District Sewer System.

Wastewater Facilities: Pipelines, pump stations and other structures, equipment and machinery which are used to collect and convey Wastewater and, in some contexts, to treat and dispose of Wastewater. *(Ord. 69, 2012)*

SECTION 102. Administration

102.1 General Manager

The General Manager shall be the administrative head of the Ojai Valley Sanitary District under the direction of the Board of Directors. The General Manager shall be responsible for the efficient and effective administration of the day-to-day operations of the District.

102.2 Enforcement Authority

The General Manager shall enforce this Code, all ordinance and policies of the District, and see that all contracts, Permits and agreements that are approved by the Board of Directors are carried out in accordance with the District Board's direction.

102.3 District Public Information Officer

The General Manager shall also be the District Public Information Officer, which includes being responsible for all media contact in relation to the business of the District.

SECTION 103. District Policies and Procedures

The District Board may, by ordinance or resolution, adopt policies and procedures to guide the District in the performance of its lawful activities. The District Clerk shall maintain these policies and procedures in loose-leaf form in such binders as the District Clerk may prescribe. The binders shall be updated by the District Clerk, as required. Said binders shall be filed for use and examination by the public in the office of the District Clerk. Copies thereof shall be distributed as determined by the District Clerk.

SECTION 104. Violations of Code

The following conduct within the jurisdiction of the District is hereby deemed a violation of this Code:

104.1 It shall be unlawful for any person to construct, rebuild, use, occupy or maintain, within the jurisdiction of the District, any residence, place of business or other building where persons reside, congregate or are employed which is not provided with means for the disposal of sewage by either connection to the public sewer system maintained by the District or other lawful means.

104.2 Unless otherwise provided by this Code or other applicable law, it shall be unlawful for any person to construct, install, provide, maintain or use within the jurisdiction of the District any means of sewage disposal other than connection to the public sewer system maintained by the District.

104.3 It shall be unlawful for any person to connect to the public sewer system maintained by the District except in the manner provided by this Code**,** and all other applicable local, state or federal laws.

SECTION 105. Mailing and Office Address

The official office and mailing address of the Ojai Valley Sanitary District are as follows:

Ojai Valley Sanitary District
1072 Tico Road
Ojai, California 93023

APPENDIX A

1. Ordinance No. 14: “An Ordinance of the Ojai Valley Sanitary District Governing the Selection of Contractors to Perform Public Projects pursuant to Public Contract Code Section 22032 under the Uniform Public Construct Cost Accounting Act”; (Adopted November 6, 1989, Effective November 18, 1989).

2. Ordinance No. 38. “An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Amending Ordinance No. OVSD-1, Revising Maximum Payback Agreement Life”, (Adopted May 24, 1999, Effective June 7, 1999).

3. Ordinance No. 65: “An Ordinance of the Board of Directors of the Ojai Valley Sanitary District adopting Policies and Procedures Governing Public Project Contracts, Professional Service Contracts, The Purchase of Supplies, Equipment and Services, and the Disposal of Surplus Property, (Adopted May 23, 2011, Effective July 1, 2011).

4. Ordinance No. 72: “An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation”; (Adopted Jun 17, 2013, Effective July 1, 2013). (Repealed by Ord. 73 adopted April 28, 2014, Effective May 7, 2014)

5. Ordinance No. 73: “An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation”, (Adopted April 28, 2014, Effective May 7, 2014)

6. Ordinance No. 74: An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation”, (Adopted April 27, 2015, Effective May 7, 2015) (Repealed by Ord. 85 adopted July 22, 2024, Effective August 12, 2024)

7. Ordinance No. 82: An Ordinance of the Board of Directors of the Ojai Valley Sanitary District to Accommodate and Comply with Changes to the State Law Regarding Accessory Dwelling Units, (Adopted April 26, 2021, Effective May 6, 2021)

8. Ordinance No. 85: An Ordinance of the Board of Directors of the Ojai Valley Sanitary District Setting Board Member Compensation (Adopted July 22, 2024, Effective August 12, 2024).

Chapter 2
GENERAL PROVISIONS GOVERNING DISTRICT ORGANIZATION

SECTION 200. Board of Directors

200.1 Membership

The Ojai Valley Sanitary District Board of Directors is comprised of seven (7) members, representing seven (7) defined divisions. The boundaries of the seven divisions were established based on evenly distributing the voting population of the District at the time of the District's creation in 1985. Until such time as they may be lawfully altered, the District's seven divisions shall be as stipulated in the District's official formation documents. The divisions are described in the District Bylaws.

200.2 Election by Division

200.2.1 Pursuant to California Elections Code Section 10500 et seq., each member of the Board is elected in a general election in their designated division within the District.

200.2.2 Elections are held in even-numbered years in November and are consolidated with the County of Ventura's general election; the new terms, following election, begin as determined and provided for in Section 10554 of the Elections Code.

200.2.3 Elections in divisions 2, 4 and 6 are held in one even-numbered year in conjunction with the State of California gubernatorial election, and elections in divisions 1, 3, 5 and 7 are held in the following even-numbered year (which year shall be evenly divisible by four) in conjunction with the United States presidential election.

200.3 Board Member Eligibility Requirements

200.3.1 Pursuant to California Elections Code Section 201 and Health and Safety Code Section 6591, no person is eligible to be elected or appointed to the District Board of Directors for a particular division unless that person is a registered voter and otherwise qualified to vote in that same division at the time nomination papers are issued to the person or at the time of the person's appointment.

200.3.2 A Board Member will retain eligibility to represent a particular division as long as that Board Member remains a registered voter and otherwise qualified to vote in that same division.

200.3.3 For purpose of this Section, voter qualification shall be determined in accordance with California Elections Code Section 2000 et seq., and other applicable provisions of law.

200.4 Term of Office; Oath; Conflict of Interest Statement; Resignation; Effect of Ineligibility

200.4.1 The term of office of each Board Member is four years beginning the first meeting after the County Board of Supervisors certifies the election results. This date will also be designated in the letter from the County Elections Officer to the newly elected Board Member.

200.4.2 Every newly elected director shall take an oath of office at the time of seating, as required by the County Clerk's office.

200.4.3 A newly elected director must file a Conflict of Interest Statement, pursuant to the requirements of the Political Reform Act, Government Code Sections 87300-87302, as amended by the Fair Political Practices Commission pursuant California Code of Regulations Section 18730.

200.4.4 A Board Member may resign from office by submitting his/her written resignation to the District Board, which written resignation shall specify the date upon which the Member's resignation shall become effective. Upon resignation, the Director's seat shall be considered vacant.

200.4.5 Immediately upon a Board Member becoming ineligible to retain office that Board Member's seat shall be considered vacant.

200.5 Director Vacancies

In accordance with Health and Safety Code Section 6483, vacancies to the membership of the Board shall be filled for the unexpired term pursuant to Government Code Section 1780 et seq.

200.6 Compensation

Board Members are eligible for compensation for the following types of service to the District: *(Ord. 85, 2024)*

200.6.1 Board Meeting/Board Committee Meeting

Each member of the Ojai Valley Sanitary District Board of Directors shall receive compensation as established by ordinance for each regular, adjourned, or special Board meeting attended, or each day of service rendered as a Director by request of the Board. Each member of the Ojai Valley Sanitary District Board of Directors assigned to a committee shall receive compensation as established by ordinance for each committee meeting of the Board attended. *(Ord. 85, 2024)*

200.6.2 Representative of the District

A Board Member who, with Board approval, represents the District at a meeting, conference or seminar, shall receive compensation as established by ordinance for each day of service the Board member attends that meeting, conference, or seminar *(Ord. 85, 2024)*

200.7 Limitation

Pursuant to California Health and Safety Code Section 6489, each member of the Ojai Valley Sanitary District Board of Directors shall be compensated for each meeting attended or each day of service rendered up to six (6) days in a calendar month. Payment for services in one month shall not be delayed to another month to avoid this limitation. *(Ord. 85, 2024)*

SECTION 201. Meetings of the District Board

201.1 Time and Place

The time and place of the regular meetings of the Board shall be set by resolution. All meetings shall be conducted pursuant to Section 54950 et seq. of the California Government Code, commonly known as the Ralph M. Brown Act (hereinafter "Brown Act").

201.2 Special and Emergency Meetings

Special and Emergency Meetings of the Board shall be called in accordance with the Brown Act.

201.3 Closed Session Meetings

Closed sessions meetings may be called by the Chairperson at any time during a meeting in accordance with the requirements of the Brown Act.

201.4 Agenda Order

The Chairperson, or acting Chairperson, may make changes in the order of the agenda unless a two-thirds vote of the members in attendance defeats the decision of the Chairperson. The preferred order of business shall be as follows:

a) Call to order
b) Roll Call
c) Pledge of Allegiance
d) Additions or amendments to the agenda
e) Public concerns
f) Board concerns
g) Public hearings
h) Presentations
i) Regular Business & Reports
    1. Consent items
    2. Action items
    3. Information items
j) Discussion
    1. Public
    2. Directors
    3. General Manager
k) Items of Interest/Correspondence/Articles
l) Closed Sessions
m) Adjournment

201.5 Posting Agenda

In accordance with the Brown Act, the District Clerk shall post a copy of the agenda for each regular meeting of the Board at least 72 prior to the meeting time. The agenda shall be posted on the posting board affixed to the exterior of the District's offices. The District Clerk shall post a copy of the agenda for all other District meetings on the same posting board in accordance with all requirements imposed by the Brown Act.

201.6 Mailing Agenda

The Clerk of the Board shall mail a copy of each Board meeting agenda to those people, agencies, organizations, etc. who have requested to be placed on the current mailing list for such notices, and the local news media.

201.7 Staff Report on Agenda

The General Manager is responsible for preparing a written staff report on agenda items, as appropriate.

201.8 Board Member Request to Place Item on Agenda

Any Board Member may request an item be placed on the agenda for discussion or action. All such requests shall consider the amount of time needed for staff research. Emergency items can only be added pursuant to the Brown Act.

201.9 Member of Public Request to Place Item on Agenda

Members of the public may request to have an item placed on a future Board agenda during the Public Comment portion of a Board meeting. The Chairman shall ask if any Board Member supports this request. If there is support, the General Manager will be directed to place the item on a future Board agenda or assign the item to a Board Committee.

201.10 Adding Items to Agenda at Beginning of Regular Meeting

Items may be added to the agenda at the beginning of a regular meeting only when the item to be added meets the requirements of the Brown Act. Additions cannot be made to the agenda of any special meeting.

201.11 Quorum

A majority of the current Board membership shall constitute a quorum. A majority of the Board members voting shall be required to approve, disapprove or otherwise act on any proposal, except matters requiring action by a specific number or percentage of the full Board as required by statute. A tie vote shall constitute a denial.

201.12 Rules of Order

All District meetings shall be conducted according to the District's Rules of Order as set forth in the District Bylaws, as may be amended from time to time. A copy of the District's Bylaws shall be filed for use and examination by the public in the office of the District Clerk. Copies thereof shall be distributed as determined by the District Clerk.

201.13 Adjournment

In accordance with Government Code Section 54955, the Board may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. When a meeting may not be opened due to a lack of a quorum, the meeting may be adjourned by the Secretary or Clerk of the Board, to a stated time and place with written notice of the adjournment given in the same manner as provided in the Brown Act for calling special meetings.

201.14 Minutes of the Meetings

The Clerk of the Board shall prepare for approval by the Board of Directors minutes recording all resolutions, ordinances, actions, and determinations of the Board. All approved minutes will be retained with the District's records and are available for inspection by any member of the public upon request.

201.15 Recording Meetings; Preservation of Records

All Board of Directors' meetings shall be sound recorded, and the records shall be retained for a period of four years.

201.16 Execution of Documents

All papers involving official acts of the Board shall be signed in accordance with appropriate legislation relating to such acts. In the absence of specific regulations, the signature of the Chairperson or Vice-Chairperson attested by the Clerk of the Board shall be deemed sufficient.

Chapter 3
Fees, Rates, Charges and Other Financial Matters

(Ord. 82, 2021) (Ord. 85. 2024)

SECTION 300. Purpose

This Chapter promulgates regulations governing fees, rates and charges imposed and collected by the District as authorized by the Sanitary District Act of 1923, Article 1 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code, Section 6400 et seq., Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, Section 5470 et seq. and other applicable provisions of law. This Chapter also makes provision for other related financial matters affecting the District and its constituents.

SECTION 301. Capacity Charges

301.1 Background Considerations

The District Board relies upon certain findings in imposing Capacity Charges including, without limitation, the following:

301.1.1 The Capacity Charges imposed by the District do not exceed the estimated reasonable cost of providing the service for which the Capacity Charges are imposed.

301.1.2 The Capacity Charges imposed by the District are neither an incident of property ownership nor a property-related service having a direct relationship to property ownership and, therefore, not subject to the requirements of California Constitution Article XIII(D).

301.1.3 The Capacity Charges imposed by the District are not imposed as a condition of approval of a proposed development project as defined in Government Code §66001 and, therefore, not subject to the requirements for imposing development fees set forth in Government Code §66000 et seq.

301.1.4 The Capacity Charges imposed by the District are non-discriminatory as applied to all users of the District's sewer system and are established upon a rational basis.

301.1.5 The Capacity Charges imposed by this Code shall be in addition to all other District fees and charges.

301.2 Purpose of Capacity Charges

The District imposes Capacity Charges on Parcel Owners to provide revenue for the operation of its wastewater system and facilities and to distribute, proportionately, the cost of, acquisition, construction, installation and replacement of the District's wastewater facilities and other capital assets to the Parcel Owners.

301.3 Types of Capacity Charges

The District may impose the following types of Capacity Charges: (1) Treatment Plant Capacity Charge; (2) Trunk Sewer Capacity Charge; and (3) Local Sewer Capacity Charge.

301.4 Application of Capacity Charges

a. Except as provided in paragraphs (b) and (c) of this Section, the District imposes one-time, non-discriminatory Capacity Charges on Parcel Owners as a condition of the District permitting those Parcel Owners to establish a new sewer connection or to expand the use of an existing sewer connection.

b. Exempt ADUs. An ADU is exempt from the District's Capacity Charges if the ADU is any of the following ADUs described in 301.4(b)(1), (2), or (3) below *and* meets the requirements of 301.4(b)(4):

1. An interior ADU that is located within an existing residential dwelling

2. An ADU created by converting an existing accessory structure located on the property where the conversion does not require an expansion of the existing accessory structure of more than 150 square feet; or

3. A junior ADU, as defined in Section 101.1**O** of this Code and in Government Code§ 65852.22(h)(1); and

4. The ADU has exterior access and adequate setbacks sufficient for fire and safety as set forth in Government Code §65852.2(e)(1)(A).

c. ADUs Subject to Proportional Capacity Charges and Connection Fees.

An ADU is subject to the District's Capacity Charges set forth herein if it does not meet the exempt conditions in 301.4(b) above. If the ADU is subject to the District's connection fees, the District shall impose a connection fee on the ADU proportional to the ADU's burden on the District's wastewater system. The ADU Connection Fee shall be calculated by counting the number of drainage fixture units (DFUs) in the proposed ADU and dividing the number of counted DFUs in the proposed ADU by the District's applicable Capacity Unit for a Single Dwelling Unit (25 DFUs) and multiply this ratio by the District's current capacity charge and connection fee.

301.5 Use of Capacity Charge Revenues

The District may use Capacity Charge revenues to pay for the operation and maintenance of wastewater facilities in existence at the time the charge is imposed or to pay for new wastewater facilities to be constructed in the future, provided those facilities benefit the property being charged and the charges do not exceed the reasonable cost of the service provided.

The District may use revenues derived from Capacity Charges for the acquisition, construction and reconstruction of the District's wastewater collection, treatment and disposal facilities; to repay principal and interest on debt instruments; or to repay federal or state loans for the construction and reconstruction of said sewer facilities, together with

costs of administration and provisions for necessary reserves.

301.6 Payment of Capacity Charge Required

Payment of applicable Capacity Charges is required, and no Parcel Owner may establish a new sewer connection or expand use of an existing sewer connection without first paying all applicable Capacity Charges in full. Notwithstanding the foregoing, the District may, in accordance with applicable provisions of this Code, enter into an agreement with a Parcel Owner for the deferred payment of required Capacity Charges. *(Ord. 69, 2012)*

301.7 Time of Payment

Parcel Owners seeking a New Sewer Connection or expanded use of an existing sewer connection must pay all applicable Capacity Charges (or make other financial arrangements for payment) prior to the District approving or issuing a "will-serve letter."

301.8 Amount of Payment

Capacity Charges shall be paid in accordance with the charges effective on the date that a "will-serve letter" is issued.

301.9. Person Responsible

A Parcel Owner or Customer seeking a new sewer service connection or expanded use of an existing sewer connection shall be the person solely responsible for payment of applicable Capacity Charges. It is the duty of each Parcel Owner or Customer to ascertain from the District the amount and due date of any Capacity Charge applicable to the property or parcel and pay the appropriate District charge or fees when due and payable. Each Parcel Owner or Customer shall be responsible for informing the District within sixty (60) days of any changes in circumstances that might result in a change in the amount of the applicable District charge or fee for sewer services. This requirement shall also apply to those Parcel Owners who either have or are planning to have an attached or standalone Accessory Dwelling Unit on their parcel or property as defined in Chapter 1, Section 101.10, Definitions.

301.10 Effect of Capacity Charge Payment

Upon a Parcel Owner's payment (or an agreement to pay) of required Capacity Charges, sewer system capacity is assigned to a Parcel ("Assigned Capacity"). Once assigned, the sewer system capacity becomes appurtenant to the Parcel, and is not transferable other than by conveyance to a new parcel owner through the sale or transfer of the subject Parcel.

If the District determines that the Assigned Capacity for a Parcel is less than the capacity required to serve that Parcel, the Parcel's current Owner shall be responsible for paying (or arranging to pay) additional Capacity Charges to increase Assigned Capacity to the required level. The failure of a Parcel Owner's predecessor-in-interest's to pay for sufficient capacity to serve a Parcel shall not relieve a current Parcel Owner of this responsibility.

The District may employ any remedy available in law or in equity to require a Parcel Owner to pay for (or agree to pay for) sufficient Assigned Capacity for a Parcel. Additionally, the District may, after notice and hearing, disconnect any Parcel from the District's Sewer System for which Assigned Capacity is insufficient. *(Ord. 69, 2012)*

301.11 Treatment Plant Capacity Charge

. The Treatment Plant Capacity Charge equals a Parcel's proportionate share of the total replacement cost of unused treatment plant capacity in existence at the time the charge is imposed and is, therefore, proportionate to the benefit received by that Parcel.

301.11.1 Residential Use

For residential uses, the Treatment Plant Capacity Charge is based on each Capacity Unit or each Single Dwelling Unit on a Parcel.

301.11.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Treatment Plant Capacity Charge shall be paid for each Capacity Unit associated with those uses or one Capacity Unit corresponding to every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

301.11.3 Recreational Vehicle Parks

For Recreational Vehicle Parks, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (0.5) Capacity Unit for each Recreational Vehicle Space which may not be leased, rented or occupied for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space which may be leased, rented or occupied for a period of thirty (30) consecutive days or more. *(Ord. 69, 2012)*

301.11.4 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, a Treatment Plant Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.11.5. Mixed Use Structures

The Treatment Plant Capacity Charge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Treatment Plant Capacity Charges for each separate use. A Parcel Owner's failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Treatment Plant Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager may waive the Treatment Plant Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use, which shall include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager may exempt a Mixed-Use Structure from either Treatment Plant Capacity Charges for residential use or non- residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Treatment Plant Capacity Charges should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.12 Trunk Sewer Capacity Charge

. The Trunk Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Trunk Sewer facilities in existence at the time the charge is imposed by the total Capacity Units accessing or benefitting from those trunk sewer facilities. Accordingly, the Trunk Sewer Capacity Charge equals each Parcel's proportionate share of the total replacement cost of the District's existing Trunk Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel.

301.12.1 Residential Use.

For residential uses, the Trunk Sewer Capacity Charge is based upon each Capacity Unit or each Single Dwelling Unit on a Parcel which equals a Capacity Unit.

301.12.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Trunk Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

For Recreational Vehicle Parks only, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (.5) Capacity Unit for each Recreational Vehicle Space which may not be leased or rented for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space which may be leased, rented or occupied for a period equal to or exceeding thirty (30) consecutive days. *(Ord. 69, 2012)*

301.12.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, a Trunk Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.12.4. Mixed Use Structures

The Trunk Sewer Capacity Charge for a structure used for both residential and non-residential purposes (“Mixed Use Structure”) shall be the sum of the applicable Trunk Sewer Capacity Charges for each separate use. A Parcel Owner’s failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Trunk Sewer Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Trunk Sewer Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure’s residential use, which shall include, without limitation,

home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed-Use Structure from either Trunk Sewer Capacity Charges for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use. The final determination as to how a given Mixed Use Structure's Trunk Sewer Capacity Charges are calculated shall be made in the sole and absolute discretion of the General Manager using all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.13 Local Sewer Capacity Charge

The Local Sewer Capacity Charge is calculated by dividing the total replacement cost of the District's Local Sewer facilities in existence at the time the charge is imposed by the total capacity units accessing or benefitting from those local sewer facilities. Accordingly, the Local Sewer Capacity Charge equals a Parcel's proportionate share of the total replacement cost of the District's existing Local Sewer facilities and is, therefore, proportionate to the benefit received by that Parcel**.** Payment of the Local Sewer Capacity Charge with construction of a local sewer line is covered in Section 301.17.

301.13.1 Residential Use

For residential uses, a Local Sewer Capacity Charge is based on each Capacity Unit or each Single Dwelling Unit on a Parcel which equals a Capacity Unit.

301.13.2 Commercial, Industrial, Institutional or Miscellaneous Uses under 25,000 Gallons Per Day (GPD)

For commercial industrial, institutional or miscellaneous uses generating less than 25,000 gallons of wastewater flow per day, a Local Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for every twenty-five (25) Fixture Units (or any portion thereof) attributed to a Parcel.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Official's Uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

For Recreational Vehicle Parks only, the number of Capacity Units to be assigned shall be calculated as follows: (i) One (1) Capacity Unit for every twenty-five (25) Fixture Units (or portions thereof) located on

the Parcel and related to permanent facilities such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars; (ii) One-half (.5) Capacity Unit for each Recreational Vehicle Space which may not be leased, rented or occupied for a period exceeding thirty (30) consecutive days; and, (iii) one (1) Capacity Unit for each Recreational Vehicle Space which may be leased, rented or occupied for a period equal to or exceeding thirty (30) consecutive days. *(Ord. 69, 2012)*

301.13.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 Gallons Per Day (GPD)

For commercial, industrial, institutional or miscellaneous uses generating 25,000 gallons of wastewater flow per day or more, ~~A~~ Local Sewer Capacity Charge shall be paid for each Capacity Unit. One Capacity Unit shall be assigned for each two hundred (200) GPD of projected wastewater flow.

301.13.4. Mixed Use Structures

The Local Sewer Capacity Charge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Treatment Plant Capacity Charges for each separate use. A Parcel Owner's failure to comply with any applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Local Sewer Capacity Charges based upon the residential and non-residential uses of the structure.

The General Manager may waive the Local Sewer Capacity Charge for that portion of a Mixed Use Structure that is used for non-residential use if it is determined that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use, which include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed Use Structure from either Local Sewer Capacity Charges for residential use or non-residential use based on a determination of the Mixed Use Structure's "predominant use." In making that "predominant use" determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Local Sewer Capacity Charges should be calculated shall be made in the

sole and absolute discretion of the General Manager based on all relevant information in the administrative record on this matter. *(Ord. 75, 2015)*

301.14 Establishment of Capacity Charges

The Treatment Plant Capacity Charge, Trunk Sewer Capacity Charge and Local Sewer Capacity Charge shall be in the amounts set forth in Appendix B of this Chapter. The Capacity Charges set forth in Appendix B of this Chapter are subject to amendment by Board action in accordance with applicable law.

Adjustment of Capacity Charges

Capacity Charges are subject to annual adjustments on each July 1 following the effective date of this Code. On or about May of each year, or more often if determined necessary, the District General Manager shall review the estimated cost and value of District capital improvements, the continued need for additional capital improvements, and the reasonable relationship between such need and any new service connections which may benefit from the improvements or facilities for which this fee is charged. The General Manager shall report his findings to the Board of Directors at a noticed public hearing and recommend any adjustments to the Capacity Charges set forth in this Code or other action as may be needed. As appropriate, such adjustments shall be made by the Board of Directors by ordinance, based upon appropriate findings.

When determining any adjustment to Capacity Charges, the General Manager shall use as guidance the March-to-March percentage change in the Engineering News Record (ENR) Los Angeles Area Construction Cost Index. The General Manager may also take into account any other factors deemed appropriate for the given circumstances at the particular time of the adjustment.

301.15 Right to Administrative Review

Any Parcel Owner subject to Capacity Charges may, in accordance with the procedures set forth in Chapter 9, Section 917, request review of any decision by District staff related to imposition of those capacity charges. *(Ord. 75, 2015)*

301.16 Local Sewer Construction Agreement

A Parcel Owner who, pursuant to a duly executed agreement with the District, pays the full cost and expense of constructing a Local Sewer line to serve that Owner's Parcel, shall not be required to pay the applicable Local Sewer Capacity Charge. Upon that Parcel Owner's payment of the costs and expenses of constructing a Local Sewer line to serve that Owner's Parcel, that Parcel Owner shall be entitled to all rights and privileges associated with the payment of the applicable Local Sewer Capacity Charge.

301.17 Capacity Charges Refund

A current Parcel Owner may wish to permanently disconnect a Parcel [or Capacity Unit(s)] from the District's sewer system. In such cases, the District may, in its sole discretion, decide to refund corresponding Capacity Charges. The District's decision to refund, and the amount of that refund, shall be rendered on a case-by-case basis. If Capacity Charges are refunded, the amount refunded shall be equal to the Capacity Charges originally paid with respect to the subject Parcel.

301.18 Alternative Capacity Charge Collection Procedure.

Notwithstanding any other provision of this Code, and as an alternative to, and not in limitation of, any other lawful collection procedures, the District may, in accordance with Health and Safety Code Section 5474 et seq., as that Section may be amended or superseded: (1) provide for the payment of any Connection Fees and Capacity Charges required by this Chapter in installments; (2) provide for the rate of interest on such installments; and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel which is connected to the District's facilities . *(Ord. 67, 2011)*

301.19 Deferred Payment of Capacity Charges

At the sole and absolute discretion of the District Board, the District and a Parcel Owner may, in accordance with Health and Safety Code Section 5474 *et seq.*, this Section and Section 301.21, enter into a written "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges" ("Agreement") that: (1) provides for the payment of Connection Fees and Capacity Charges required by this Chapter in installments; (2) provides for the rate of interest on such installments; and (3) provides that the amount of the installments and the interest thereon shall constitute a lien against the Parcel which is connected to the District's.

Any Agreement shall: (1) require that the Parcel Owner make an initial annual installment payment directly to the District upon execution of the Agreement; (2) require that all subsequent annual installments be paid at the time and in the manner specified in Health and Safety Code Section 5474 *et seq.*; and (3) be recorded in the Official Records of the County of Ventura, California.

A Parcel Owner may not simultaneously be party to more than one Agreement.

Except as provided in Section 301.21, no Agreement shall defer payment of more than two (2) Capacity Units.

A Parcel Owner desiring to enter into an Agreement may be required to provide the District with personal and property related information. The information required shall be determined by the District General Manager on a case-by-case basis, and may include, without limitation, Parcel Owner credit history, preliminary title reports and development plans and specifications. All costs to provide said information shall be borne by the Parcel Owner.

Where the District Board elects to exercise its discretion to enter into an Agreement, the number of installments and rate of interest on such installments set forth in the Agreement shall be based on the Parcel Owner's choice of one of the following alternative payment schedules: *(Ord. 67, 2011) (Ord. 69, 2012) (Ord. 75, 2015)*

301.19.1 Alternative Payment Schedule One

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of five (5) years at zero percent (0%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

301.19.2 Alternative Payment Schedule Two

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of ten (10) years at five percent (5%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

Alternative Payment Schedule Three

Payment of all applicable Connection Fees and Capacity Charges in installments over a period of fifteen (15) years at seven percent (7%) annual interest rate. *(Ord. 67, 2011) (Ord. 69, 2012)*

301.20 Deferred Payment of More Than Two Capacity Units

Notwithstanding any other provision of this Code, the District shall not enter into any "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges" ("Agreement") which defers payment of more than ten (10) Capacity Units.

A Parcel Owner who is not party to another Agreement may, in accordance with this Section submit a written request to enter into an Agreement which defers payment of morethan two (2) but less than or equal to ten (10) Capacity Units.

The written request shall be in a form approved by the District General Manager. The information required for a written request shall be determined by the District General Manager on a case-by-case basis. Required information may include, without limitation, Parcel Owner credit history, preliminary title reports and development plans and specifications. All costs to provide information shall be borne by the Parcel Owner.

Based upon the information provided, the General Manager shall prepare a staff report and recommendation for Board consideration. The Board may, in its sole and absolute discretion, approve or deny the Parcel Owner's request for deferred payment. The decision of the Board to approve or deny the request shall be final.

If approved, the District and a Parcel Owner may, in accordance with Health and Safety Code Section 5474 et seq., enter into a written Agreement that (1) provides for the payment of Connection Fees and Capacity Charges required by this Chapter in installments, (2) provides for the rate of interest on such installments, and (3) provides that the amount of the installments and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected.

The Agreement shall provide that, following a specified initial payment, the Parcel Owner shall pay the remaining balance due in equal annual installments at the time and in the manner specified in Health and Safety Code Section 5474 et seq. The number of installments and rate of interest on such installments set forth in the Agreement shall be based on the Parcel Owner's choice of one of the alternative payment schedules set forth in Sections 301.20.1, 301.20.2 or 301.20.3.

Any Agreement which defers payment of more than two (2) but less than or equal to ten (10) Capacity Units shall require that the Parcel Owner's initial installment payment be made directly to the District in an amount equal to twenty-five percent (25%) of the total Capacity Charges subject to the Agreement, regardless of the Parcel Owner's choice of payment schedules. Following payment of the initial installment, the remaining balance shall be amortized in equal installments over the applicable term. *(Ord. 69, 2012)*

SECTION 302 Sewer Service Charges & Fees for Sewer System-Related Services

302.1 Background Considerations

The District Board relies upon certain findings in imposing Sewer Service Charges and fees for sewer system-related services including, without limitation, the following:

302.1.1 The Sewer Service Charges and fees for sewer system-related services imposed by the District do not exceed the cost of providing sewer services for which the charges are imposed.

302.1.2 Revenues derived from the Sewer Service Charges and fees for sewer system-related services imposed by the District are not used by the District for any purposes other than the provision of the District's sewer services.

302.1.3 The Sewer Service Charges and fees for sewer system-related services imposed by the District are for sewer services and sewer system-related services actually used by or immediately available to Parcel Owners.

302.1.4 The Sewer Service Charges and fees for sewer system-related services imposed by the District are not imposed as a condition of approval of a development project, as defined in California Government Code Section 66001 and have been approved by the District Board of Directors in accordance with applicable provisions of law, including California Constitution Article XIIID.

302.1.5 The Sewer Service Charges and fees for sewer system-related services imposed by the District are non-discriminatory as applied to all users of the District's sewer system, and are established upon a rational basis.

302.2 **Purpose and Use of Sewer Service Charges** & Sewer System-Related Service Fees

The purpose of Sewer Service Charges and Sewer System-Related Service Fees is to raise revenue for a variety of lawful purposes including, without limitation: construction, reconstruction, maintenance and operation of sewage collection, wastewater treatment and disposal facilities; repayments of principal and interest on debt instruments; repayment of federal and state loans issued for the construction and reconstruction of District facilities; recovery of costs associated with administration; provision of necessary reserves; and recovery of costs associated with all regulatory administration and laboratory services related to the industrial dischargers, source control permittees, and other users of the District's systems. The only purpose for which revenues derived from District Sewer Service Charges and Sewer System-Related Service Fees may not be used is the acquisition or construction of additional Local Sewers which are an augmentation to an existing sewer system.

302.3 Application

This Code imposes Sewer Service Charges and fees for sewer system-related services upon Parcel Owners as a condition of the District providing sewer service.

302.4 Collection

302.4.1 Collection of Sewer Service Charges

Sewer Service Charges set forth in this Code may be collected in accordance with the procedures set forth in Chapter 3, Section 303. *(Ord. 75, 2015)*

302.4.2 Collection of Fees for Sewer System-Related Services

Fees for Sewer System-Related Services established as required by this Code may be collected in accordance with the procedures set forth in Chapter 3, Section 303. *(Ord. 75, 2015)*

302.5 Person Responsible

All Sewer Service Charges and fees for sewer system-related services shall be the responsibility of the Owner of the Parcel served or Customer. It shall be the responsibility of the Parcel Owner to notify the District within 60 days of any changes in the billing address, change in the type of discharge, building improvements affecting the use of the Parcel or adding extra dwelling units to the property or any other change in circumstances that might result in a change in the amount of an applicable charge or fee. It is the duty of each Owner to ascertain from the District the amount and due date of any applicable Sewer Service Charge or fee for sewer system-related services related to the Parcel and pay the charge and/or fee when due and payable.

302.6 Computation of Debt Service Surcharge

The Debt Service Surcharge, which is a component of Sewer Service Charges or Fees for Sewer System-Related Services (see Appendix C), may be computed using formulas set forth in the District's current adopted budget. The Debt Service Surcharge for a given Parcel depends upon the land use on the Parcel:

302.6.1 Residential Use

The Debt Service Surcharge for residential Parcels is calculated by multiplying the total Capacity Units associated with the Parcel by the applicable Debt Service Surcharge.

302.6.2 Commercial, Industrial, Institutional or Miscellaneous Uses Under 25,000 GPD

The Debt Service Surcharge for non-residential Parcels generating less than twenty-five thousand (25,000) gallons per day (GPD) of wastewater flow is calculated by multiplying the total Capacity Units for the Parcel by the applicable Debt Service Surcharge. For purposes of

calculating Debt Service Surcharge, the total Capacity Units for a Parcel shall be based on the current number of Capacity Units attributed to the Parcel.

302.6.3 Commercial, Industrial, Institutional or Miscellaneous Uses Equal to or Greater than 25,000 GPD

The Debt Service Surcharge for non-residential Parcels generating twenty-five thousand (25,000) GPD or more of wastewater flow is calculated by multiplying the total Capacity Units for the Parcel by the applicable Debt Service Surcharge. For purposes of calculating Debt Service Surcharge, the total Capacity Units for a Parcel shall be based on the current number of Capacity Units attributed to the Parcel.

302.6.4 Mixed Use Structures

The Debt Service Surcharge for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Debt Service Surcharge for each separate use. A Parcel Owner's failure to comply with applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Debt Service Surcharges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Debt Service Surcharge for that portion of a Mixed Use Structure that is used for non-residential use upon a determination that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use. [*Examples of non-residential uses that may be incidental and secondary to a structure's residential use include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces.]*; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed Use Structure from either Debt Service Surcharges for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Debt Service Surcharge should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information. *(Ord. 75, 2015)*

302.7 Computation of Sewer Service Charges

Residential and non-residential Sewer Service Charges shall be computed in accordance with this section.

302.7.1 Residential Use

The Sewer Service Charge for residential Parcels is calculated by multiplying the Basic Sewer Charge (see Appendix C) by the Parcel's total Service Units and then adding the Parcel's Debt Service Surcharge. The total Service Units for a given residential Parcel equals the number of Single Dwelling Units located on that Parcel multiplied by the factor set forth in the following table: *(Ord. 69, 2012)*

Group No.	Category	Factor	Description*
I	Residential	1.0	• Single Dwelling Unit • Multi-Family Manufactured or Mobile Home • Manufactured Home • Mobile Home • Accessory Dwelling Unit

*See Chapter 1 of this Code for definitions.

302.7.1.1 Adjustments

302.7.1.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel that would complete the connection of the Parcel to the District Sewer System, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code. In this case only, the Basic Sewer Service Charge shall be based on the unused Capacity Unit attributable to the Parcel instead of the Service Unit attributable to the Parcel.

302.7.1.1.2 When a Parcel Owner has paid the required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay Sewer Service Charges calculated as follows: (1) For each Single Dwelling Unit actually constructed on the Parcel, the Parcel

Owner shall pay full Sewer Service Charges; (2) For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall pay seventy-five percent (75%) of the Basic Sewer Service Charge, which shall be based on the unused Capacity Unit instead of on the Service Unit, plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code.

302.7.2 Commercial, Industrial or Miscellaneous Uses Under 25,000 GPD

The Sewer Service Charge for non-residential Parcels generating less than twenty-five thousand (25,000) GPD is calculated by multiplying the Basic Sewer Service Charge by the Parcel's total Service Units and then adding the Parcel's Debt Service Surcharge. The total Service Units for a given Parcel equals the number of groups of twenty-five (25) Fixture Units (or any portion thereof) located on the Parcel multiplied by the applicable factor set forth in the following table.

In determining number of Fixture Units, fixtures shall be defined according to the current International Association of Plumbing and Mechanical Officials Uniform Plumbing Code, except no additional credit shall be given for low-flow fixtures.

Group No.	Category	Factor	Description ·
II	**Low Strength Commercial**	**1.0**	• **Barber/Beauty Shops** • **Business/Professional Office** • **Car Washes** • **Hospital/Convalescent Homes** • **Laundromats** • **Retail & Department Stores** • **Service & Repair Shops**
III	**Medium Strength Commercial**	**1.1**	• **Auto Service & Repair** • **Bars/Taverns without Dining** • **Dry Cleaners/Laundries** • **Hotel/Motel without Restaurant** • **Machine/Welding Shops** • **Veterinarian/Pet Shops, Kennels**
IV	**High Strength Commercial**	**1.9**	• **Bakeries** • **Hotel/Motels with Restaurants** • **Markets** • **Mortuaries (Funeral Homes)** • **Restaurants**

V	**Institutional**	**1.0**	• **Churches (Religious Orgs.)** • **Membership Orgs.** • **Multi-Use Camps and Orgs.** • **Schools (including churches with preschool)** • **Social Services/Parks** • **Theaters** • **Recreational Vehicle Parks**

* See Appendix A of this Chapter for the North American Industry Classification System (NAICS) definitions.

302.7.2.1 Adjustments

302.7.2.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit attributable to the Parcel and not per Service Unit.

302.7.2.1.2 Where a Parcel Owner has paid required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay sewer service charges calculated as follows: The Parcel Owner shall pay the full Sewer Service Charge for each group of twenty-five (25) fixture units (or any portion thereof) actually installed on the Parcel. For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall pay seventy-five percent (75%) of the Basic Sewer Service Charge plus one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.3 Commercial, Industrial, Institutional or Miscellaneous Uses Generating 25,000 GPD or More

The Sewer Service Charge for non-residential Parcels generating twenty-five thousand (25,000) GPD or more, is the sum of the Basic Sewer Service Charge multiplied by the Parcel's total Service Units and the Parcel's Debt Service Surcharge. The total Service Units for a given Parcel equals the product of the measured wastewater flow generated by that Parcel and the measured strength of that flow. Total Service Units shall be calculated using the following equation, expressed to the tenth of a unit.

$$\text{Service Units} = \frac{\text{Measured GPD*}}{200\ \text{GPD}} \times \left[0.454 + \frac{(\text{Measured BOD**} \times 0.285)}{170\ \text{mg/l}} + \frac{(\text{Measured SS***} \times 0.261)}{200\ \text{mg/l}}\right]$$

***GPD = Gallons per Day**
**** BOD = Biochemical Oxygen Demand**
***** SS = Suspended Solids**

302.7.3.1 Adjustments

302.7.3.1.1 Where a Parcel Owner has paid required Capacity Charges, but has not yet constructed any portion of a private lateral to the Parcel, the Parcel Owner shall be required to pay Sewer Service Charges calculated as follows: Seventy-five percent (75%) of the Basic Sewer Service Charge and one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.3.1.2 Where a Parcel Owner has paid required Capacity Charges and any portion of a private lateral to the Parcel is constructed, the Parcel Owner shall pay Sewer Service Charges calculated as follows: The Parcel Owner shall pay the full Sewer Service Charges for any measured wastewater flow. For any unused Capacity Units attributable to the Parcel, the Parcel Owner shall pay seventy-five percent (75%) of the Basic Sewer Service Charge and one hundred percent (100%) of the Debt Service Surcharge set forth in this Code, with the Basic Sewer Service Charge being imposed per unused Capacity Unit and not per Service Unit.

302.7.4 Mixed Use Structures

The Sewer Service Charges for a structure used for both residential and non-residential purposes ("Mixed Use Structure") shall be the sum of the applicable Sewer Service Charges for each separate use. A Parcel Owner's failure to comply with applicable building and zoning regulations shall not relieve that Parcel Owner from responsibility for the payment of Sewer Service Charges based upon the residential and non-residential uses of the structure.

The General Manager is authorized to waive the Sewer Service Charge for that portion of a Mixed Use Structure that is used for non-residential use upon a determination that all of the following conditions are satisfied: (1) The residential and non-residential portions of the structure are in the possession of and occupied by the same person or person(s); (2) the non-residential use of the structure is incidental and secondary to the structure's residential use. [*Examples of non-residential uses that may be incidental and secondary to a structure's residential use include, without limitation, home offices, live-work quarters, hobby shops, and art or craft studio spaces.]*; (3) the structure is primarily used for non-residential purposes by the same person or persons who use the structure for residential purposes; and, (4) members of the public do not regularly access the structure for any non-residential purpose.

The General Manager is authorized to exempt a Mixed Use Structure from either the Sewer Service Charge for residential use or non-residential use based on a determination of the structure's "predominant use." In making that determination, the General Manager may require a Parcel Owner to submit a study conducted by a licensed engineer establishing the "predominant use" of the structure based on factors such as the source, flow and quality of the structure's wastewater discharge, land use classification, zoning, and any other information that may be relevant to establishing the structure's predominant use.

The final determination as to how a given Mixed Use Structure's Sewer Service Charges should be calculated shall be made in the sole and absolute discretion of the General Manager based on all relevant information. *(Ord. 75, 2015)*

302.8 Establishment of Charges and Fees

Upon a Parcel Owner's payment of Capacity Charges, as required by this Code, sewer service is hereby deemed to be immediately available to the subject Parcel. Charges for sewer service and other fees for sewer system-related services shall be paid in accordance with the charges and fees effective on the date imposed.

302.8.1 Basic Sewer Service Charge

The District's Basic Sewer Service Charges is hereby imposed on Owners of Parcels served by the District (or for whom sewer service is immediately available as defined in Section 302.8) and Owners of Parcels which, in any way, discharge sewage into the District's sewer system. The District's Basic Sewer Service Charges shall be in the amounts set forth in Appendix C of this Chapter. On each July 1 following the effective date of

this Code, the Basic Sewer Service Charges set forth in Appendix C of this Chapter may be amended by the Board in accordance with applicable law.

302.8.2 Debt Service Surcharge

The District's Debt Service Surcharge is hereby imposed on Owners of Parcels served by the District (or for whom sewer service is immediately available as defined in 302.8) and Owners of Parcels which, in any way, discharge sewage into the District's systems The District's Debt Service Surcharge shall be in the amounts set forth in Appendix C of this Chapter. On each July 1 following the effective date of this Code, the Debt Service Surcharges set forth in Appendix C of this Chapter may be amended by the Board in accordance with applicable law.

302.8.3 Sewer System-Related Service Fees

Fees for sewer system-related services may be imposed by the District. Fees for Sewer System-Related Services shall be collected by and paid to the District in the manner authorized by applicable provisions of this Code, the California Government Code, the California Health and Safety Code or other applicable law. The District's fees for sewer system-related services are set forth in Appendix D of this Chapter. On each July 1 following the effective date of this Code, the District's fees for sewer system-related services as set forth in Appendix D of this Chapter may be amended by the Board in accordance with applicable law.

302.8.3.1 Types of Sewer System-Related Service Fees.

The types of sewer service fees which may be established by the District include, without limitation, the following: *(Ord. 71, 2013)*

302.8.3.1.1 Issuance of Permit, Sewer Availability Letter, Currently Being Served Letter and/or Will Serve Letter

302.8.3.1.2 Plan Check Fee of Private Portion of Single Capacity Unit Sewer Plan or Change in Use Review & Site Visit

302.8.3.1.3 Plan Check Fee for Public Sewer Improvements or Construction of Public Sewers in a Publicly Dedicated Street or in a Sewer Easement or Right-of-Way.

302.8.3.1.4 Inspection Fee – Repair of Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Facilities

302.8.3.1.5 Inspection Fee – Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Construction or Change-in-Use

302.8.3.1.6 Inspection Fee – Public Sewer Improvement Construction; Public Sewer Improvements Constructed in a

Publicly Dedicated Street or in a Sewer Easement or Right-of-Way and Required to be Dedicated to the District as a Condition of Approval by the Governing Body of a Final Tract or Parcel Map.

302.8.3.1.7 Annexation Fee.

302.8.3.1.8 Returned Check Fee.

302.8.3.1.9 Excess Flow Fee.

302.8.3.1.10 Recording/Lien Processing Fee

302.8.3.1.11 Annexation Mapping Deposit.

302.8.3.1.12 Sewer Atlas Update Fee.

302.8.3.1.13 Industrial & Commercial Pretreatment Permit & Site Inspection Fee.

302.8.3.1.14 Special Use Permit Application Fee [see Chapter 6, Section 609] *(Ord. 71, 2013) (Ord.75, 2015)*

302.8.4 Reimbursement for District Services

A Parcel Owner or other party shall reimburse the District for all District costs related to services rendered by the District at the Parcel Owner's or other party's request. The District may collect any unreimbursed costs in the manner authorized by applicable provisions of this Code, the California Government Code, the California Health and Safety Code or other applicable law. The following District services may be requested by a Parcel Owner or other party subject to reimbursement:

302.8.4.1 District Performed Line Cleaning of Private Collection Lines

The District shall be reimbursed for all private collection lines cleaned by the District. The reimbursement shall include all District costs for such cleaning, including, without limitation, manpower and equipment costs.

302.8.4.2 District Performed Repair of Private Connections or Laterals to District Sewage Collection Lines

The District shall be reimbursed for all costs associated with the repair of private connections to District collection lines and/or other corrective work necessary to abate or correct any violations of the District code.

302.8.4.3 Sewer Construction Repair after Regular District Working Hours

The District shall be reimbursed for all costs associated with sewer construction repair after regular District working hours.

APPENDIX A

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) DEFINITION

Group II – Low Strength Commercial = 1.00	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Barber/Beauty Shops	Establishments primarily engaged in cutting, trimming, and styling men's and boys' hair; and/or shaving and trimming men's beards or establishments engaged in one or more of the following: (1) cutting, trimming, shampooing, coloring, waving, or styling hair; (2) providing facials; and (3) applying makeup (except permanent makeup). (NAICS Code 812111 & 812112).
Business/Professional Offices	Establishments primarily engaged in providing a range of day-to-day office administrative services, such as financial planning; billing and recordkeeping; personnel; and physical distribution and logistics for others on a contract or fee basis (NAICS Code 561110).
Car Washes	Establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers (NAICS Code 811192).
Hospital/Convalescent Homes	Hospital - establishments known and licensed as general medical and surgical hospitals primarily engaged in providing diagnostic and medical treatment (both surgical and nonsurgical) to inpatients with any of a wide variety of medical conditions (NAICS Code 622110). Convalescent Home - establishments primarily engaged in providing inpatient nursing and rehabilitative services. (NAICS Code 623110).
Laundromats	Establishments primarily engaged in (1) operating facilities with coin-operated or similar self-service laundry and dry cleaning equipment for customer use on the premises and/or (2) supplying and servicing coin-operated or similar self-service laundry and dry cleaning equipment for customer use in places of business operated by others,

	such as apartments and dormitories (NAICS Code 812310).
Retail & Department Stores	Retail Stores – establishments primarily engaging in retail sales (NAICS Code 311330, 423440, 423210, 441310, 442110, 442291, 442299, 443111, 443112, 443120, 443130, 444120, 444130, and 444190) /Dept. Stores - establishments known as department stores that have separate departments for various merchandise lines, such as apparel, jewelry, home furnishings, and linens, each with separate cash registers and sales associates (NAICS Code 452111).
Service & Repair Shops	Establishments primarily engaged in the repair of goods without retailing new items (NAICS Code 811112, 811113, 811118, 811211, 811411, 811420, 811430, and 811490).

Group III – Medium Strength Commercial = 1.10	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Auto Service & Repair	Establishments primarily engaged in providing (1) a wide range of mechanical and electrical repair and maintenance services for automotive vehicles, such as passenger cars, trucks, and vans, and all trailers or (2) engine repair and replacement (NAICS Code 811111).
Bars/Taverns w/o Dining	Establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services (NAICS Code 722410).
Dry Cleaners/Laundries	Establishments primarily engaged in one or more of the following: (1) providing dry cleaning services (except coin-operated); (2) providing laundering services (except linen and uniform supply or coin-operated); (3) providing drop-off and pickup sites for laundries and/or drycleaners; and (4) providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows. These establishments may provide all, a combination of, or none of the cleaning services on the premises (NAICS Code 812320).
Hotel/Motel w/o Restaurant	Establishments primarily engaged in providing short-term lodging without a restaurant (NAICS Code 72119).

Machine/Welding Shops	Establishments known as machine shops primarily engaged in machining metal and plastic parts and parts of other composite materials on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling (NAICS Code 332710).
Veterinarian/Pet Shops, Kennels	Veterinarian - establishments of licensed veterinary practitioners primarily engaged in the practice of veterinary medicine, dentistry, or surgery for animals; and establishments primarily engaged in providing testing services for licensed veterinary practitioners (NAICS Code 541940). Pet shops - establishments primarily engaged in retailing pets, pet foods, and pet supplies (NAICS Code 453910). Kennel - establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets (NAICS Code 812910).

Group IV – High Strength Commercial = 1.90	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Bakeries	Establishments primarily engaged in manufacturing fresh and frozen bread and bread-type rolls and other fresh bakery products (NAICS Code 311812 & 311821).
Hotel/Motels w/Restaurants	Establishments primarily engaged in providing short-term lodging in facilities known as hotels, motor hotels, resort hotels, and motels. The establishments in this industry may offer food and beverage services, recreational services, conference rooms and convention services, laundry services, parking, and other services (NAICS Code 721110).
Markets	Establishments generally known as supermarkets and grocery stores primarily engaged in retailing a general line of food, such as canned and frozen foods; fresh fruits and vegetables; and fresh and prepared meats, fish, and poultry. Included in this industry are delicatessen-type establishments primarily engaged in retailing a general line of food (NAICS Code 445110).
Mortuaries – (Funeral Homes)	Establishments primarily engaged in preparing the dead for burial or interment and conducting funerals (i.e., providing facilities for wakes, arranging transportation for the dead, selling caskets and related merchandise). Funeral homes combined with crematories are included in this industry

	(NAICS Code 812210).
Restaurants	Establishments primarily engaged in providing food services to patrons who order and are served while seated (i.e., waiter/waitress services) and pay after eating and establishments primarily engaged in providing food services (except snack and nonalcoholic beverage bars) where patrons generally order or select items and pay before eating. Food and drink may be consumed on premises, taken out, or delivered to the customer's location. Some establishments in this industry may provide these food services in combination with selling alcoholic beverages (NAICS Code 722211 & 722110).

Group V – Institutional = 1.00	
Type of Business	**North American Industry Classification System (NAICS) Definition**
Churches (Religious Organizations)	(1) Establishments primarily engaged in operating religious organizations, such as churches, religious temples, and monasteries and/or (2) establishments primarily engaged in administering an organized religion or promoting religious activities (NAICS Code 813110).
Membership Organizations	Establishments primarily engaged in promoting the civic and social interests of their members (NAICS Code 813410).
Multi-Use Camps/Organizations	Establishments (except amusement parks and arcades; gambling industries; golf courses and country clubs; skiing facilities; marinas; fitness and recreational sports centers; and bowling centers) primarily engaged in providing recreational and amusement services (NAICS Code 713990).
Schools (including churches w/preschool)	Establishments primarily engaged in furnishing academic courses and associated course work that comprise a basic preparatory education. This includes colleges and churches with preschools (NAICS Code 611110).
Social Services/Parks	Establishments primarily engaged in providing nonresidential individual and family social assistance services (NAICS Code 624190)/ establishments primarily engaged in the preservation and exhibition of natural areas or settings (NAICS Code 712190).
Theatres	Establishments primarily engaged in operating motion picture theaters (except drive-ins) and/or exhibiting motion

	pictures or videos at film festivals, and so forth (NAICS Code 512131) and (1) companies, groups, or theaters primarily engaged in producing the following live theatrical presentations: musicals; operas; plays; and comedy, improvisational, mime, and puppet shows (NAICS Code 711110).
RV (Recreational Vehicle) Parks and Campgrounds	Establishments primarily engaged in operating sites to accommodate campers and their equipment, including tents, tent trailers, travel trailers, and RVs (recreational vehicles). These establishments may provide access to facilities, such as washrooms, laundry rooms, recreational halls and playgrounds, stores, and snack bars (NAICS Code 721211). *(Ord. 69, 2012)*

APPENDIX B
Effective as of July 1, 2012
(Ord. 70, 2012)

CAPACITY CHARGES

Treatment Plant Capacity Charge	$5,140.21/Capacity Unit
Trunk Sewer Capacity Charge	$2,966.44/Capacity Unit
Local Sewer Capacity Charge	$7,917.17/Capacity Unit

"EXHIBIT A"

APPENDIX C
Effective as of July 1, 2024
(Ord. 84, 2024)

SEWER SERVICE CHARGES*

	Fiscal Year 2023-2024	Fiscal Year 2024-2025
Basic Sewer Service Charge	**$58.73 per Service Unit per month**	**$61.67 per Service Unit per month**

* The methodology for calculating the total monthly sewer service charge that may be imposed on a given property is set forth in detail in Chapter 3, Section 302.7 of the Ojai Valley Sanitary District Code of Regulation.

APPENDIX D

Effective as of May 27, 2015

(Ord. 71, 2013)(Ord. 75, 2015)

FEES FOR SEWER SYSTEM-RELATED SERVICES

1	Issuance of Permit, Sewer Availability Letter and/or Will Serve Letter	$75.00
2	Plan Check Fee –Private Portion of Single Capacity Unit Sewer Plan or Change in Use Review & Site Visit	$200.00 per plan check****
3	Plan Check Fee - Public Sewer Improvements or Construction of Public Sewers in a Publicly Dedicated Street or in a Sewer Easement or Right-Of-Way	2.0% of the Project Engineer's estimate of the cost of the public sewer improvements to be constructed.; minimum of $300.00
4	Inspection Fee – Repair of Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Facilities	$75 per Service Lateral
5	Inspection Fee – Private Portion of Single & Multiple Residential, Commercial, Institutional, Industrial or Miscellaneous Sewer Construction	$200.00 per Project with 1-10 Capacity Units; plus $100 for each increment of 10 Capacity Units above the first 10 ****
6	Inspection Fee – Public Sewer Improvement Construction; Public Sewer Improvements Constructed in a Publicly Dedicated Street or in a Sewer Easement or Right-of-Way and Required to be Dedicated to the District as a Condition of Approval by the Governing Body of a Final Tract or Parcel Map.	Four and one-half percent (4.5%) of the Project Engineer's estimate of the cost of public sewer improvements to be constructed
7	Annexation Fee	$300.00 per Parcel
8	Returned Check Fee	$50.00 per check

9	Excess Flow Fee	200% of the standard monthly service charge on those flows exceeding reserved capacity *
10	Recording/Lien Processing	$40.00 per document
11	Annexation Mapping Deposit	$2,000.00 deposit per parcel**
12	Sewer Atlas Update Fee	$285.00***
13	Industrial & Commercial Pretreatment Permit & Inspection	$180.00
14	Special Use Permit Application Fee	$75.00

* The Excess Flow Fee is only applicable to commercial, industrial or miscellaneous uses equal to or greater than 25,000 GPD.
** Deposit only. Applicant is responsible for actual costs which may be more, or less, than deposit amount
*** For mainline extensions
**** General Manager may adjust fees charged based on actual hours spent or as deemed appropriate. *(Ord. 71, 2013)*

SECTION 303. Billing and Collection

303.1 Direct Billing. Where applicable and permitted by law, Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fees, Administrative Fines and Penalties and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation or resolution may be directly billed to a Parcel Owner. Failure of the District to mail any such bill or failure of a Parcel Owner to receive any such bill shall not excuse the Parcel Owner from the obligation of paying any applicable Capacity Charges, Sewer Service Charges, Sewer System-Related Service Fees Administrative Fines and Penalties and any other fees, tolls, rates, rentals or other charges for sewer service.

All directly billed charges and fees are due and payable upon receipt and, if not paid within thirty (30) days of mailing, shall be subject to a basic penalty equal to ten percent (10%) of the amount due. In addition, a penalty of one and one-half percent (1.5%) per month shall be imposed for nonpayment of the direct billed charges and basic penalty.

Subject to the requirements set forth in Health & Safety Code §5473.11, the amount of unpaid charges and fees which have been directly billed to a Parcel Owner and remain unpaid may, in the discretion of the District, be secured at any time by filing for record in the office of the Ventura County Recorder, a certificate specifying the amount of the unpaid charges and fees and the name and address of the person liable for those charges. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in Ventura County owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate provided, be extended by filing for record a new certificate in the office of the Ventura County Recorder and from the time of this filing the lien shall be extended to the real property in Ventura County for 10 years unless sooner released or otherwise discharged.

Prior to the District releasing a lien filed in accordance with Health & Safety Code §5473.11, a Parcel Owner shall be required to pay the District all charges, fees, fines, penalties and interest required to bring the account current including, without limitation, County of Ventura lien processing and recording fees.

303.2 Collection on Tax Roll.

303.2.1 Pursuant to that authority granted by Health & Safety Code §5470 *et seq.* and Health and Safety Code Sections 6520.5 and 6523.3, the District may elect to have Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fees, Administrative Fines or Penalties, and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation collected on the Ventura County assessor's property tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, general taxes.

303.2.2 Any Capacity Charge, Sewer Service Charge, Debt Service Surcharge, Sewer System-Related Service Fees, Administrative Fines or Penalties and any other fee, toll, rate, rental or other charges for sewer service established by this Code or other District regulation that is directly billed and remains unpaid for period of 60 days or more shall be treated as delinquent and, pursuant to Health and Safety Code §5473a, such delinquent amounts may be collected on the Ventura County assessor's property tax roll in accordance with the procedures set forth in Health & Safety Code §5473 *et seq*.

303.2.3 If an Owner does not pay the amount specified in a "Notice of Violation" issued in accordance with the procedures set forth in Chapter 10 within 60 days from the date the "Notice of Violation" is mailed to the Owner, then the amount specified in the "Notice of Violation" shall be considered delinquent and unpaid charges subject to collection on the Ventura County assessor's property tax roll pursuant to the procedures

set forth in Health & Safety Code §5473 *et seq*. or, in the alternative, subject to the lien procedures set forth in Health & Safety Code §5473.11.

303.2.3.1 Notwithstanding Section 301.2.3, if an Owner seeks a hearing and/or appeals a "Notice of Violation" issued in accordance with the procedures set forth in Chapter 9. Section 917 and that appeal results in a final determination in favor of the District, the Owner must pay the District the amount specified in that final determination within 60 days from the date the final determination is mailed to the Owner. If the Owner does not pay the amount specified in the final determination within 60 days of the mailing date, then the amount due as specified in the final determination shall be considered delinquent and unpaid charges subject to collection on the Ventura County assessor's property tax roll pursuant to the procedures set forth in Health & Safety Code §5473 et seq. or, in the alternative, subject to the lien procedures set forth in Health & Safety Code §5473.11.

303.3 Collection by Suit.

As an alternative to any other procedures provide for in this Section 303, the District may collect any delinquent Capacity Charge, Sewer Service Charge, Debt Service Surcharge, Sewer System-Related Service Fee, Administrative Fines or Penalties and any other fee, toll, rate, rental or other charges for sewer service established by this Code or other District regulation (and fines, penalties and interest thereon) by suit, in which event judgment in said suit shall include the cost of suit and reasonable attorneys' fees arising from such action.

303.4 Other Collection Procedures; No Waiver.

The powers authorized by this Section 303 shall be in addition to, and shall not constitute a waiver of, any other power of the District authorized by this District Code or other applicable local, state and federal law. The District hereby reserves all other powers authorized by applicable local, state or federal law for the collection of Capacity Charges, Sewer Service Charges, Debt Service Surcharges, Sewer System-Related Service Fee, , Administrative Fines or Penalties and any other fees, tolls, rates, rentals or other charges for sewer service established by this Code or other District regulation. *(Ord. 75, 2015)*

303.5. Collection where District Inadvertently Fails to Bill

Where the District inadvertently fails to bill a Parcel Owner sewer service charges for a duly permitted structure located on a Parcel, the Parcel Owner shall not be required to pay the unbilled sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year in which the inadvertent billing error was discovered by the District as well as all future annual sewer service charges for which the Parcel Owner is responsible. *(Ord. 66, 2011) (Ord. 69, 2012) (Ord. 75, 2015)*

Chapter 4
Lateral Connections to District Facilities

SECTION 400. Purpose

The purpose of this chapter is to provide for the construction, operation and maintenance of Laterals and Lateral Connections (collectively referred to in this Chapter as "Lateral" or "Laterals") between buildings or structures and the District Sewer System.

SECTION 401. Lateral Construction Requirements

401.1 All Laterals shall be constructed in accordance with District standards as set forth in Chapter 8 of this Code. Laterals may be constructed either by the Parcel Owner or by his contractor after obtaining permission from the District. All work done shall be inspected and approved by the District Inspector before the Lateral is activated.

401.2 All costs and expenses incident to the installation, connection, repair, renovation, replacement, disconnection, reconnection or relocation of Laterals, including cleanouts, backflow protection devices, pumps or other appurtenances, shall be borne by the person or entity causing the connection to be made. That person or entity shall defend, indemnify and hold the District harmless from any cost, loss or damage which may be incurred or occasioned by the installation or connection of the Lateral.

SECTION 402. Separate Laterals and Exceptions; Legal Non-Conforming Connections

402.1 Every Parcel utilizing the District Sewer System shall be connected to that system by a separate Lateral, except in the following instances.

402.1.1 Multiple Buildings under Common Ownership.

One or more buildings located on a Parcel may be served by a common Lateral. However, where a Parcel Owner subdivides a Parcel such that any building or building site previously served by a common Lateral is now located on separate Parcels, that Parcel Owner shall immediately report said subdivision to the District, and shall, at that Parcel Owner's sole cost and expense apply for appropriate District permitting and, as may be required by the District, immediately construct separate Laterals to serve those separate Parcels, and/or provide rights-of-way serving any Parcel not adjacent to the District's Local Sewer rights-of-way. The District hereby reserves all rights and remedies in law and equity that it may have against a Parcel Owner and/or a Parcel Owner's successors-in-interest for failing to comply with this provision.

402.1.2 Common Interest Developments and Mobile Home Parks

Common Interest Developments (including, without limitation, community apartment projects, condominium projects, planned development or stock

cooperatives) and Mobile Home Parks may, upon issuance of a Permit by the District, construct, operate and maintain shared Laterals.

402.2 Legal Non-Conforming Connections

Where a lawfully installed Lateral is rendered nonconforming due only to revisions in applicable District standards, such connection shall be deemed a "legal nonconforming connection." The use of a legal nonconforming connection shall not be considered a violation of District regulations, and may be continued, unless the District determines that the legal nonconforming use presents a threat to the public health and safety or the District Sewer System.

SECTION 403. Existing Laterals

Where existing buildings have been demolished and new buildings installed, the existing lateral may be used in connection with new buildings only when found to meet all requirements of the District.

SECTION 404. Connection to District Sewer System

The connection of the Lateral to the District Sewer System shall be made at a wye branch, if such a branch is available at a suitable location. Where such branch is available, a connection shall be made in accordance with Chapter 8 of this Code. If a wye branch is not available in a suitable location, and upon approval of the District, a new wye branch or manhole stub shall be installed at the Parcel Owner's expense and per District specification. The connection of a Lateral to the District Sewer System shall be made only in the presence of the District Inspector and under his or her supervision and direction. Any damage to the District Sewer System resulting from the connection of a Lateral, shall be repaired to the satisfaction of the District by the Parcel Owner, at that Owner's sole expense.

SECTION 405. Safety Compliance

All permitted Lateral construction shall maintain such barriers, lights and signs as are required to give warning to the public at all times that a sewer is under construction and of each dangerous condition to be encountered as a result thereof, in compliance with Cal OSHA regulations and all other applicable laws and regulations. They shall also protect the public in the use of the sidewalk against any such conditions in connection with the construction of the Lateral. Streets, sidewalks, parkways and other property disturbed in the course of the work shall be reinstalled in a manner satisfactory to the District or other agencies having jurisdiction.

SECTION 406. Maintenance of Laterals, Private Sewer Lines and Appurtenances

It shall be the responsibility of the Parcel Owner to maintain the Lateral to and including its connection at the District Sewer System. The operation and condition of Laterals, their cleanouts and any other Wastewater facilities or appurtenances required to serve the Parcel, shall be the responsibility of the Parcel Owner, who shall keep them

in good operating condition at all times and shall undertake all necessary repairs, including replacement of dilapidated and worn out components, at the Parcel Owner's expense and at no cost to the District. All repairs to and replacements of Laterals or Wastewater facilities shall be made in accordance with Chapter 8 of this Code.

In the event that special, privately-owned sewer facilities, such as sewer pump stations, sewers, backflow preventing devices or other mechanical devices, are required to provide District service to a Parcel, and which require routine preventative maintenance, the Parcel Owner will be required to prepare and record notice of such special privately-owned facilities. Said notice shall be in a form acceptable to the District, and the Ventura County Recorder for recording with the property records maintained by the County Recorder, and shall be recorded as a condition of approval for installation of said special, privately-owned facilities. The purpose of the notice is to ensure that subsequent Parcel Owners are aware of their responsibilities to properly maintain and operate the special, privately-owned facilities.

SECTION 407. Lateral Spills and Emergencies

In the event that the District, in the District's sole discretion, determines that a spill, condition or Emergency involving a Parcel Owner's Lateral is likely to (1) threaten the environment, (2) cause a violation of the District's discharge and reporting requirements set forth in the "Monitoring and Reporting Requirements for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems," as may be amended from time to time,(3) damage the District's facilities, or (4) otherwise threaten public health and safety, the District shall have the right, but not the duty, to take any action deemed necessary to prevent the aforementioned effects of the spill, condition or Emergency event, including, without limitation, entering upon private property without a Parcel Owner's consent for the sole purpose of undertaking temporary repairs. All costs and expenses incurred by the District in performing temporary repairs to a Parcel Owner's Lateral under this provision shall be borne by the Parcel Owner as authorized by Health and Safety Code Sections 6523.2 and 6523.3.

SECTION 408. Easements or Rights-of-Way

In the event an Easement or right of way is required for construction of a Lateral by a Parcel Owner, that Parcel Owner shall arrange for the conveyance of an Easement or right of way that is satisfactory to the District and allows the construction and maintenance of the required Lateral. In the event that special sewer facilities (e.g. private sewer pump stations, private sewers, etc.) are necessary to provide service to a Parcel, a Parcel Owner may be required, as a condition to the District providing service, to supply the District with proof that all necessary Easements, land or rights of way for construction of said facilities have been acquired. easements or rights of way as may be needed, in a form satisfactory to the District for said special sewer facilities.

SECTION 409. Privately-Owned Sewer Laterals

409.1 Purpose.

This Section establishes regulations for the inspection, testing, repair or replacement and certification of Privately-Owned Sewer Laterals ("PSL"). These regulations are necessary to provide for the operations and maintenance of the District Treatment and Wastewater Facilities in a reliable and serviceable manner, to reduce infiltration and inflow into those facilities, to meet the District's regulatory requirements and to protect the public, safety and welfare.

409.2 Definitions

For purposes of this Section, the following terms and phrases shall have the meanings designated in this subsection. Where there is a conflict between the definitions in this subsection and the definitions in Chapter 1, subsection 101.10, this subsection shall control. If the application of any definition set forth in this Code of Regulations to a specific situation is without utility or creates ambiguity, reference may also be made to the definitions of the Uniform Plumbing Code, Standard Methods or other applicable State or Federal rules or regulations to resolve the issue created.

Cleanout: A pipe fitting and associated piping connected to a Privately-Owned Sewer Lateral that provides access to the Privately-Owned Sewer Lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes.

Common Interest Development: A development managed or governed by a Homeowners Association and subject to the provisions of the Davis-Stirling Common Interest Development Act (California Civil Code Sections 4000 *et seq*.) Examples of Common Interest Developments may include condominium projects, planned unit developments, community apartment projects (in which the individual units are owned), and stock cooperatives.

Compliance Certificate: A certificate issued by the District upon its determination that all Privately-Owned Sewer Laterals associated with a Parcel have passed a Verification Test.

Conditional Compliance Certificate: A certificate with a definite expiration date that is issued by the District to a Parcel Owner based upon the results of a Verification Test. A Conditional Compliance Certificate relieves the Parcel Owner from the requirement to repair or replace the Upper or Lower Sewer Lateral, or a specified portion of the Upper or Lower Sewer Lateral, until the expiration of the Conditional Compliance Certificate. Upon the expiration of a Conditional Compliance Certificate the Parcel Owner is required to perform another Verification Test.

Homeowners Association: A nonprofit corporation or unincorporated association created for the purpose of managing or governing a Common Interest Development and that operates in accordance with governing documents, whether or not the corporation or association is formally designated or commonly referred to as a Homeowners Association.

Infiltration. The flow of water from any source into the Sanitary Sewer where the water enters the Sanitary Sewer from the soil through defects in the pipelines and other appurtenances comprising the Sanitary Sewer.

Inflow. The flow of water from any source into the Sanitary Sewer where the water enters through constructed features (e.g. area drains, downspouts, cross-connection to storm drains) or through defects causing the Sanitary Sewer, or portions thereof, to be open to the ground surface (e.g. exposed open joint at top of sewer in a yard area).

Lateral Repair: Construction activities to correct defects in portions of the Privately-Owned Sewer Lateral in order to bring the Privately-Owned Sewer Lateral into compliance with this Section 409.

Lateral Replacement: Construction activities to replace or line the complete length of the Privately-Owned Sewer Lateral in order to bring the Privately-Owned Sewer Lateral into compliance with this Section 409.

Lower Sewer Lateral: The portion of the Privately-Owned Sewer Lateral extending from the property line to the Sewer Main located in a street. The Lower Sewer Lateral includes the connection of the Privately-Owned Sewer Lateral to the Sewer Main.

Non-Sanitary Sewer Connection: Anything that directly or indirectly conveys storm water, surface water, roof runoff, intercepted groundwater or subsurface drainage in the Sanitary Sewer, including, but not limited to, downspouts, yard drains, sump pumps, or other sources of storm water, run-off or groundwater.

Parcel Owner: A person that owns a Parcel of real property. As used in this paragraph, “person” means an individual, trust, corporation, nonprofit organization, Homeowners Association, partnership, firm, joint venture, Limited Liability Company, association, city, county, special district, or other public agency, including the State of California and the United States of America and the political subdivisions thereof.

Parcel Group: Two or more contiguous or directly adjacent Parcels of real property under common ownership.

Privately-Owned Sewer Lateral or PSL: A pipe or pipes and appurtenances that carry sewage and liquid waste from the Structure(s) served, whether the Structure(s) is or are publicly or privately owned to the Sewer Main. The Privately-Owned Sewer Lateral includes the Upper Sewer Lateral and the Lower Sewer Lateral, except where the entire Privately-Owned Sewer Lateral is defined as an Upper Sewer Lateral (see definition of “Upper Sewer Lateral”). A Privately-Owned Sewer Lateral conveys sewage and liquid waste from any Structure located on that Parcel. More than one Privately-Owned Sewer Lateral may be associated with an individual Parcel.

Permitting Authority: A city or county that regulates buildings, construction, or land use within any portion of the District’s wastewater service area.

PSL: Has the same meaning as “Privately-Owned Sewer Lateral” and is used interchangeably with that term.

Remodel: Any improvement, addition, construction, reconstruction, modification or alteration of or to an existing or previously existing Structure located on a Parcel that is or should be served by the District Sewer System.

Sanitary Sewer: Sewer pipes that convey wastewater from a Structure and to which storm water, groundwater or surface water is not intentionally admitted. The Sanitary Sewer includes Sewer Mains and Privately-Owned Sewer Laterals.

Sewer Main: The portion of the Sanitary Sewer publicly owned by the District that receives flows from Privately-Owned Sewer Laterals. The Sewer Main does not include any portion of a Privately-Owned Sewer Lateral.

Structure: Any building or facility that is required to be provided with public sewer service or that is actually provided with public sewer service or that is served by a Privately-Owned Sewer Lateral.

Time Extension Certificate: A certificate issued by the District to a Parcel Owner or transferee in connection with a Title Transfer transaction to the Parcel Owner, or to the transferee, that extends the deadline to obtain a Compliance Certificate for 180 days from the date the Time Extension Certificate is issued.

Title Transfer: The sale or transfer of an entire real property estate or the fee interest in that real property estate, excluding the sale or transfer of partial interest such as a leasehold interest. The following are not considered Title Transfers for purposes of this Section:

- A transfer to an heir by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship or trust;
- A transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors;
- A transfer made by a trustor to fund an intervivos trust;
- A transfer made to a spouse, or to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in a Lineal Consanguinity Relationship with one or more of the transferees;
- A transfer from a Parcel Owner to a financial institution as a result of a foreclosure or similar process. A transfer from a financial institution to a new Parcel Owner is a Title Transfer for purposes of this regulation.

Upper Sewer Lateral. The portion of the Privately-Owned Sewer Lateral that extends from the property line to the Structure or Structures located on a Parcel that are or should be served by the Privately-Owned Sewer Lateral. The Upper Sewer Lateral includes all portions of the Privately-Owned Sewer Lateral upon the Parcel containing the Structure(s) served. If the Parcel contains a sewer pipe system or multiple Privately-Owned Sewer Laterals, the entire sewer pipe system, including manholes and other appurtenances, and all Privately-Owned Sewer Laterals are part of the Upper Sewer

Lateral to the extent they are located on that Parcel. If a Privately-Owned Sewer Lateral connects to a rear or side yard Sewer Main located in an easement, or to a manhole, the entire Privately-Owned Sewer Lateral, including the connection to the Sewer Main or manhole, is deemed an Upper Sewer Lateral.

Verification Test: A test witnessed by the District's authorized representative(s) to verify that all Privately-Owned Sewer Laterals associated with a Parcel comply with this Section 409 and other applicable requirements set forth in this Code of Regulations.

409.3 Responsibility and Standards for Maintenance of Privately-Owned Sewer Laterals

409.3.1 All Privately-Owned Sewer Laterals shall be installed in accordance with District regulations and other applicable laws, procedures and standards.

409.3.2 Privately-Owned Sewer Laterals must meet the following minimum standards:

409.3.2.1 The Privately-Owned Sewer Lateral shall be kept free from roots, grease deposits, and other solids which may impede or obstruct the flow.

409.3.2.2 All Privately-Owned Sewer Lateral joints shall be watertight and all pipes shall be sound.

409.3.2.3 The Privately-Owned Sewer Lateral shall be free of any structural defects such as fractures, cracks, breaks, openings, or missing portions.

409.3.2.4 The Privately-Owned Sewer Lateral must be equipped with at least one cleanout located within five feet of the Structure footprint. All Cleanouts shall be securely sealed with a proper cap or District approved overflow device at all times.

409.3.2.5 There shall be no Non-Sanitary Sewer connections to a Privately-Owned Sewer Lateral or to any plumbing that connects to a Privately-Owned Sewer Lateral.

409.3.3 Parcel Owner(s) or any other responsible party(ies) must maintain all Privately-Owned Sewer Laterals associated with the Parcel to the extent necessary to ensure the Privately-Owned Sewer Laterals comply with the standards set forth in District regulations and other applicable laws, procedures and standards. Parcel Owner(s) or any other responsible party(ies) must perform, at their sole cost and expense, any Repair or Replacement of their Privately-Owned Sewer Laterals necessary to ensure compliance with applicable law, procedures and standards.

409.4 When a Compliance Certificate is Required

409.4.1 Parcel Owner(s) or any other responsible party(ies) must obtain either a Compliance Certificate or Conditional Compliance Certificate at the times specified in subsection 409.4.2 through 409.4.8 and in the manner required by subsection 409.5 *et. seq*., except under the following circumstances:

409.4.1.2 Parcel Owner(s) or any other responsible party(ies) within certain Common Interest Developments governed by subsection 409.9; and

409.4.1.3 Parcel Owner(s) or any other responsible party(ies) of any Parcel Group with Privately-Owned Sewer Laterals totaling greater than 1000 feet, which are governed by subsection 409.10.

409.4.2 Title Transfer. Before completing a Title Transfer associated with a Parcel which is served by the District Sewer System, a Compliance Certificate or Conditional Compliance Certificate must be obtained by either the transferor or the transferee (as negotiated between them), unless a Time Extension Certificate is obtained as provided in subsection 409.8. After the Title Transfer is complete, the transferee becomes solely responsible for obtaining the Compliance Certificate or Conditional Compliance Certificate. Where a Title Transfer triggers the requirement for issuance of a Compliance Certificate or Conditional Compliance Certificate, that requirement shall in no way impair the legality of the transfer of title in the underlying property transaction. This provision shall not be applicable to any Title Transfer whose escrow was initiated prior to December 1, 2015.

409.4.3 Remodel. Where a Parcel Owner(s) or any other responsible party(ies) (or a Parcel Owner(s) or any other responsible party(ies) designated representative) applies to any Permitting Authority for a permit or other type of approval to perform a Remodel on the Parcel. This paragraph applies only to Remodels where the value of the permitted work, as reported by the authorized building official, exceeds twenty-five thousand dollars ($ 25,000.00).

409.4.4 Change of Use. When there is a change of use of a Structure located on a Parcel from residential to business, commercial or non-residential, or from non-residential/non-restaurant/non-industrial to restaurant or industrial uses such as carwashes, cleaners and laundries.

409.4.5 Assignment of Additional Service and/or Capacity Units. When the addition of a Structure(s) on a Parcel or identification of a Structure(s) on a Parcel results in the District assigning additional Service Units and/or Capacity Units to the Parcel.

409.4.6 Public Health and Safety Concern. When, based upon an inspection of the District Sewer Main or other reasonable criteria, the General Manager or his/her designee determines that the Parcel Owner should be required to obtain a Compliance Certificate in order to protect public health, safety and welfare and/or to address a violation of the District Code of Regulations.

409.4.7 Conditional Compliance Certificate Expiration. When a Conditional Compliance Certificate duly issued by the District expires.

409.4.8 Lateral Pipeline Repair, Replacement or Addition. When a Parcel Owner(s) or any other responsible party(ies) Repairs or Replaces all or part of a Parcel's existing Privately-Owned Sewer Lateral or extends the Parcel's existing Privately-Owned Sewer Lateral.

409.5 How to Obtain a Compliance Certificate or Conditional Compliance Certificate

409.5.1 A Parcel Owner(s) or any other responsible party(ies) who does not hold and is required to obtain a valid Compliance Certificate or Conditional Compliance Certificate under subsection 409.4 shall do so by first conducting a Verification Test of the Parcel's Privately-Owned Sewer Lateral(s) according to the following testing criteria:

409.5.1.2 New Privately-Owned Sewer Laterals. All new Privately-Owned Sewer Laterals shall be Verification Tested by either an air or water method. The method used shall be at the discretion of the District and performed by a licensed plumber qualified to perform the work. The Verification Test section shall be throughout the full length of the Upper Sewer Lateral and Lower Sewer Lateral. The Parcel Owner(s) or any other responsible party(ies) (or an agent of the Parcel Owner(s) or any other responsible party(ies)) shall notify the District at least 24 hours prior to Verification Testing of a new Privately-Owned Sewer Lateral so that a District representative may be present during the Verification Test. This paragraph shall not apply to extensions of existing Privately-Owned Sewer Laterals, which shall be subject to subsection 409.5.1.3

409.5.1.3 Existing Privately-Owned Sewer Laterals. The Parcel Owner(s) or any other responsible party(ies) (or an agent of the Parcel Owner(s) or any other responsible party(ies)) shall notify the District 24 hours prior to Verification Testing so that a District representative may be present during the Verification Test. The Upper Sewer Lateral and Lower Sewer Lateral shall be tested by a Closed Circuit Television inspection method. The internal Closed Circuit Television inspection shall be completed by a licensed plumber qualified to perform the work. The Verification Tests must be conducted in accordance with the District's "Requirements and Standards for Closed Circuit Television Privately-Owned Sewer Lateral Inspections" a copy of which may be obtained at the District Offices or on the District's website. Digital recordings of the Verification Test shall be submitted to the District to verify the condition of the Privately-Owned Sewer Lateral. A digital recording that is not picked up within 30 days after submission to the District shall become the property of the District and may be disposed of by the District. A Verification Test digital recording shall be valid for a period of 6 months from the date of the digital recording.

409.5.2 Subject to subsection 409.5.3, the District will issue a Compliance Certificate if its authorized representative determines that the Verification Test confirms that all Privately-Owned Sewer Laterals associated with the Parcel are in compliance with applicable local, state and federal regulations, except that Compliance Certificates issued within certain Common Interest Developments under subsection 409.9 will be issued on the conditions set forth in that subsection.

409.5.3 Where the Verification Test indicates that the Privately-Owned Sewer Lateral, has minor defects which, in the sole discretion of the General Manager or his/her designee, do not require immediate Repair or Replacement of the Privately-Owned Sewer Lateral or portions thereof, the District may issue the Parcel Owner(s) or any other responsible party(ies) a Conditional Compliance Certificate that will expire on a specified date. Upon the expiration date, the Parcel Owner(s) or any other responsible party(ies) shall be required to conduct another Verification Test so that the District may determine if the Privately-Owned Sewer Lateral has further deteriorated to the point where Repair or Replacement is required. The expiration date of a Conditional Compliance Certificate will be determined in the sole discretion of the District General Manager and shall not apply to any portion of the Privately-Owned Sewer Lateral not covered by the Conditional Compliance Certificate. By way of example only, the District might issue a three year Conditional Compliance Certificate for a portion of a Parcel's Upper Sewer Lateral, while issuing a standard five year Compliance Certificate for the remaining portion of the Upper Sewer Lateral and the Lower Sewer Lateral.

409.6 Failure of Verification Test

When a Privately-Owned Sewer Lateral, or portion thereof, fails to pass a Verification Test, the Parcel Owner(s) or any other responsible party(ies) shall cause the necessary Repairs or Replacement to be made to bring the Privately-Owned Sewer Lateral into compliance with all applicable local, state and federal regulations. All costs to Repair or Replace the Privately-Owned Sewer Lateral shall be borne by the Parcel Owner(s) or any other responsible party(ies).

409.7 Compliance Certificate Term Limits

409.7.1 A Compliance Certificate obtained as a result of Replacement of an entire Privately-Owned Sewer Lateral shall be valid for ten years from the date of issuance.

409.7.2 A Compliance Certificate obtained as a result of Repair or Replacement of a portion of Privately-Owned Sewer Lateral shall be valid for five years from the date of issuance.

409.7.3 A Conditional Compliance Certificates shall be valid until the expiration date specified in the certificate as provided in subsection 409.5.3.

409.8 Time Extension Certificates

409.8.1 Availability. If a Compliance Certificate or Conditional Compliance Certificate cannot be obtained prior to the Title Transfer, the transferor(s), transferee(s), or other responsible party(ies) may obtain a Time Extension Certificate from the District. Time Extension Certificates are issued in connection with Title Transfer transactions only.

409.8.2 Deposits. The Time Extension Certificate shall be completed and submitted to the District along with a refundable four thousand and five hundred dollar ($4,500.00) deposit and any other fees that may be required by applicable regulations. The deposit will be refunded after a Compliance Certificate or Conditional Compliance Certificate is issued.

409.8.3 Validity Period. A Time Extension Certificate expires 180 days after it is issued.

409.8.4 Obligation of Parcel Owner or Transferee. During the 180-day validity period of a Time Extension Certificate, the transferor(s), transferee(s), or other responsible party(ies) must complete any required Repairs or Replacement and obtain a Compliance Certificate or Conditional Compliance Certificate. The transferor(s), transferee(s), or other responsible party(ies) are responsible for the full cost of achieving compliance and that cost may exceed the deposit.

409.8.5 Forfeiture of Deposit. If a Compliance Certificate or Conditional Compliance Certificate is not obtained before a Time Extension Certificate expires, the deposit may be forfeited and the current Parcel Owner(s) or any other responsible party(ies) is subject to enforcement action as provided in this Section 409 and other applicable provision of this Code of Regulations. The Parcel Owner(s) or any other responsible party(ies) may apply to the District for release of forfeited funds, less the District's costs. The District will not release forfeited funds unless the Parcel Owner(s) or any other responsible party(ies) first demonstrates full compliance with the requirements of Section 409.

409.8.6 No Renewal. The General Manager may authorize and regulate the transferability of Time Extension Certificates. Transfers, if authorized, shall not extend the Time Extension Certificate's expiration date.

409.9 Common Interest Developments

409.9.1 Compliance Certificate and Conditional Compliance Certificate Requirement. Compliance Certificates or Conditional Compliance Certificates must be obtained with respect to Common Interest Developments as described in this subsection.

409.9.2 Responsibility of Homeowners Associations and Individual Unit Owners.

409.9.2.1 The Homeowners Association and the Owner(s) of an individual unit within the Common Interest Development are each responsible to obtain a Compliance Certificate or Conditional Compliance Certificate to the same extent each party is responsible to maintain Privately-Owned Sewer Laterals within the Common Interest Development. The division of responsibility for Privately-Owned Sewer Lateral maintenance between the Homeowners Association and the Owners of individual units may be described in any document but is typically described in the Covenants, Conditions and Restrictions applicable to Common Interest Developments or the Parcels in them. In some Common Interest Developments, the Homeowners Association has assumed responsibility to maintain all Privately-Owned

Sewer Laterals. In other Common Interest Developments, the owner of each individual unit is responsible to maintain the Privately-Owned Sewer Laterals associated with the unit he or she owns, and the Homeowners Association is responsible to maintain the remaining Privately-Owned Sewer Laterals within the Common Interest Development.

409.9.2.2 If the Homeowners Association has assumed responsibility to maintain all Privately-Owned Sewer Laterals within the Common Interest Development, the Homeowners Association must obtain Compliance Certificates or Conditional Compliance Certificates within 2 years from the effective date of this Section 409 for all Parcels within the Common Interest Development, except that the Homeowners Association must comply with subsection 409.10 if the total combined length of PSLs within the Common Interest Development exceeds 1000 feet.

409.9.2.3 If the Owners of individual units and the Homeowners Association share responsibility to maintain Privately-Owned Sewer Laterals within the Common Interest Development, the parties' respective responsibility to obtain Compliance Certificates is as follows:

409.9.2.3.1 The Property Owner of the individual unit must obtain a Privately-Owned Sewer Lateral Compliance Certificate or Conditional Compliance Certificate at the time and in the manner required by subsection 409.4 and notwithstanding subsection 409.4.1.2, provided that the District will required Verification Testing only of those Privately-Owned Sewer Laterals or portions thereof that are the responsibility of the owner of the individual unit before issuing a Compliance Certificate or Conditional Compliance Certificate.

409.9.2.3.2 The Homeowners Association must obtain a Compliance Certificate under subsection 409.5 within 2 years from the effective date of this Section 409 for all Parcels associated with any Privately-Owned Sewer Lateral that is the Homeowners Association's responsibility to maintain, provided that the District will require Verification Testing only of those Privately-Owned Sewer Laterals or portions that are the responsibility of the Homeowners Association before issuing a Compliance Certificate or Conditional Compliance Certificate.

409.9.2.3.3 The issuance of a Compliance Certificate or Conditional Compliance Certificate under subsection 409.9.2.3 *et seq.* to either an owner of an individual unit or to a Homeowners Association, with respect to a specific Parcel within a Common Interest Development, does not relieve another party that shares responsibility to maintain Privately-Owned Sewer Laterals associated with the same Parcel of their obligation under subsection 409.9.2.3 *et seq.* to obtain a Compliance Certificate or Conditional Compliance Certificate for that Parcel.

409.9.3 A Compliance Certificate or Conditional Compliance Certificate issued to a Homeowners Association under this subsection 409.9 shall be valid for the applicable term set forth in subsection 409.7. However, a Homeowners Association must obtain a new Compliance Certificate or Conditional Compliance Certificate upon the expiration of a previously issued Compliance Certificate or Conditional Compliance Certificate.

409.9.4 Developments Where No Homeowners' Association Exists. For the purposes of this Section 409, any development without a Homeowners Association is not a Common Interest Development, even if the development is classified in county records as condominiums, residential planned unit developments, or similar. This Section does not apply to such developments. Individual unit owners within such developments must obtain a Privately-Owned Sewer Lateral Compliance Certificate or Conditional Compliance Certificate at the time in the manner required by subsections 409.4 *et seq.* and 409.5 *et seq.*

409.10 Parcels or Parcel Groups with Privately-Owned Sewer Laterals Exceeding 1000 Feet

409.10.1 Condition Assessment Plan. Within 1 year from the effective date of this Section 409, the Parcel Owner(s) or any other responsible party(ies) of any Parcel or any Parcel Group with Privately-Owned Sewer Laterals exceeding 1000 feet in total combined length within the Parcel or Parcel Group shall submit a Condition Assessment Plan for District approval. The Condition Assessment Plan shall include a schedule for the performance of testing to assess the condition of all Privately-Owned Sewer Laterals associated with the Parcel or Parcel Group.

409.10.2 Corrective Action Work Plan. Within 1.5 years from the effective date of this Section 409, a Parcel Owner(s) or any other responsible party(ies) subject to this subsection 409.10 shall complete all condition assessment testing and submit a Corrective Action Work Plan for District approval. The Corrective Action Work Plan shall describe the type, quantity and schedule of work needed to bring all Privately-Owned Sewer Laterals associated with the Parcel or Parcel Group into compliance with the standards set forth in this Section 409 and all other applicable local, state and federal requirements. The District shall approve the Corrective Action Work Plan if it determines the proposed work will result in full compliance within a reasonable time.

409.10.3 Compliance Certificate. Within 2 years from the effective date of this Section 409, the Parcel Owner(s) or any other responsible party(ies) shall complete the work described in the approved Corrective Action Plan and obtain a Compliance Certificate or Conditional Compliance Certificate under subsection 409.5 for the Parcel or Parcels. A Compliance Certificate or Conditional Compliance Certificate issued to a Parcel Owner(s) or any other responsible party(ies) under this subsection shall be valid for the applicable term set forth in subsection 409.7. However, a Parcel Owner(s) or any other responsible party(ies) must obtain a new Compliance Certificate or Conditional Compliance Certificate upon the expiration of a previously issued Compliance Certificate or Conditional Compliance Certificate.

409.11 Enforcement

409.11.1 The General Manager may enforce the requirements set forth in this Section 409 by any of the enforcement procedures set forth in District Code of Regulations, Chapter 9 or Chapter 11 and Section 1108.

409.11.2 Violations of this Section 409 include, but are not limited to, the following:

409.11.2.1 Failure to obtain a Compliance Certificate or Conditional Compliance Certificate when one is required, including after the expiration of a Time Extension Certificate;

409.11.2.2 Failure to obtain a Time Extension Certificate if a Compliance Certificate or Conditional Compliance Certificate is not obtained or to timely perform all required work after receiving a Time Extension Certificate;

409.11.2.3 Failure to comply with the District's requirements for Repair, Replacement and Verification Testing;

409.11.2.4 Falsifying facts to obtain a Compliance Certificate or Conditional Compliance Certificate; and/or

409.11.2.5 Presenting a false Compliance Certificate or Conditional Compliance Certificate.

409.12 Requests for Relief or Reconsideration

409.12.1 Requests for Relief. Any Parcel Owner(s) or any other responsible party(ies) unable to comply with the requirements of this Section 409 may submit to the General Manager a written request for relief setting forth in detail facts that compliance with District regulations would cause "Undue Hardship." For purposes of this subsection, "Undue Hardship" is defined as either (i) severe illness or incapacitation or (ii) any physical or financial situation that would render compliance with the time limits for the repair or replacement of PSL extraordinarily difficult or impractical.

409.12.2.1 If a request for relief is approved, the property will be "flagged" in the District's records for notification of necessary repairs to the sewer lateral at a later date.

409.12.2.2 The granting of a request for relief does not excuse the Parcel Owner(s) or any other responsible party(ies) from complying with any District regulation. It only provides an extension of time to reach compliance.

409.12.2 Appeals

Any Parcel Owner(s) or any other responsible party(ies) subject to the requirements set forth in this Section 409 may request review of any decision, action or determination by the District related to this Section 409 in accordance with the procedures set forth in Chapter 9, Section 917.

409.13 Fees and Regulations

409.13.1 Fees. The District may establish fees in the District Schedule of Fees for Sewer System-Related Fees for administration of this Section 409 and may modify those fees from time to time.

409.13.2 **Administrative Guidelines**. By separate resolution, the District Board of Directors may adopt guidelines, procedures and forms to assist in the administration and implementation of this Section 409.

409.14 Emergencies

During a State of Emergency, the General Manager or his/her designee may temporarily suspend any or all provisions of this Section 409 until the next regular or special meeting of the District's Board of Directors. At the regular or special meeting a report shall be made and the Board may consider whether to authorize continued suspension of this Section 409 for the full duration of the State of Emergency, or for any shorter time period the Board finds appropriate.

409.15 When No Verification Testing is Required

Compliance Certificates or Conditional Compliance Certificates will not be required under the following circumstances:

409.15.1 The parcel owner(s) or other responsible party(ies) submits documentation to the District establishing that the PSL was installed and inspected by the District within ten years of the effective date of District Code of Regulations, Chapter 4, Section 409.

409.15.2 The property owner(s) or other responsible party(ies) submits a valid District Compliance Certificate establishing that the PSL was previously inspected within the timeframes set forth in District Code of Regulations, Chapter 4, Section 409.

Under the above-described circumstances, and upon the written request of the parcel owner(s) or other responsible party(ies), the District will issue written confirmation that no Compliance Certificate or Conditional Compliance Certificate need be obtained until otherwise required by District Code of Regulations, Chapter 4, Section 409.

409.16 Lower Lateral Waiver

If at the time of repair or replacement of a Privately-Owned Sewer Lateral, there is a paving moratorium or any other action by the District or other public agency that would prevent repair or replacement of the Lower Lateral in accordance with District regulations, the District may temporarily waive the requirements of this Section 409 as they relate to a Lower Lateral. In such case, a Compliance Certificate or Conditional Compliance Certificate may be issued for the Upper Lateral only. Upon the conclusion of the action preventing repair or replacement of the Lower Lateral, the District shall send written notice to the parcel owner(s) or other responsible party(ies) directing completion of the repair or replacement work necessary to bring the Lower Lateral into compliance with District regulations. The parcel owner(s) or other responsible party(ies)

shall perform any and all repair and replacement work needed to bring the Lower Lateral into compliance with District regulations, perform required Verification Testing and obtain a valid Compliance Certificate or Conditional Compliance Certificate for the entire PSL by the deadline set forth in the written notice. Failure to comply with the time frames set forth in the written notice shall constitute a violation of District regulations and may result in enforcement action by the District.

409.17 Shared Laterals

Where multiple parcels have a shared Privately-Owned Sewer Lateral and are not located within a Common Interest Development, the District may treat the parcel owner(s) or other responsible party(ies) served by the Privately-Owned Sewer Lateral as jointly and severally responsible for obtaining a Compliance Certificate or Conditional Compliance Certificate in accordance with District regulations. *(Ord. 78, 2015)*

Chapter 5
Use of Public Sewers

SECTION 500. Purpose

500.1 The purpose of this Chapter is to establish Wastewater regulations for the use of the District Sewer System. The objective of these regulations is to: (1) prevent the introduction of substances into the District Sewer System which will interfere with the operation of that system or contaminate the resulting biosolids; (2) to prevent the introduction of substances into the District Sewer System which will pass (inadequately treated) through the system into receiving waters or the atmosphere or otherwise be incompatible with the system; (3) to improve the opportunity to recycle and reclaim Wastewater and biosolids from the District Sewer System; ands (4) to provide for equitable distribution of the cost of the District Sewer System among its users.

500.2 Compliance with Federal Law

Under Federal Law (The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et. Seq). The District is subject to discharge permit requirements issued pursuant to Section 402 of the Act (33 U.S.C. 1342). Connectors and Users of the District Sewer System are subject to applicable requirements under the Discharge Permit. These include National Categorical Pretreatment Standards including any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of industrial users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 401-471, and National Pretreatment Standards, or pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Part 403.5.

SECTION 501. District Facilities and Use

501.1 The District protects public health, safety and welfare by constructing, operating and maintaining the District Sewer System to service the homes, industries and commercial establishments throughout the District and surrounding environs as required by State and Federal laws. The following provisions apply to Sewage, liquid waste, and non-domestic Wastewater discharged directly or indirectly into the District Sewer System.

501.2 Sewage will be accepted into the District Sewer System provided such sewage will not: (1) menace public health; (2) detrimentally affect the environment; (3) create nuisances such as odors, vermin, insects, etc.; (4) damage structures; (5) impose excessive collection, treatment or disposal costs on the District; (6) significantly interfere with Wastewater treatment processes; (7) interfere with Wastewater reclamation processes; or, (8) exceed quality limits and quantity requirements established by the District.

SECTION 502. Protection from Damage

It shall be a violation of District rules and regulations for any person to break, damage, destroy, uncover, deface or tamper with any sewer line, structure, appurtenance, device or equipment that is part of the District Sewer System. Nothing in this section shall prohibit or invalidate other State and Local laws.

SECTION 503 Protection of Easements

The District holds Easements so that it may operate and maintain the District Sewer System. In order to protect the ability to own and operate the District Sewer System, the District protects its interest in Easements. It is, therefore, deemed unlawful for any Person to:

503.1 Encroach without Permit

Cause or allow an unauthorized Encroachment on a District Easement;

503.2 Fail to Abate

After being provided with notice as may be required by law, fail to apply for a Permit, abate, correct or otherwise remove or discontinue any action or condition which results in an unauthorized Encroachment;

503.3 Abandon Items

Abandon any items of property, including motor vehicles, on or within a District Easement;

503.4 Dump

Deposit any debris, garbage, trash, hazardous material or toxic substance, liquid or solid waste or other form of refuse on or within a District Easement;

503.5 Interference with Easement Rights

Cause, permit or maintain any activity or condition off of or outside the territory of the District Easement which causes directly or indirectly a significant interference with the District's Easement rights; or

503.6 Cause a Public or Private Nuisance

Cause or permit any activity or condition on or within a District Easement which constitutes a public or private Nuisance.

SECTION 504. Classes of Encroachment and Permits

504.1 Three Classes of Encroachments

As used in this Chapter with respect to District Easements, there are three classes of Encroachments:

504.1.1 Class One

Encroachments which interfere only slightly with District Easements. Examples may include, but are not limited to; loose paving stones and similar landscaping features, flowerbeds, small shrubs, lawn and ground covers which do not impede normal use and operation of District Sewer System and may readily be removed and restored at a modest cost if access to the system is required.

504.1.2 Class Two

Encroachments which will cause significant interference with District Easements but which, due to being readily removable or by virtue of District mandated safeguards and/or mitigation measures, the interference can be ameliorated to an acceptable level. Examples may include, but are not limited to, fences, gates, driveways, paving, portable or readily removable structures, larger vegetation whose roots do not have a propensity to invade wastewater facilities, and cuts and fills.

504.1.3 Class Three

Encroachments which will cause significant interference with District Easements. Examples may include, but are not limited to, permanent structures such as buildings, swimming pools, permanent decks, retaining walls and reinforced concrete or masonry; temporary structures which are not readily removable from the easement; also trees, heavy brush, and vegetation that prevents District access to its facilities in the Easement; also any activities and conditions that are unlawful or prohibited by this Code or by other applicable laws.

504.2 Unauthorized

Except as **otherwise** provided in Section 504, Class Two and Class Three Encroachments are not authorized and, upon notice from District, shall not be maintained or permitted on District Easements.

504.3 Removal and Elimination of Encroachment

The Owner of the property over which the District has an Easement, and any other person who has caused or permitted an unauthorized Encroachment to exist, is obligated to promptly remove and eliminate the Encroachment upon notice from District.

504.4 Permits

The Owner of a property over which the District has an Easement who wishes to maintain a Class Two Encroachment or to obtain approval for a Class Three Encroachment existing prior to the adoption of this Code, shall, upon notification by the District that such an encroachment exists, apply for and obtain a District Encroachment Permit.

SECTION 505. Use of Public Wastewater Facilities Required

505.1 Sewer Required

All new construction or expansion of an existing building, which includes sanitary sewer service, within the District is required to connect to the District Sewer System, at the Owner's expense, when the District Sewer System is "available." For purposes of this provision, the District Sewer System is defined as "available" when that system (or any lateral connected to that system) is located less than 350 feet from any proposed building on any lot, or premises, of which any portion is within 100 feet of, and readily accessible to the District Sewer System.

505.2 Occupancy Prohibited

No building, industrial facility or other structure shall be occupied until the Owner of the premises has complied with all rules and regulations of the District.

505.3 Disposal of Wastes

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any Wastewater or Sewage. It shall be unlawful to construct or maintain any facility intended or used for the disposal of Sewage, unless such facility is specifically authorized and permitted under the laws of either the County of Ventura or the City of Ojai, or their successor agencies.

505.4 Availability of Sewage Treatment Capacity

If sewerage connection or treatment capacity is not available, the District may restrict service to new facilities located in areas where the capacity for such collection or treatment is not available, until sufficient capacity can be made available.

SECTION 506. Limitations on Point of Discharge

No Person shall discharge any substances directly into a manhole or other opening in the District's Sewer System other than through an approved lateral or other means approved by the District.

SECTION 507. Residential Use - General Prohibitions

In addition to the other limitations and prohibitions contained in this Code, wastes discharged into the Sewer System shall not have characteristics which, by themselves or by interaction with other wastes, may:

507.1. Environment Health and Safety.

Endanger the environment or the health and safety of the public or of District personnel.

507.2 Damage to the Sewer System.

Cause damage to the Sewer System.

507.3 Extra Cost.

Result in extra cost of collection, transmission, treatment or disposal.

507.4 Interfere, Inhibit or Disrupt. Interfere with, inhibit or disrupt any Wastewater operations of the District's Treatment Plant, its treatment processes, biosolids processes or other operations, in a manner that cause or contribute to violations of the District Permit**s**, or any other regulatory requirement; or result in biosolids that are non-compliant with any applicable requirements. This prohibition shall include discharge violations due to improper flow rates or pollutant concentrations and also to increases in magnitude or duration of violations by the Treatment Plant.

507.5 Swimming Pools

It shall be unlawful for any person to discharge the contents of a swimming pool into the District Sewer System.

507.6 Temporary Connection for Recreational Vehicles

Discharge of Recreational Vehicle wastes may be approved, providing the dumping takes place at an approved cleanout location, for a period of no longer than 30 consecutive days or 30 days in a year's time. The District may require payment for any excessive treatment and disposal costs or refuse permission to discharge certain prohibited wastes. Nothing in this section shall be so construed as to conflict with the regulations or enforcement provisions set forth in the Health and Safety Code or other existing laws rules and regulations adopted by the State of California.

SECTION 508. Non-Residential Use

The constituents regulated by this Code provide specific limits only where they are now reasonably well established; other constituents will be regulated from time to time as specific limits are established. In some cases, the concentration or amount of any particular constituent will depend on the results of technical determinations relating to the particular situation and the actions of regulatory agencies.

508.1 An industrial users' discharge into the District Sewer System shall be regulated in accordance with District Ordinance No. OVSD-49 which remains in full force and effect outside of this Code and provides, in part, as follows: (a) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of publicly owned treatment works. These general prohibitions apply to all such users of the treatment works whether or not the user is subject to National Categorical Pretreatment Standards or any other nation, state or local pretreatment standards or requirements; and (b) Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. Within 180 days after the effective date of a categorical pretreatment standard, any industrial user subject to such standards currently discharging or scheduled to discharge shall be required to submit to the District a report which contains the information and compliance schedule required through EPA Pretreatment Standards 40 CFR 403.12.

Chapter 6
Permits for Connections and Repairs

SECTION 600. Purpose

This Chapter establishes regulations governing the conditions and requirements to apply for and obtain Permits that authorize the construction of connections to the District Sewer System and for repairs to connections, the construction of other private improvements necessary to utilize the District Sewer System and changes in the nature of the use of the District Sewer System. Permitting is necessary so the District can maintain compliance with its own permits to convey and treat Wastewater and to discharge the treated effluent.

SECTION 601. Permit Required

No person shall perform, cause or allow to be performed any act for which a Permit is required by this Code or other applicable law, unless a proper Permit has been issued by the District. Failure to obtain a Permit from the District when one is required is a violation of District rules and regulations and this Code.

SECTION 602. Authorization to Issue a Permit

Unless otherwise provided in this Code, the General Manager or other District Representative, is authorized to issue Permits. A Permit may be authorized for issuance subject to specified conditions that are to be satisfied either before or after the Permit is issued. If a condition must be satisfied before Permit issuance, the Permit does not become effective until the condition has been fully satisfied. If a condition is to be performed after issuance, the Permit is effective upon issuance but shall be subject to revocation if the condition is not satisfied within or during the times or other parameters specified in the Permit.

SECTION 603. Applications for Permit

All Permits shall be obtained from the Ojai Sanitary District office. The application shall be made upon such forms as may be provided by the District, and in accordance with such procedures as may from time to time be in effect. In any case, the applicant shall supply such information as may be required to enable the District to adequately evaluate the application. Every Permit application shall be signed by the Person for whom the permitted activity or condition is being sought or by the Person's authorized representative. The applicant's signature on the application constitutes the agreement by the applicant to comply with all of the provisions of this Code and the requirements and conditions of the Permit. The District will not review or approve an application until it is complete, in the form and manner required by the General Manager and all applicable fees and charges have been paid.

SECTION 604. Compliance with Permit Requirements and Conditions

Upon issuance of a Permit, the applicant and all persons subject to the Permit shall comply fully with all Permit requirements and conditions. Deviations from Permit requirements and conditions are not allowed except upon the express written authorization of the District.

SECTION 605. Period of Time When Permit is Effective

A Permit shall become effective from the time it is issued and it shall remain in effect until it is no longer necessary for its intended purpose, has expired (if so specified), or has been revoked.

SECTION 606. Payment of Permit Fees

No Permit shall be issued until a complete application has been filed and approved and all applicable fees and charges have been paid in accordance with Chapter 3 of the Code.

SECTION 607. Revocation of Permits

For good cause, the District may revoke a Permit in accordance with the provisions in Chapter 9 of this Code regarding enforcement.

SECTION 608. Activities Prohibited without a Permit

No Person may engage in the following activities without first obtaining a written Permit from the District and paying all required fees and charges:

608.1 Constructing, installing, altering, repairing, opening, uncovering, extending, connecting, or performing any type of work on any system that discharges Wastewater into the District Sewer System.

608.2 Using any system, device, vehicle or other means for the purpose of discharging wastewater into the District Sewer System.

608.3 Increasing the volume of discharge of Wastewater from any Premises into the District Sewer System beyond the volume authorized under an existing Permit.

608.4 Changing the nature or volume of the discharge of Wastewater from any Premises into the District Sewer System beyond the nature and volume of the discharge authorized for such Premises under an existing Permit.

608.5 Discharging Wastewater to the District Sewer System or performing any other act for which a District Permit is required without such a Permit.

608.6 Connecting to the District Sewer System when Easements or right-of-way necessary for the District to operate and maintain public facilities installed in private property have not been granted to and accepted by the District as required in Chapter Four, Section 408 of this Code. *(Ord. 75, 2015)*

608.7 Performing any other act for which a District permit is required pursuant to this Code.

SECTION 609. Special Use Permits

Subject to fees, charges and/or special conditions consistent with the provisions of this Section, the General Manager is authorized, in his sole and absolute discretion, to issue to any Person a Special Use Permit ("SUP") authorizing that Person to make temporary or special use of District Sewer System including, without limitation, temporary or special connections to the system.

Prior to issuance, renewal or modification of a SUP, the applicant shall pay any required Special Use Permit Application Fee.

An SUP shall be issued by the General Manager for a specified time period. The terms and conditions of a SUP shall be determined by the General Manager, in his sole and absolute discretion, on a case-by-case basis. The General Manager may, in his sole and absolute discretion, renew a SUP following its termination, and include in that renewed SUP revised terms and conditions.

Under no circumstances shall issuance of an SUP confer upon the permittee a vested right to discharge wastewater into the District Sewer System. The issuance of an SUP shall not, under any circumstances, be construed by the permittee as a license or contract for services by and between the District and the permittee.

The terms and conditions set forth in the SUP may include a monthly treatment fee that reflects the flow and loading characteristics of the permittee's discharge calculated according to the formula set forth in Chapter 3, Section 302.7.3 plus other costs incurred by the District in collecting and treating the permittee's discharge. Those costs may include administrative overhead costs, inspection, sampling and monitoring costs, and any other costs related to the impact of the permittee's discharge on District Sewer System collection and treatment facilities.

A SUP may include, without limitation, terms and conditions addressing the manner, location and hours in which the permittee may use the District Sewer System as well as the frequency of use and the minimum and maximum extent of use for any given period of time during which the SUP is in effect.

The District Manager may require the permittee to comply with terms and conditions set forth in a SUP for the protection of the District Sewer System, the public, and the environment. Those terms and conditions may, without limitation, include the following:

- Restrictions on the permitee's use of the District Sewer System (e.g. specified locations, hours, and frequency).

- Restrictions on the manner in which the permittee may access and use the District Sewer System.

- Limitations on the minimum and maximum extent that the permittee is allowed to use the District Sewer System.

- Obligation of the permitee to defend, indemnify and hold the District harmless from liability arising from the permitee's use of the District Sewer System.

- Obligation of the permitee to maintain general commercial liability and automobile liability insurance policies naming the District as an additional insured.

- Obligation of the permitee to comply with all laws and regulations relating to the permitee's use of the District Sewer System

- Requirement that any significant changes in the permitee's operations that affect discharge rate, peak flow rate, or the permittee's Wastewater constituents or characteristics be immediately reported to the General Manager.

As applicable, the District shall mail a monthly invoice to each permittee subject to a SUP with monthly treatment fees. Monthly treatment fees are due and payable upon receipt the invoice and, if not paid within 30 days of the mailing date of the invoice, shall be subject to a penalty of one percent (1.0%) per month on the unpaid balance.

The District retains and reserves all powers authorized by applicable law for the collection of unpaid fees related to an SUP. *(Ord. 75, 2015)*

Chapter 7
Inspections

SECTION 700. Purpose

This Chapter sets forth regulations, policies and procedures governing District inspections of Premises which are currently served by the District or whose owners have applied for a Permit to receive District services. District inspections are conducted for the purpose of determining compliance with the provisions of this Code, the provisions of any Permit issued pursuant to this Code or the provisions of any other applicable local, state and federal law that authorizes or requires the District to exercise its inspection power. The District's inspection activities include, without limitation, inspections related: (1) Permit application and compliance; (2) Lateral construction, maintenance and repair; and, (3) Residential, commercial and industrial sewer connection, use and discharge.

SECTION 701. Scope

Unless otherwise provided in this Code or other legally controlling authority, all District inspections shall be conducted pursuant to the provisions of this Chapter.

SECTION 702. Right to Inspect

Pursuant to Health and Safety Code Section 6523.2, in order to affect its powers, the District is hereby authorized to inspect private property located within the District for the purpose of determining compliance with the provisions of this Code, the provisions of any permit issued pursuant to this Code or the provisions of any other applicable local, state and federal law that authorizes or requires the District to exercise its inspection power.

Except as otherwise may be provided in this Code, the District may enter upon the private property of any person within the jurisdiction of the District in order to investigate possible violations of this Code or any other applicable laws. The investigation shall be made with the consent of the owner or tenant of the property or, if consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of part 3 of the Code of Civil Procedure.

SECTION 703. Access for Inspection and Testing

Owners or occupants of premises where Wastewater is created, held or discharged into the District Sewer System shall allow the District's authorized representative ready access at all such reasonable times (or at other times when occasioned by Emergency circumstances) to all parts of the Premises for the purpose of inspecting, sampling, monitoring or performing any or all of the duties required to implement and enforce the provisions of this Code or any Permit issued pursuant to his Code. The District's authorized representative shall further have the right to install and use on said Premises such devices as are required to conduct sampling, metering or monitoring operations or other of the aforementioned duties. In the event an Owner or

occupant has established security measures requiring identification and clearance prior to entry onto the premises, the Owner or occupant shall furnish and provide such identification or clearance to the District's authorized representative so as to permit ready access by the District's authorized representative to the Premises for the purposes described in this Section.

SECTION 704. Work-Related Inspections

704.1. Any and all construction, maintenance, and/or repair work (hereinafter referred to in this Chapter as "Work") performed on any Wastewater facilities that are subject to the permitting authority of the District (hereinafter referred to in this Chapter as "Facilities"), shall be inspected by the District to ensure compliance with District requirements. It shall be sole responsibility of the Owner to inform the District of the Work, and to arrange all required inspections related to the Work. The District shall be allowed to inspect Facilities at any stage of Work. Facilities must be tested and inspected by the District when Work is completed but before use is made of the Facilities. If the tests prove satisfactory, the District shall issue a certificate of satisfactory completion. No Facilities upon which Work is being performed shall be covered at any point until those Facilities have been inspected and certified by the District. Where Work includes initial connection or a reconnection of Facilities to the District's sewer system, Facilities shall not be connected to the District's sewer system until all authorized Work has been completed, inspected, approved and certified by the District. Work involving excavation construction shall be in compliance with OSHA's Rules and Regulations for Construction Employment Title 29 Code of Federal Regulations, Part 1926.650-652, (Subpart P), and, as applicable, CA OSHA safety rules, orders and regulations.

704.2. Certification of Owner's Work by the District shall not relieve Owner from complying with any other provisions of this Code or applicable law. Owner shall hold District harmless and indemnify District for any claim, liability or damage arising from Owner's Work, including, without limitation, Work design, construction and materials.

704.3. It is the responsibility of the Owner, or the Owner's agent, to provide the District with a minimum of one (1) working day advance notice of when Work performed on Facilities is ready for District inspection. The inspection shall be made during normal District working hours.

704.4. The Owner or the Owner's agent shall have all Facilities upon which Work was performed uncovered to facilitate the District's inspection of the Work. The Owner or the Owner's agent shall provide and make available, to the inspector, any necessary special equipment to accomplish a thorough and complete inspection of the Work. No inspections of Work will be made if the inspector's view of the Facilities is blocked or obscured. No inspection shall be made if the inspector determines that the work site is in an unsafe condition. The Owner or the Owner's agent, shall, at their sole cost, remove all materials, equipment, backfill and other objects, at the direction of the inspector, so as to facilitate the inspection.

SECTION 705. Unsatisfactory Work

Where the District determines that inspected Work does not meet District requirements, the District shall provide the Owner with written notice specifying those corrections required for the Work to comply with said requirements.

SECTION 706. Responsibility for Defects

All persons performing Work on Facilities shall be responsible for their own errors and omissions and those of their agents, subcontractors and employees. If, upon being notified in writing by the District of any defects in the Work or a violation of any applicable District requirements in the performance of the Work, such persons do not act to remedy the problems within the time frame specified by the District, the District may do so and recoup the expenses incurred from the responsible persons in accordance with applicable law.

SECTION 707. Facilities Not to Be Used Prior to Certification

No Facilities shall be placed in use until all Work performed on those Facilities has been approved by the District and a Certificate of Final Inspection has been issued.

SECTION 708. Other Inspections

In accordance with this Code, District policies and procedures and other applicable law, the District may conduct periodic inspections of any residential, commercial and industrial Facilities related to those Facilities' sewer connections, use and discharge. In addition, the District may conduct administrative area searches, provided those searches are conducted pursuant to established legal standards and an established plan or scheme.

SECTION 709. Inspection Fees

As set forth in this Code, and in accordance with applicable law, the District may impose fees and charges for District inspections.

Chapter 8
Design and Construction Standards and District Compliance with the Uniform Public Construction Cost Accounting Act

SECTION 800. Purpose

The purpose of this Chapter is to set forth certain minimum standards for the design and construction of the District Sewer System. This Chapter also sets forth the informal bidding procedures with which the District must comply in selecting contractors for District projects pursuant to Uniform Construction Cost Accounting Act, Public Contract Code 22030 et seq.

SECTION 801. Minimum Standards for the Design and Construction of Sewers within the District

801.1 Design and Construction Standards

Minimum standards for the design and construction of sewers within the District shall be in accordance with the Design and Construction Standards heretofore or hereafter adopted by this District, copies of which are on file in the District Office. The District may permit modifications or may require higher standards where unusual conditions are encountered, or when it is in the interest of the District to do so.

801.2 Adoption of "County of Ventura Public Works Agency Sewerage Manual."

Pursuant to California Health and Safety Code Section 6491.1, the "County of Ventura Public Works Agency Sewerage Manual" is hereby adopted by reference and made a part hereof, provided that (1) references to administrative authorities therein be construed, wherever applicable based on context, to refer to the Ojai Valley Sanitary District, Ojai Valley Sanitary District Board of Directors or other authorized District representative, and (2) the General Manager is authorized, on a case-by-case basis, to approve project specifications that vary from the requirements set forth in the "County of Ventura Public Works Agency Sewerage Manual."

801.3 Adoption of "Ventura County Waterworks District No. 1,16, 17 19 Rules and Regulations, Part 10, Section H – Design of Sewer Systems."

Pursuant to California Health and Safety Code Section 6491.1, "Ventura County Waterworks District No. 1,16, 17 19 Rules and Regulations, Part 10, Section H – Design of Sewer Systems" is hereby adopted by reference and made a part hereof, provided that, (1) references to administrative authorities therein be construed, wherever applicable based on context, to refer to the Ojai Valley Sanitary District, Ojai Valley Sanitary District Board of Directors or other authorized District representative, and (2) the General Manager is authorized, on a case-by-case basis, to approve project specifications that vary from the requirements set forth in the "County of Ventura Public Works Agency Sewerage Manual."

801.4 Adoption of "Standard Plans for Public Works Construction"

Pursuant to California Health and Safety Code Section 6491.1, "Standard Plans for Public Works Construction" (as published by Public Works Standards, Inc.) is hereby adopted by reference and made a part hereof, provided that, (1) references to administrative authorities therein be construed, wherever applicable based on context, to refer to the Ojai Valley Sanitary District, Ojai Valley Sanitary District Board of Directors or other authorized District representative, and (2) the General Manager is authorized, on a case-by-case basis, to approve project specifications that vary from the requirements set forth in the "County of Ventura Public Works Agency Sewerage Manual."

801.5 Adoption of "Standard Specifications for Public Works Construction"

Pursuant to California Health and Safety Code Section 6491.1, "Standard Specifications for Public Works Construction" (as published by Public Works Standards, Inc.) is hereby adopted by reference and made a part hereof, provided that, (1) references to administrative authorities therein be construed, wherever applicable based on context, to refer to the Ojai Valley Sanitary District, Ojai Valley Sanitary District Board of Directors or other authorized District representative, and (2) the General Manager is authorized, on a case-by-case basis, to approve project specifications that vary from the requirements set forth in the "County of Ventura Public Works Agency Sewerage Manual."

801.6. Acceptance Requirements

All installation work shall be done in accordance with the plans and specifications and conditions as approved and imposed by the District. On completion of the installation, it shall be conveyed to the District free, clear of all liens and encumbrances and shall become the property of the District. "As-built" drawings with mylar's, showing the actual location of all mains, structures, "Y's", laterals and cleanouts shall be filed with the District before final acceptance of the work. In addition, an Indemnity Agreement with a corporate surety guaranteeing the system free from defects for a period of one year from acceptance by the District shall be required.

SECTION 802. Compliance with California Public Contract Code

802.1 Public projects constructed for or by the District will be subject to the "Uniform Public Construction Cost Accounting Act," Public Contract Code, Division 2, Part 3, Chapter 2, Article 2 (Public Contract Code Section 22000 et seq.), including, without limitation, those uniform construction cost accounting procedures commencing with Public Contracts Code Section 22010.

Chapter 9
Enforcement

SECTION 900. Purpose; Violators Subject to Enforcement Provisions

The purpose of this Chapter is to establish the procedures for the enforcement of this Code and other District ordinances, rules or regulations. Any person who violates any provision of this Code or who violates any District ordinance, rule or regulation or who alters or tampers with sewer facilities so as to render the operation thereof inconsistent with the approved plans, specifications or conditions for such facilities, shall be subject to these enforcement provisions. Each day that a violation of this Code or a District ordinance, rule, regulation or condition deviates from such approved plans, specifications or conditions continues shall constitute a separate and additional violation.

SECTION 901. Remedies Cumulative

SECTION 901. Remedies Cumulative

The remedies provided in this Code are cumulative and not exclusive. Any and all remedies provided in this Code may be used alternatively or in addition to any or all other remedies available to the District including, without limitation, those remedies set forth in Chapter 11 of this Code regulating industrial use dischargers and those remedies set forth in rules and regulations promulgated by other governmental agencies that have appropriate jurisdiction and authority.

Nothing in this Code shall be interpreted to, nor does it, relieve any person from complying with this Code, those District ordinances, rules and regulations which, although expressly excepted from this Code, remain in full force in effect, or any other applicable local, state or federal law. *(Ord. 76, 2015)*

SECTION 902. Responsibility

The primary responsibility for enforcement of this Code is vested in the Board and shall be executed by the General Manager and other authorized District representatives. The District's representatives are authorized and empowered to act as enforcement agents of the District with power to inspect and issue notices of violations of the provisions of this Code. However, the final determination of the existence of a violation of any of the provisions of this Code (including, without limitation, levying of fines, termination of service, revocation of permits, and civil and criminal court actions) shall be made by the District Board.

SECTION 903. Power and Authority of District

The District may refuse to furnish sewer service and may discontinue services as provided by this Code and other applicable law. The District may refuse to furnish sewer service and may discontinue services to any premises where apparatus, appliances or equipment is found to be detrimental or injurious to the sewer service furnished by the District to other users. The District shall have the right to refuse or discontinue sewer service, or both, to any premises if necessary to protect itself against fraud, abuse, or damage to the system. In

addition, no connection to public sewers shall be permitted until work has been authorized, fees paid, and such connection meets all requirements of the District.

In accordance with the provisions of this Code and applicable law, the General Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter upon all properties within the District's jurisdiction for the purpose of inspection, maintenance of sanitary and waste disposal facilities, observation, measurement, sampling, and testing. The General Manager and other duly authorized employees are further empowered to ascertain the nature of such premises, the type of activities carried on therein, the number and type of plumbing fixtures and appliances situated therein, and any other facts and information reasonably necessary to carry out the provisions of this Code.

SECTION 904. Excessive Sewer Maintenance Expense

No person shall discharge or cause to be discharged to any District facilities, either directly or indirectly, any waste that creates a stoppage, plugging, breakage, reduction in sewer capacity or any other damage to sewers or sewerage facilities of the District. Any excessive sewer or sewerage maintenance expense, or any other expense attributable thereto, shall be charged to the offending person by the District.

SECTION 905. Malicious Damage to Sewer Facilities

Any unauthorized entering, breaking, damaging destroying, uncovering, defacing or tampering with any structure, equipment or appurtenance, which is a part of the District sewerage system shall be a violation of this Code**,** the California Penal Code and subject to the penalties provided by law.

SECTION 906. Notice of Violation

Except as may otherwise be provided in this Code, or other applicable law, the form and procedures for issuing a Notice of Violation are as set forth in this provision.

Whenever it is found that any person has violated, is violating. or threatens to violate this Code or any other District ordinance, rule or regulation, or any prohibition, limitation or requirement contained therein or in any sewer permit issued pursuant thereto, the District may serve upon such person a Notice of Violation. A Notice of Violation shall state the nature of the violation and provide a reasonable time, not to exceed thirty (30) days, for its satisfactory correction and the submission of an explanation of the circumstances giving rise to such violation. The Notice of Violation may set forth a compliance schedule with specific actions the user shall take in order to correct the violation. In addition, the Notice of Violation may require inspections or sampling and may impose other requirements deemed necessary. The Notice of Violation may also contain a statement that additional enforcement action may be pursued if corrective actions are not accomplished as scheduled.

If the General Manager receives a request from a person required to comply with a Notice of Violation, the General Manager may grant an extension for any period of time to correct or remedy the violation if the General Manager determines that such an extension of time will not create or perpetuate imminent danger to the public health and safety. The General Manager shall have the authority to place reasonable conditions on such extension.

SECTION 907. Emergency Work

In the event repairs, construction or other public work is performed on any premises pursuant to any provision of law authorizing the emergency performance of public work and the expenditure of public funds, or pursuant to any other provision of law authorizing public work on private property in order to correct, eliminate or abate a condition upon such premises which threatens to cause, causes, or caused a violation of any provision of this Code, or any other requirement of law, the person responsible for the occurrence or condition giving rise to such work, the occupant and the Owner of the premises shall be liable, jointly and severally, to the District for such expenditures of public funds.

SECTION 908. Injunction

Upon a determination by the District that a discharge of wastewater is in violation of the provisions of this Code or any other District ordinance, rule or regulation or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance or in the case of non-discharge violations or other such non-compliance with a District permit, compliance schedule or any District standard, condition or requirement or in any case of tampering with any District sewer facility so as to render such facility out of compliance with any District-approved plans, specifications or permit conditions, the District may petition the Superior Court for the issuance of a restraining order or a preliminary injunction, or any or all of these, as may be deemed appropriate by the District.

SECTION 909. Termination of Service

909.1 To fully effect its powers, the District may terminate wastewater service to any premises from which wastes or wastewater have been discharged, are being discharged, or are threatened to be discharged in violation of any provision of this Code or other District ordinance, rule or regulation, or because of delinquency in the payment of any charge or fee lawfully imposed by the District, or because of a violation of any other requirement of law.

909.2 Prior to termination of service however the District shall notify, in writing the Owner and tenant if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the Owner at the address shown on the records of the Assessor of Ventura County or as known to the clerk, and a copy shall be delivered to the tenant if any or posted conspicuously on the property. In addition, a copy of the notice will be provided to the Building Official and Health Department. The notice shall state the date of proposed termination of service and the reasons therefore and the date, time and place the District Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than 10 days subsequent to the giving of notice as herein required.

909.3 At the time designated for the hearing the Board of Directors shall hold the hearing and may adjourn the hearing from time to time. Upon the final hearing, the Board of Directors shall make its determination. If the Board of Directors, at the close of the hearing, finds that a violation of any rule or regulation exists, the Board of Directors may order the termination of service to the property in which such violation exists.

909.4 Upon a finding by the Board of Directors that a violation exists, the Board of Directors may direct the General Manager to proceed with the disconnection of the service to said property in which the violation is found to exist.

909.5 Said property shall not be reconnected to the District system until:

909.5.1 The violation is corrected by the user; and

909.5.2 A deposit is made to the District in an amount sufficient to pay all costs incurred directly and indirectly in the disconnection of service to the property and an estimated amount sufficient to pay all costs of reconnection. (The District shall refund any unused monies in the deposit after payment of all said costs.)

909.6 During the period of such disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the District shall cause proceedings to be brought for the abatement for the occupancy of said premises by human beings during the period of such disconnection. In such event and as a condition of reconnection, there is to be paid to the District a reasonable attorney's fee and cost of suits arising in said action.

909.7 The District hereby declares that the foregoing procedures are established as a means of enforcement of the terms and conditions of this Code and any other District ordinances, rules and regulations, and not as a penalty.

909.8 Notwithstanding the foregoing, any unauthorized connection with, opening into or discharge to the District's sewerage system or appurtenances may be abated by the District without notice if such unauthorized connection, opening or discharge poses an imminent threat of damage to the District's sewerage system or of injury to the public health, safety and welfare.

SECTION 910. Correction of Violations; Liability for District Enforcement Expenses, Losses or Damages

In order to enforce the provisions of this Code or any other District ordinance, rule or regulation, the District may correct any violation thereof. Any person violating any of the provisions of this Code or any other District ordinance, rule or regulation, or any permit imposed pursuant thereto shall become liable to the District for expenses, losses or damages occasioned by the District by reason of such violation, unless waived by the District for good cause. For the purposes of this provision, "expenses, losses or damages" shall include, but not be limited to, reasonable attorney's fees incurred by the District for negotiations, consultations, litigation or otherwise, and shall include reimbursement to the District for the costs to it of the hours expended by the employees of the District by reason of such violation and all other costs and expenses so occasioned. Said expenses, losses or damages shall be considered costs to correct the violation and, pursuant to Health and Safety Code Section 6523.3, the District shall have, in addition to any other remedies provided for herein or by law, such remedies for the collection of said costs as it has for the collection of sewer service charges.

The District's sewer systems are regulated by the State and Federal Governments. Such regulations require the District to report violations of those agency's regulations which are discovered by the District in the course of its monitoring, inspection or other activities. Any fines or penalties imposed by another governmental agency on the District for a condition of

noncompliance caused by a wastewater discharger shall be considered damages to the District for which the person or persons causing the noncompliance shall be liable to the District. In addition, any person who negligently allows or intentionally discharges or causes the discharge of prohibited sewage liquid waste or non-domestic wastes to the public sewer and such discharge causes damage to District facilities or causes detrimental effects on District treatment processes shall be liable to the District for all damages occasioned thereby.

SECTION 911. Nuisance.

Any discharge, threatened discharge or other condition which is in any manner a violation of the provision of this Code or of any permit issued pursuant to this Code or of any order or directive of a District representative authorized by this Code or of any other District ordinance, rule or regulation, is unlawful and a public nuisance. The nuisance may be abated, removed, or enjoined and damages assessed in any manner provided by law.

SECTION 912. Right to Inspect

Except as otherwise may be provided in this Code, the District may enter upon the private property of any person within the jurisdiction of the District in order to investigate possible violations of this Code or any other applicable laws. The investigation shall be made with the consent of the owner or tenant of the property or, if consent is refused, with a warrant duly issued pursuant to the procedures set forth in Title 13 (commencing with Section 1822.5) of part 3 of the Code of Civil Procedure.

SECTION 913. Revocation of Permit

913.1 Subject to the procedure set forth in Section 913.2 below, the District Board may revoke any Permit issued pursuant to the provisions of this Code upon a determination by the District Board that:

913.1.1 The permittee has failed to factually report the Wastewater constituents, characteristics or volume of a Permitted Wastewater discharge;

913.1.2 The permittee has failed to report significant or substantial changes in the operations conducted upon the premises to which the Permit pertains or has failed to report significant or substantial changes in Wastewater constituents, characteristics, or volumes pertaining to the premises;

913.1.3. The permittee has failed to factually report other relevant information requested by the District in connection with its consideration and issuance of the Permit or has failed to report significant or substantial changes in the information;

913.1.4. The permittee has refused, or failed to allow, reasonable access to the premises to which the Permit pertains; or

913.1.5. The permittee has violated, caused to be violated or allowed to be violated, any term, condition, or provision of the Permit.

913.2 Prior to revocation of the Permit, the District shall notify, in writing, the premises' Owner, any tenant and the alleged violator that the Permit is intended to be revoked. The notice shall state the date of the proposed revocation, the reason(s) for the revocation, and the date,

time and place a hearing will be held by the District Board upon the question of revocation of the Permit, The notice shall be mailed to the Owner at the address shown on the records of the assessor of the County of Ventura, or as known to the District, and a copy shall be delivered to the tenant or posted conspicuously on the property. The hearing shall not be held sooner than ten (10) days subsequent to the giving of the required notice. The Owner, any tenant, the alleged violator, the District's representatives and any other Person the District Board deems appropriate shall be heard at the hearing on the question of revocation of the Permit. The District Board shall make such orders as it deems appropriate under the circumstances and in furtherance of the purposes and intent of the Permit and other provisions of this Code.

SECTION 914. Criminal Penalties

Any person found to be violating the provisions of this Code, California Penal Code or any other District Ordinance, rule or regulation shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1000.00), or imprisonment in the County Jail for a period not to exceed thirty (30) days, or both, for each violation committed. Each date in which any such violation continues shall be deemed a separate offense. If the District believes a criminal offense has been committed hereunder, it may refer the matter to the District Attorney for prosecution.

SECTION 915. Administrative Citations, Fines and Penalties

915.1 Purpose

The purpose of this Section is to establish procedures for the administrative enforcement of the Ojai Valley Sanitary District Code of Regulations (“Code”) through the issuance of Administrative Citations and the imposition of Administrative Fines or Penalties. These administrative enforcement procedures are in addition to, and not in lieu of, any other applicable enforcement procedures set forth in the Code, other District ordinances or in state or federal law. This Section is not intended to limit the enforcement or prosecutorial discretion of the General Manager, or his designee, to impose or seek any remedy available, civil or criminal, for violations of the Code or other District ordinances.

915.2 Responsible Person

For purposes of this Section, the term “Responsible Person” may mean any of the following:

915.2.1 The Owner of a Parcel within the District’s jurisdiction where the District determines that a violation of the Code exists on the Parcel.

915.2.2 The Owner of a Parcel who, by action or failure to act, allows a Code violation to continue on the Parcel.

915.2.3 The Owner of a Parcel whose lessee, occupant, agent, employee, or independent contractor causes, maintains or allows a Code violation to occur or continue on the Parcel.

915.2.4 Any Person who the District determines to be responsible for a violation of the Code.

915.3 Issuance of Administrative Citation

915.3.1 When the General Manager, or his designee, determines that a violation of the Code exists on a Parcel located within the jurisdictional boundaries of the District, the General Manager, or his designee, may issue an Administrative Citation to the Responsible Person.

915.3.2 If, following a District investigation, the General Manager, or his designee, determines that a Responsible Person committed a violation of the Code, the General Manager, or his designee, may issue an Administrative Citation to that Responsible Person for the violation even though the General Manager, or his designee, did not actually observe the Responsible Person committing the violation.

915.3.3 An Administrative Fine shall become effective on the date stated in the Administrative Citation (hereafter referred to as the "Effective Date of the Fine"). Following the Effective Date of the Fine, the District shall require the Responsible Person to pay that Administrative Fine in accordance with, and subject to, the provisions set forth in this Section.

915.3.4 Each day a Responsible Person allows a Code violation to exist may be treated as a separate violation, and that Responsible Person may be subject to a separate Administrative Fine for each separate violation.

915.3.5 An Administrative Citation may charge a Code violation for one or more days on which a violation exists and for violation of one or more Code sections.

915.3.6 The issuance of an Administrative Citation or payment of an Administrative Fine does not bar the District from pursuing any other enforcement action regarding a Code violation that is not corrected, including issuing additional Administrative Citations or referring the matter for criminal prosecution.

915.4 Contents of Administrative Citation

915.4.1 The Administrative Citation shall be issued on a form prescribed by the General Manager and shall contain the following information:

915.4.1.1 The form shall be titled "Administrative Citation."

915.4.1.2 The name and signature of the individual issuing the Administrative Citation.

915.4.1.3 The name of the Responsible Person.

915.4.1.4 Date on which an inspection, observation or investigation established the Code violation(s).

915.4.1.5 Code Section(s) violated.

915.4.1.6 Address or location where the Code violation(s) was established.

915.4.1.7 Description of the Code violation(s).

915.4.1.8 The amount and the Effective Date of the Fine for each violation.

915.4.1.9 An order to the Responsible Person to correct the violation(s) prior to the Effective Date of the Fine, and an explanation of the consequences of failure to correct the violation(s).

915.4.1.10 An explanation of how the fine shall be paid and directing that it be made payable to the District, the time period within which it shall be paid, and the address at which the fine payment shall be remitted or mailed.

915.4.1.11 A statement regarding the right and specific procedures to appeal the Administrative Citation.

915.4.2 A self-addressed envelope shall accompany any Administrative Citation issued by the District so that the Responsible Person may mail payment of the specified administrative fine to the District.

915.4.3 The District shall retain a copy of each Administrative Citation issued.

915.5 Establishment of Administrative Fines or Penalties. Fines and penalties may be imposed pursuant to this Section 915 *et seq.* as follows:

915.5.1 A fine not exceeding one hundred dollars ($100.00) per day for the first violation up to a maximum of one thousand dollars ($1000.00).

915.5.2 A fine not exceeding two hundred dollars ($200.00) per day for a second violation of the same standard or requirement within one year up to a maximum of two thousand dollars ($2000.00).

915.5.3 A fine not exceeding five hundred dollars ($500.00) per day for a third violation of the same standard or requirement within one year up to a maximum of four thousand dollars ($4000.00).

915.5.4 Civil administrative fines which are not paid by the due date established by the Administrative Citation (or the General Manager in accordance with District regulations) will be assessed a late payment penalty equal to one percent (1%) of the total amount due per month.

915.6 Service of Administrative Citations

An Administrative Citation may be served on the Responsible Person as follows:

915.6.1 Personal Service. The General Manager, or his designee, shall attempt to locate and personally serve the Responsible Person. If possible, the General Manager or his designee shall obtain the signature of the Responsible Person on the Administrative Citation in order to record the Responsible Person's receipt of such Administrative Citation. But if the Responsible Person refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the citation or subsequent

proceedings and the General Manager, or his designee, shall make service of the citation as otherwise provided herein.

915.6.2 Mail. If for any reason the General Manager, or his designee, is unable to personally serve the Administrative Citation on the Responsible Person, the Administrative Citation shall be mailed to the Responsible Person by certified, first-class mail, return receipt requested and postage prepaid. Where the Responsible Person is the Owner of the Parcel on which a Code violation exists, the Administrative Citation shall be mailed to the Responsible Person at the address for the Parcel as shown on the latest Ventura County property tax assessment roll. Where a Code violation occurs and the Responsible Person is not the Owner of a Parcel, the Administrative Citation shall be mailed to the last known address for the Responsible Person on file with the District or other governmental entity. The failure of a Responsible Person to receive a properly addressed Administrative Citation shall not affect the validity of any proceeding under this Section 915. Service of the Administrative Citation by mail shall be effective on the date of mailing.

915.6.3 Posting of Citation. The General Manager, or his designee, may post the Administrative Citation by affixing the Administrative Citation to a surface in a conspicuous location on any real property in which the Responsible Person has a legal interest, and such posting shall be deemed effective service and notice. Posting of the Administrative Citation is either an alternative, or in addition, to service by mail (subsection 915.6.2). Failure of a posted citation to remain in place after posting shall in no way affect the validity of the citation or the proceeding. Service shall be deemed effective pursuant to posting on the date that the citation is actually posted.

915.7 Opportunity to Correct Continuing Violation

915.7.1 Where a continuing violation pertains to a violation of this Code that does not create an immediate danger to public health and safety, the General Manager, or his designee, shall allow the Responsible Person a reasonable amount of time to correct or otherwise remedy the violation prior to the Effective Date of the Fine. The determination of what constitutes a reasonable amount of time shall be determined in the sole and absolute discretion of the General Manager, or his designee, based on the following:

915.7.1.1 Magnitude of the violation;

915.7.1.2 Likelihood of violation to cause harm to persons or property;

915.7.1.3 Cost to correct the violation; and

915.7.1.4 Effect of the violation on the District Sewerage Facilities;

9.15.7. 2 If the Responsible Person demonstrates to the General Manager, or his designee, that a Code violation cited in an Administrative Citation was corrected or otherwise remedied on or before the Effective Date of the Fine for that violation or the date otherwise specified by the General Manager in accordance with subsection 915.8, he shall not be assessed an Administrative Fine for the violation.

9.15.7.3 If the Responsible Person fails to demonstrate to the General Manager, or his designee, that a Code violation cited in an Administrative Citation was corrected or otherwise remedied on or before the Effective Date of the Fine for that violation or the date otherwise specified by the General Manager in accordance with subsection 915.8, the applicable Administrative Fine must be paid to the District within 10 days of the Effective Date of the Fine or the date otherwise specified by the General Manager in accordance with subsection 915.8 .

915.7.4 Subsection 915.7 may not be construed as a waiver of any fee or payment that would ordinarily be required pursuant to the Code.

915.8 General Manager Authority. Without the prior approval of or subsequent ratification by the Board, the General Manager is authorized to do the following:

915.8.1 Decrease or increase the amount of time specified in the Administrative Citation for a Responsible Person to correct or otherwise remedy a Code violation;

915.8.2 Extend the Effective Date of the Fine specified in an Administrative Citation;

915.8.3 Impose an administrative fine or penalty on a Responsible Person for a Code violation at or below the upper limit or "cap" for that violation as established in the Schedule of Fines and Penalties adopted by resolution of the District's Board of Directors. The General Manager's determination as to amount of fine or penalty imposed may be based on any or all of the following factors:

915.8.3.1 Magnitude of the violation;

915.8.3.2 Likelihood of violation to cause harm to persons or property;

915.8.3.3 Duration of the violation;

915.8.3.4 Effect of the violation on the District Sewerage Facilities;

915.8.3.5 Compliance history of the Responsible Person; and

915.8.3.6 Good faith of the Responsible Person where "Good Faith" is defined as the Responsible Person's honest intention to remedy noncompliance manifested by actions which give support to this intention.

915.9 Satisfaction of Administrative Citation

915.9.1 A Responsible Person who is issued an Administrative Citation must:

915.9.1.1 Pay Administrative Fines imposed by the District within 10 days of the Effective Date of the Fine, subject to the provisions set forth in subsections 915.7 and 915.8; and

915.9.1.2 Demonstrate to the General Manager or his designee, that each Code violation cited in an Administrative Citation has been corrected or remedied on or before the Effective Date of the Fine for the violation, or within the time-frame otherwise approved by the General Manager pursuant to subsection 915.8.

915.10 Appeal of Administrative Citation

A Responsible Person who has received an Administrative Citation may appeal the issuance of that Administrative Citation in accordance with the procedures set forth in Chapter 9, Section 917.

915.11 Judicial Review

915.11.1 Notwithstanding Chapter 9, Section 917.6 (and in accordance with Government Code section 53069.4) a Person may seek judicial review of a final decision by the District regarding an Administrative Citation issued pursuant to this Section by filing an appeal with the Ventura County Superior Court Clerk within 20 calendar days after the date the Notice of Decision was served. Any appeal filed with the Superior Court shall contain a proof of service showing that a copy of the appeal was served upon the District. The Responsible Person must pay the appropriate filing fees.

915.11.2 Within 15 days of receiving a request from the Superior Court to forward the District's file on a particular Administrative Citation, the District's legal counsel shall forward to the superior court the appropriate Notice of Decision, Administrative Citation and other documentation. If the Superior Court reverses, in whole or in part, any decision of the District Board, the District shall refund to the appellant the Superior Court filing fee and, in accordance with the judgment of the court, administrative fines paid by the Responsible Person.

915.12 Collection of Delinquent Administrative Fines or Penalties

Administrative fine and penalties that have not been timely paid by a Person as required by this Section may be added to and become part of the charges fixed by the District for sewer services furnished to the Parcel subject to the administrative fines or penalties. Those charges, inclusive of administrative fines and penalties, may be collected by any of the means for collection of sewer service charges set forth in Chapter 3, Section 303 of this Code. (Authority: Health and Safety Code Section 5473 et seq., Health and Safety Code Section 6523.3)

SECTION 916. Right to Board Hearing prior to District Correcting a Violation, Abating a Nuisance, Seeking Injunctive Relief or Referring a Violation for Criminal Prosecution

916.1 Prior to correcting a violation under Section 910, seeking a temporary restraining order or injunction under Section 908, taking action to abate a nuisance under Section 911 or referring a violation for criminal prosecution under Section 914 or other provision of this Code, the District Board of Directors shall conduct a hearing to consider the proposed action.

916.2 The Person or Persons affected by the proposed action shall be given at least 30 days' written notice of the hearing by certified, first class mail, return receipt requested and return receipt requested and postage prepaid, and shall be given the opportunity to present

evidence and testimony related to the matter in accordance with procedures adopted by the Board.

916.3 In considering the proposed action, the Board may, in its sole discretion, approve, disapprove or modify the proposed action. In so doing, the Board may make any adjustments and impose any conditions on the action in order to properly apply the provisions of this Code.

916.4 Within 14 days following the hearing, the District Clerk shall serve a copy of the Board's decision on the matter to the affected Person or Persons by certified, first class mail, return receipt requested and postage prepaid.

916.5 The Board's decision on the matter shall be final.

916.6 A matter considered by the Board under this Section may, for good cause, be continued by the Board on its own motion or a motion for continuance made by the affected Person.

916.7 If a continuance is granted, a new hearing date shall be set by the Board, and specified in a written Notice of Continuance. The Notice of Continuance shall be served on the appellant by certified, first-class mail, return receipt requested and postage prepaid. Service of the Notice of Continuance shall be deemed served on appellant 5 calendar days from the date the Notice of Continuance was mailed. The Notice of Continuance shall be mailed to the appellant at least 5 calendar days prior to the date of the continued hearing by certified, first class mail, return receipt requested and postage prepaid. If a continuance is denied, the Board shall proceed as scheduled. The decision of the Board to grant or deny a continuance shall be final and is not subject to judicial review.

916.8 A decision by the Board pursuant to this Section may not be appealed pursuant to Section 917, except that the Person or Persons subject to the decision may seek judicial review of the decision in accordance with the procedures set forth in subsection 917.6. *(Ord. 75, 2015)*

SECTION 917. Appeals

917.1 General

917.1.1 Except as may otherwise be provided in this Code or other applicable law, the procedures for a Person to appeal any action, decision or determination by the District affecting that Person through the District's enforcement of this Code are set forth in this Section.

917.1.2 A failure by a Person to timely file an appeal under this Section shall result in a waiver of the right to administrative review and a failure to exhaust administrative remedies.

917.1.3 A Parcel Owner subject to Capacity Charges may request review of any decision by the District related to the imposition of those charges by filing an appeal pursuant to this Section; however, an appeal must be filed prior to payment of the Capacity Charges which are the subject of the appeal.

917.1.4 A Person who has been issued an Administrative Citation in accordance with Chapter 9, Section 915 may appeal the issuance of that Administrative Citation to the General Manager and Board of Directors pursuant to the procedures set forth in this Section; however, the procedures for seeking judicial review of a final decision by the Board of Directors regarding an Administrative Citation are set forth in Chapter 9, subsection 915.11.

917.2 Request for Administrative Appeal to the General Manager

917.2.1 A Person who objects to an action, decision or determination of the District affecting that Person through enforcement of this Code may file with the District Clerk a written Request for Appeal to the General Manager. A Person seeking an appeal must obtain a "Request for Appeal to the General Manager" form from the District Clerk.

917.2.2 The request must be filed within 30 days from the date of the District's action, decision, or determination. The request shall specify the action, decision or determination complained of and must include a detailed written explanation of the grounds for appeal in order for the request to be considered complete by District staff and ready for administrative review.

917.2.3 The filing of a Request for Appeal to the General Manager by a Responsible Person for a violation listed in an Administrative Citation shall stay the Responsible Person's duty to pay administrative fines and penalties related to the violation and to correct or otherwise remedy the violation until such time as there is a final decision on the matter.

917.2.4 Within 30 days of a Person filing a written request pursuant to subsections 917.2.1 through 917.2.4, and on at least 10 days written Notice of Hearing to the Person by certified, first class mail, return receipt requested and postage prepaid, the General Manager shall meet with the Person to hear the Person's objections. Within 5 days of said meeting, the General Manager shall deliver a ruling on the matter to the Person by certified, first class mail, return receipt requested, and postage prepaid. In ruling on the matter, the General Manager may, in his sole discretion, reverse or modify the District's action, decision or determination at issue and make any adjustments and impose any conditions deemed just and proper, if he finds and determines that the provisions of this Code were not properly applied to the matter under consideration.

917.2.5 The failure to file a timely and complete "Request for Appeal to the General Manager" with the District Clerk shall terminate a Responsible Person's right to administratively appeal or contest the District's action, decision or determination and a failure to exhaust administrative remedies. The Administrative Citation shall then serve as a final determination and conclusive evidence of the named Responsible Person's liability.

917.3 Request for Administrative Appeal to the District Board

917.3.1 Within 10 calendar days following the date the notice of the General Manager's ruling is served on the appellant, the appellant who initiated the Request for Appeal to the General Manager may appeal the General Manager's ruling to the District Board.

917.3.2 An appellant seeking to appeal the General Manager's ruling to the District Board shall file with the Clerk of the Board an original and two copies of a Request for Appeal to the District Board which states with particularity the grounds of appeal and the specific relief requested. The District Clerk shall note on the original Request for Appeal to the

District Board the date and time of filing and shall transmit copies of the request to the General Manager and the District's legal counsel.

917.3.3 The District Board shall conduct a hearing on the matter at a scheduled Board meeting following the appellant's filing of the Request for Appeal to the District Board, and on at least 10 days written Notice of Hearing to the appellant by certified, first class mail, return receipt requested and postage prepaid. The Notice of Hearing shall be deemed served on appellant 5 calendar days from the date the Notice of Hearing was mailed.

917.3.4 The hearing shall be conducted in accordance with the procedures set forth in Section 917.4 and any other applicable procedures and rules adopted by the District.

917.3.5 Within 14 days following the hearing, the District Clerk shall serve a copy of the Board's ruling on the matter to the appellant by certified, first class mail, return receipt requested and postage prepaid.

917.3.6 In ruling on a matter, the Board may, in its sole discretion, affirm, reverse or modify the ruling of the General Manager on the matter. In so doing, the Board may make any adjustments and impose any conditions on the appellant in order to properly apply the provisions of this Code.

917.3.7 The Board's ruling on the matter shall be final.

917.4 Administrative Appeal Procedures

917.4.1 Any proceeding by the General Manager or Board of Directors under this Section shall be conducted on the date and at the time and location specified in a duly issued notice to the appellant.

917.4.2 Prior to any proceeding before the General Manager or District Board pursuant to subsections 917.2 or 917.3, all information relevant to the proceeding shall be provided by the District staff to the General Manager or District Board, as applicable. The District staff shall also provide appellant with copies of all such relevant information.

917.4.3 During any proceeding conducted before the General Manager or District Board and pursuant to subsections 917.2 or 917.3, the appellant shall be allowed to testify, to present witnesses and to present evidence relevant to the matter at issue.

917.4.4 Written documents including, without limitation, Notices of Violation, Administrative Citations, Administrative Orders prepared by District staff concerning the matter at issue shall be accepted by the General Manager or District Board, as applicable, as prima facie evidence of the facts stated in such documents.

917.4.5 If a request is made by the appellant or a representative of the District setting forth good cause for a continuance, the General Manager or District Board, as applicable, may continue a proceeding conducted pursuant to subsections 917.2 or 917.3. The General Manager or District Board, as applicable, may also, in their independent discretion, order that a proceeding conducted pursuant to subsections 917.2 or 917.3 be continued.

917.4.6 If a continuance is granted, a new hearing date shall be set by the General Manager or District Board, as applicable, and specified in a written Notice of Continuance. The Notice of Continuance shall be served on the appellant by certified, first-class mail, return receipt requested and postage prepaid. Service of the Notice of Continuance shall be deemed served on appellant 5 calendar days from the date the Notice of Continuance was mailed. The Notice of Continuance shall be mailed to the appellant at least 5 calendar days prior to the date of the continued Administrative Hearing by certified, first class mail, return receipt requested and postage prepaid. If a continuance is denied, the General Manager or District Board, as applicable, shall proceed as scheduled. The decision of the General Manager or District Board to grant or deny a continuance shall be final and is not subject to judicial review.

917.4.7 Any proceedings before the General Manager or District Board pursuant to subsections 917.2 or 917.3 shall be conducted informally without strict adherence to the legal rules of evidence.

917.4.8 Neither the General Manager nor District Board shall be required to provide written transcripts of proceedings conducted pursuant to this Section 917, but any proceedings before the District Board shall be recorded, either audio or video, and the recording of the proceeding shall be made available for a fee not to exceed the cost to duplicate and, where applicable, deliver the recording to the requesting party by first-class mail.

917.4.9 A Person who files an appeal in accordance with this Section shall attend all scheduled proceedings related to that appeal on the date and at the time and location specified by the District in a duly issued notice. Failure by an appellant to attend a proceeding shall constitute (i) an abandonment of the appeal, (ii) an admission by the appellant that he violated any and all Code provisions at issue, (iii) an admission by the appellant that the action, decision or determination of the District is valid and enforceable; and, (iv) a failure on the part of the appellant to exhaust administrative remedies.

917.4.10 In the event an appellant fails to attend a scheduled proceeding on the date and at the time and location specified in a duly issued notice, all Administrative Fines or Penalties that are at issue, if any, shall become payable on the Effective Date of the Fine or, if the Effective Date of the Fine has elapsed, within 10 days of the date the appeal on the matter was scheduled to take place.

917.5. Notice of Decision

917.5.1 The General Manager or District Board, as applicable, shall file with the District Clerk a written Notice of Decision within 10 working days of the conclusion of any proceeding conducted pursuant to subsections 917.2 or 917.3. The decision shall list the findings in support of the decision and, where applicable, the imposition of an Administrative Fine. In the event that a Person fails to attend a scheduled proceeding, the Notice of Decision shall note that fact.

917.5.2 The Notice of Decision shall be delivered by the District to the appellant by, certified, first-class mail, return receipt requested and postage prepaid. Service of the Notice of Decision shall be deemed served on appellant 5 days from the date the Notice of Decision was mailed to the appellant.

917.5.3 Where the imposition of an administrative fine or penalty is at issue, the General Manager or District Board, as applicable, may determine that an administrative fine or penalty for a Code violation be imposed on a Person at or below the upper limit or "cap" for that violation as established in the Schedule of Fines and Penalties adopted by resolution of the District's Board of Directors. The basis for the determination shall be reflected in the Notice of Decision and include consideration of any or all of the following factors:

917.5.3.1 Magnitude of the violation;

917.5.3.2 Likelihood of violation to cause harm to persons or property;

917.5.3.3 Duration of the violation;

917.5.3.4 Effect of the violation on the District Sewerage Facilities;

917.5.3.5 Compliance history of the Responsible Person; and

917.5.3.6 Good faith of the Responsible Person where "Good Faith" is defined as the Responsible Person's honest intention to remedy noncompliance manifested by actions which give support to this intention.

917.5.4 Where there is a determination in the Notice of Decision that a Code violation cited in an Administrative Citation should be upheld, the Notice of Decision shall establish a new Effective Date of the Fine for each violation upheld, and establish the date by which the Responsible Person shall be required to correct or otherwise remedy each of those violations. The Notice of Decision shall require that applicable fines and penalties be payable to the District within 10 days of the Effective Date of the Fine stated in the Notice of Decision.

917.5.5 Where there is a determination in the Notice of Decision that a Code violation cited in an Administrative Citation should be dismissed, no Administrative fine or penalty for that violation shall be imposed, and no further action by the appellant with respect to the alleged violation shall be required. This provision shall not be construed to waive any fee or payment that would ordinarily be required pursuant to the Code.

917.6 Judicial Review

917.6.1 Purpose and Effect. Except as may otherwise be provided in this Code, this provision, in accordance with Section 1094.6 of the California Code of Civil Procedure, limits the time within which an action can be brought in Court by an appellant seeking judicial review of a final decisions by the District Board by means of administrative mandamus to ninety (90) days following the Board's final decision.

917.6.2 Judicial Review of Administrative Fines and Penalties. The procedures for seeking judicial review under this subsection are not applicable where an appellant seeks judicial review of a final decision by the District Board regarding an Administrative Citation. In that case, the appellant must follow the procedures set forth in Chapter 9, subsection 915.11.

917.6.3 Definitions. As used in this subsection, the following terms and words shall have the following meanings:

917.6.3.1 The term “Decision” shall mean final actions, decisions, ruling or determinations by the Board after an adjudicatory, administrative hearing on any enforcement action taken against a Person pursuant to this Code.

917.6.3.2 The term “Complete Record” shall mean the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager or his designee, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its offices or agents, all written evidence, and any other papers in the case.

917.6.4 Time Limit for Judicial Review. Except as otherwise provided in this Code, judicial review of any Decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure, but only if the petition for writ of mandate is filed not later than the ninetieth (90th) day following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the Decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the Decision is final for the purposes of this Section on the date that reconsideration is rejected.

917.6.5 Preparation of the Record. The complete record of the proceedings shall be prepared by the District officer or agent who made the Decision and shall be delivered to the petitioner within ninety (90) days after he has filed written request therefore. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

917.6.6 Extension. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner’s attorney of record, if appropriate. *(Ord. 75, 2015)*

SECTION 918 Variance

Notwithstanding any other provision of this Code, the District Board may grant a variance from the terms, conditions or charges set forth herein where special circumstances make it reasonable to do so.

SECTION 919 Enforcement Costs

919.1 Any Person determined to be responsible for a violation of this Code that gives rise to the need for the District to pursue an enforcement action shall be responsible for and shall reimburse to the District all the District's enforcement costs, including the costs for District staff, advisors, consultants, and legal counsel, unless waived by the District General Manager for good cause. Good cause may include severe economic hardship, significant attempts to comply with the enforcement action, and other factors indicating good faith to comply.

919.2 Collection of Enforcement Costs. Enforcement costs that have not been timely paid by a Person as required by this Section may be added to and become part of the charges fixed by the District for sewer services furnished to the Parcel subject to the enforcement action. Those charges, inclusive of enforcement costs, may be collected by any of the means for collection of sewer service charges set forth in Chapter 3, Section 303 of this Code. (Authority: Health and Safety Code Section 5473 et seq., Health and Safety Code Section 6523.3)

Chapter 10
Unpermitted Connection

SECTION 1000. Purpose

The purpose of this Chapter is to establish policies and procedures regarding Unpermitted Connections to the Ojai Valley Sanitary District Sewer System in accordance with statutory authority contained in: (a) the Sanitary District Act of 1923, Article 1 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code, Section 6400 et seq. and (b) Article 4 of Chapter 6 of Part 3 of Division 5 of the Health and Safety Code, Section 5470 et seq. *(Ord. 69, 2012)*

SECTION 1001. Responsible Party

The Owner of the Parcel upon which an Unpermitted Connection is located shall be solely responsible for complying with all District requirements governing that Unpermitted Connection, including, but not limited to, the requirements set forth in this Chapter.

For purposes of applying the policies and procedures set forth in this Chapter, it is presumed that a given Unpermitted Connection existed on the date that the current Parcel Owner became Owner. The Owner may rebut that presumption by presenting the District with credible evidence that the Unpermitted Connection came into existence on some later date; whether the evidence presented is sufficient to rebut the presumption is a matter to be determined in the sole discretion of the District.

SECTION 1002. Fees and Charges for Unpermitted Connections

Within forty-five (45) days of being served with a "Notice of Violation" for an Unpermitted Connection, a Parcel Owner shall, in writing, elect either of the Payment Options set forth below.

Any documentation required by a Payment Option must be provided to the District by the Parcel Owner within the forty-five day period.

If a Parcel Owner fails to elect a Payment Option within forty-five days of receiving a "Notice of Violation" for an Unpermitted Connection, the Parcel Owner shall be deemed to have elected Payment Option One, and will be charged accordingly. *(Ord. 66, 2011)*

1002.1 Payment Option One

Under Payment Option One, the Parcel Owner shall pay the total of the fees and charges set forth below. The Parcel Owner shall pay a ten percent (10%) basic penalty plus accrued interest on all amounts due for Connection Fees, Capacity Charges and Sewer Service Charges. Interest charges shall be based upon the average interest rate earned by District funds invested in the Ventura County Investment Pool during the applicable time period.

Notwithstanding the foregoing, a Parcel Owner who is responsible for an Unpermitted Connection shall not be charged applicable penalties or interest related to that Unpermitted Connection, provided that (i) the Owner voluntarily reports the Unpermitted Connection to the District within three (3) years of purchasing the Parcel, and (ii) the Unpermitted Connection has not been subject to any prior enforcement action by the District, including, without limitation, the service of a Notice of Violation by the District on any of the Parcel Owner's predecessors-in-interest. *(Ord. 66, 2011) (Ord. 69, 2012)*

1002.1.1 The Connection Fees and Capacity Charges in effect on the date the District served the Owner with a "Notice of Violation" for the Unpermitted Connection; and *(Ord. 66, 2011)*

1002.1.2 Past, unpaid sewer service charges, not to exceed a total of three (3) years, back-charged from the date the District served the Owner with a "Notice of Violation" for the Unpermitted Connection. The number of years to be back-charged shall be the **lesser** of the following: *(Ord. 66, 2011)*

1002.1.2.1 Three years; or *(Ord. 66, 2011)*

1002.1.2.2 The number of years from the date the Parcel Owner became Record Owner of the Parcel to the date the Parcel Owner was served with a "Notice of Violation"; or *(Ord. 66, 2011)*

1002.1.2.3 Provided the Unpermitted Connection was constructed by the current Parcel Owner, the number of years from the date the Unpermitted Connection was constructed to the date the Parcel Owner was served with a "Notice of Violation." The date of construction must be established by the Parcel Owner based upon documentation from the District or another public agency establishing said construction date; and *(Ord. 66, 2011)*

1002.1.3 All fees and charges required by this Code and other applicable rules and regulations for authorization and permitting of connections to the District's Sewer System; and *(Ord. 66, 2011)*

1002.1.4 Costs incurred by the District to correct a violation of this Code and other applicable rules and regulations, as specified in Section 1003.*(Ord. 66, 2011)*

1002.2 Payment Option Two

Under Payment Option Two, the Parcel Owner shall pay the total of the fees and charges set forth below. The Parcel Owner shall pay a ten percent (10%) basic penalty plus accrued interest on all amounts due for Connection Fees, Capacity Charges and Sewer Service Charges. Interest charges shall be based upon the average interest rate earned by District funds invested in the Ventura County Investment Pool during the applicable time period.

Notwithstanding the foregoing, a Parcel Owner who is responsible for an Unpermitted Connection shall not be charged applicable penalties or interest related to that Unpermitted Connection, provided that (i) the Owner voluntarily reports the Unpermitted Connection to the District within three (3) years of purchasing the property, and (ii) the Unpermitted Connection has not been subject to any prior enforcement action by the District, including, without limitation, the service of a Notice of Violation by the District on any of the Parcel Owner's predecessors-in-interest. *(Ord. 66, 2011) (Ord. 69, 2012)*

1002.2.1 Connection Fees and Capacity Charges in effect on the earliest of the following dates: *(Ord. 66, 2011)*

1002.2.1.1 The date the Parcel Owner became Record Owner of the subject Parcel; or *(Ord. 66, 2011)*

1002.2.1.2 Provided the Unpermitted Connection was constructed by the current Parcel Owner, the date the Unpermitted Connection was constructed. The date of construction must be established by the Parcel Owner based upon documentation from the District or another public agency establishing said construction date; and *(Ord. 66, 2011)*

1002.2.2 All past, unpaid annual Sewer Service Charges from the date established under 1002.2.1; and *(Ord. 66, 2011)*

1002.2.3 All fees and charges required by this Code and other applicable rules and regulations for authorization and permitting connections to the District's Sewer System; and *(Ord. 66, 2011)*

1002.2.4 Costs incurred by the District to correct a violation of this Code and other applicable rules and regulations, as specified in Section 1003. *(Ord. 66, 2011)*

SECTION 1003. District Costs to Correct an Unpermitted Connection

An Unpermitted Connection violates this Code and the Owner of the Parcel upon which an Unpermitted Connection is located shall be responsible for certain costs incurred by the District to correct that violation.

The categories of tasks to correct an Unpermitted Connection and the costs related to each of those tasks shall vary from case to case. Accordingly, the total cost to correct an Unpermitted Connection for which an Owner shall be responsible will vary from case to case. Total costs to correct an Unpermitted Connection may include attorney's fees incurred by the District for related negotiations, consultations and document preparation.

Pursuant to Health and Safety Code Section 6523.3, the District shall have such remedies for the collection of costs to correct violations of this Code and other District regulations as it has for the collection of Sewer Service Charges, including, but not limited to, collection on the Assessor's tax roll for the County of Ventura. Alternatively, the District may require that all costs of correction shall be paid in full by the Owner prior to, and as a condition of, the District authorizing and permitting the Parcel Owner to connect the offending structure to the District Sewer System.

The District's remedies under this Section are an alternative to, and not in limitation of, any other lawful remedies.

Nothing in this Section shall be construed as relieving an Owner from responsibility for other fees, charges, penalties, expenses, losses or damages related to the District authorizing and permitting a sewer connection under this Code or other applicable law.

SECTION 1004. Notice of Alleged Violation & Request for Site Inspection

Where the District possesses competent and credible information that an Unpermitted Connection may exist on a Parcel, the District shall send the Owner a "Notice of Alleged Violation & Request for Site Inspection." The "Notice of Alleged Violation & Request for Site Inspection" shall describe the alleged violation, the grounds for the allegation, and provide the Owner ten (10) working days to contact the District in order to discuss the matter and schedule an onsite inspection.

The "Notice of Alleged Violation & Request for Site Inspection" shall state the total District fees, charges, penalties and costs that the Owner may be required to pay if the alleged Unpermitted Connection is confirmed and provide a "Schedule of Fees, Charges, Penalties and Costs Related to Alleged Unpermitted Connection" detailing those same fees, charges, penalties and costs.

The "Notice of Alleged Violation & Request for Site Inspection" shall notify the Owner of his right to enter into an "Agreement to Cease an Unpermitted Connection" pursuant to Section 1014.

If the Owner does not respond to the "Notice of Alleged Violation & Request for Site Inspection" within thirty (30) days, the District may seek an inspection warrant as set forth in Section 1005.

In addition to obtaining the consent of the Owner to conduct a site inspection, the District shall, as required, obtain from persons other than the Owner written consent to inspect the subject property or portions thereof. Should that consent be withheld, the District may seek an inspection warrant as set forth in Section 1005.

SECTION 1005. Right to Inspect

Pursuant to Health and Safety Code Section 6523.2, in order to affect its powers, the District may enter private property owned or occupied by any person in the District for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including inspection of sanitary and waste disposal facilities for possible violations of District ordinances.

Except in emergency situations that pose a threat to public health, safety and property, no authorized official of the District may enter private property owned or occupied by any person in the District without providing that person at least twenty-four (24) hours' written notice of the authorized official's intention to inspect. The written notice transmitted shall state that the person has the right to refuse entry and that, in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant by a duly authorized magistrate pursuant to Code of Civil Procedure Section 1822.50.

In the event that consent to enter private property is withheld by a person after such request has been made by the District, the District official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining an inspection warrant for such entry pursuant to the procedures set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure.

The above twenty-four (24) hour notice requirement shall not apply to any inspection where the authorized official conducts the observations and inspection while within any public right-of-way.

All District inspections under this provision shall be conducted in compliance with the District's inspection policies.

SECTION 1006. Notice of Violation

Following an inspection conducted pursuant to Section 1004 or Section 1005 of this Chapter, the District's authorized inspector shall file with the District Clerk a written inspection report setting forth his/her findings. If, based on a review of those written findings, the General Manager or his/her authorized designee determines that an Unpermitted Connection exists for which the Parcel Owner is responsible, the District shall either enter into an "Agreement to Cease the Unpermitted Connection" with the owner pursuant to Section 1014 of this Chapter or, by certified mail or personal service, serve upon the Owner a "Notice of Violation." The notice of Violation shall: *(Ord. 66, 2011)*

1006.1 State the nature of the violation; *(Ord. 66, 2011)*

1006.2 State the grounds for the violation; *(Ord. 66, 2011)*

1006.3 Provide contact information by which the Owner may contact the District regarding the "Notice of Violation," including the name, telephone number and mailing address of the General Manager; *(Ord. 66, 2011)*

1006.4 State the total amount that the Owner must pay the District to correct the violation, and provide a "Schedule of Fees, Charges, Penalties and Costs Related to Unpermitted Connection" detailing those same fees, charges, penalties and costs; *(Ord. 66, 2011)*

1006.5 Advise that correction of the violation requires the Owner to pay the District the specified fees, charges, penalties and costs related to the Unpermitted Connection within sixty (60) days from the date the Owner was served with the Notice of Violation; *(Ord. 66, 2011)*

1006.6 Advise that the Owner has a right to a hearing and appeal on the matter and describe the process by which the Owner may request a hearing and appeal; *(Ord. 66, 2011)*

1006.7 Advise that, if the Owner does not pay the amount specified in the "Notice of Violation" within sixty (60) days from the date of service, then that amount shall be considered delinquent and unpaid charges subject to collection as part of the annual taxes next levied on the subject property, and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing the annual taxes; *(Ord. 66, 2011)*

1006.8 Advise that, in the event the Owner seeks a hearing and/or appeal on the matter resulting in a final determination in favor of the District, the Owner must pay the District the amount specified in that final determination within sixty (60) days of receiving notice of the determination. If the Owner does not pay the amount specified in the District's final determination within sixty (60) days of receiving notice of the determination, then that amount shall be considered delinquent and unpaid charges subject to collection as part of the annual taxes next levied on the subject property, and shall constitute a lien on that property as of the same time and in the same manner as does the tax lien securing the annual taxes; and, *(Ord. 66, 2011)*

1006.9 Advise that, in lieu of paying the District the amount specified in the Notice of Violation, the Owner may enter into an "Agreement to Cease an Unpermitted Connection" pursuant to Section 1014. *(Ord. 66, 2011)*

SECTION 1007. Extension of Time to Comply; Waiver of Penalties and Interest

1007.1 Time Extension. Without prior approval or subsequent ratification by the District's Board of Directors, the District's General Manager may grant an extension of time for a Parcel Owner to respond to a "Notice of Alleged Violation & Request for Site Inspection" or a "Notice of Violation" issued pursuant to this Chapter where special circumstances make it reasonable to do so.

1007.2 Waiver of Fines, Penalties and Interest. Without prior approval or subsequent ratification of the District's Board of Directors, the District's General Manager may waive any or all penalties and accrued interest that may be imposed on a Parcel Owner pursuant to subsections 1002.1 or 1002.2 Unpermitted Connection where special circumstances make it reasonable to do so. *(Ord. 75, 2015)*

SECTION 1008. Appeals

Any Owner, who receives a "Notice of Violation" pursuant to this Chapter may appeal the matter in accordance with the procedures set forth in Chapter 9, Section 917. *(Ord. 75, 2015)*

SECTION 1009. Collection

1009.1 As an alternative to, and not in limitation of, any other lawful collection procedures, all Capacity Charges, Sewer Service Charges, Sewer System-Related Service Fees, District costs, Administrative Fines or Penalties, and other penalties or accrued interest imposed on a Parcel Owner in accordance with the provisions of this Chapter may be collected by any of the procedures set forth in Chapter 3, Section 303.

1009.2 Alternative Capacity Charge Collection Procedure.

Notwithstanding any other provision of this Code, and as an alternative to, and not in limitation of, any other lawful collection procedures, the District may, in accordance with Health and Safety Code Section 5474 et seq., as that Section may be amended or superseded, (1) provide for the payment of any Connection Fees and Capacity Charges required by this Chapter in installments, (2) provide for the rate of interest on such installments, and (3) provide that the amount of the fees or charges and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected. *(Ord. 67, 2011)*

1009.2.1 Deferred Payment of Capacity Charges.,

At the sole and absolute discretion of the District Board, the District may allow the Parcel Owner responsible for an Unpermitted Connection to, in accordance with Health and Safety Code Section 5474 *et seq.* and this Section enter into a written "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges" ("Agreement").

The Agreement shall provide for the payment of Connection Fees and Capacity Charges required by this Chapter in installments, the rate of interest on such installments, and that the amount of the installments and the interest thereon shall constitute a lien against the Parcel to which the District's facilities are connected.

An Agreement shall require that the Parcel Owner make an initial annual installment payment directly to the District upon execution of the Agreement, and that all subsequent annual installments shall be paid at the time and in the manner specified in Health and Safety Code Section 5474 *et seq.* An Agreement shall be recorded in the Official Records of the County of Ventura, California.

A Parcel Owner may not simultaneously be party to more than one "Agreement for Deferred Payment of Ojai Valley Sanitary District Capacity Charges," and no single Agreement shall defer payment of more than two (2) Capacity Units.

A Parcel Owner desiring to enter into an Agreement may be required to provide the District with personal and property related information. The information required shall be determined by the District General Manager on a case-by-case basis, and may include, without limitation, Parcel Owner credit history, preliminary title reports and development plans and specifications. All costs to provide said information shall be borne by the Parcel Owner.

Where the District Board elects to exercise its discretion to enter into an Agreement the number of installments and rate of interest on such installments set forth in the Agreement shall be based on the Parcel Owner's choice of one of the following alternative payment schedules: *(Ord.67, 2011) (Ord. 69, 2012)*

1009.2.1.1 Alternative Payment Schedule One.

Payment of all applicable Connection Fees and Capacity Charges plus penalties in installments over a period of five (5) years at a zero percent (0%) annual interest rate; or

1009.2.1.2 Alternative Payment Schedule Two:

Payment of all applicable Connection Fees and Capacity Charges plus penalties in installments over a period of ten (10) years at a five percent (5%) annual interest rate; or

1009.2.1.3 Alternative Payment Schedule Three:

Payment of all applicable Connection Fees and Capacity Charges plus penalties in installments over a period of fifteen (15) years at seven percent (7%) annual interest rate. *(Ord.67, 2011) (Ord. 69, 2012)(Ord. 75, 2015)*

SECTION 1010. Board Relief

When application of the provisions set forth in this Chapter to an Owner is unwarranted as a result of special circumstances unique to that Owner and not common among other Owners similarly situated, the Board, on its own motion, may modify or suspend the application of said provisions as to that Owner for the period during which the special circumstances exist.

SECTION 1011. Remedies Cumulative

The remedies set forth in this Chapter are in addition to, and not in limitation of, remedies otherwise available to the District under this Code, other District ordinances, rules or regulations, or other applicable local, state and federal law.

SECTION 1012. Phased Implementation Program *(Repealed Ord. 75, 2015)*

SECTION 1013. Repayment Agreement

The District is authorized to enter into a repayment agreement or other financing mechanism with any Owner held financially responsible for an Unpermitted Connection under this Chapter. The terms of that repayment agreement or other financing mechanism must comply with District rules and regulations governing such matters, as well as other applicable local, state and federal law. An Owner's request that the District enter into a repayment agreement or other financing mechanism pursuant to this provision, shall not create any obligation or duty on the part of the District to either negotiate or execute a repayment agreement or other financing mechanism with that Owner.

SECTION 1014. Agreements to Cease an Unpermitted Connection

1014.1 Notwithstanding any other provision set forth in this Chapter, where the District determines that an Owner is responsible for an Unpermitted Connection, the District and the Owner may enter into an "Agreement to Cease an Unpermitted Connection." *(Ord. 66, 2011)*

1014.2 An "Agreement to Cease an Unpermitted Connection" may provide that, in lieu of paying the District applicable fees, charges, penalties, and costs related to correcting an Unpermitted Connection, the Owner shall, at the Owner's sole expense, take specified actions resulting in the Parcel's connection to the District's Sewer System no longer satisfying the District's definition of an Unpermitted Connection. *(Ord. 66, 2011) (Ord. 69, 2012)*

1014.3 The District shall determine, in its sole discretion, whether to enter into an "Agreement to Cease an Unpermitted Connection" with a particular Owner and the terms and conditions of that agreement. The factors that the District may consider in making those determinations will vary on a case-by-case basis. The District's decision whether or not to enter into an "Agreement to Cease an Unpermitted Connection" shall be final.

An "Agreement to Cease an Unpermitted Connection" shall contain the following provisions: *(Ord. 66, 2011)*

1014.3.1 A provision requiring the Owner, at the Owner's sole expense, to take specified actions resulting in the Parcel's connection to the District's Sewer System no longer satisfying the District's definition of an Unpermitted Connection; and *(Ord. 66, 2011) (Ord. 69, 2012)*

1014.3.2 A provision requiring that the "Agreement to Cease an Unpermitted Connection" be recorded in the Official Records of the County of Ventura, California; and *(Ord. 75, 2015)*

1014.3.3 A provision requiring the Owner to notify the District prior to transferring any interest in the subject parcel to a third party, including, but not limited to, a fee title or leasehold interest; and *(Ord. 66, 2011)*

1014.3.4 A provision requiring that all applicable fees, charges, penalties and costs shall become immediately due and payable to the District should the District confirm that the Owner has re-established an Unpermitted Connection; and *(Ord. 66, 2011)*

1014.3.5 A provision requiring the Owner to pay all expenses, damages, losses and costs, including, but not limited to, reasonable attorney's fees, incurred by the District in enforcing the terms of the "Agreement to Cease an Unpermitted Connection;" and *(Ord. 66, 2011)*

1014.3.6 A provision requiring the Owner to pay the District all District costs to correct the Unpermitted Connection as defined in Section 1003; and, *(Ord. 66, 2011)*

1014.3.7 Any other provision that may be required by the District. *(Ord. 66, 2011)*

SECTION 1015. Collection of Unpaid Annual Sewer Service Charges Due to the District's Inadvertent Failure to Bill an Owner for Sewer Service Provided to a Permitted Single Dwelling Unit.

Where the District inadvertently fails to bill an Owner for sewer service rendered to a permitted connection to the District's Sewer System, that owner shall not be required to pay any past, unpaid annual sewer service charges, but shall be required to pay, at the time and in the manner lawfully prescribed by the District, sewer service charges for the current fiscal year as well as all future annual sewer service charges. *(Ord. 66, 2011) (Ord. 69, 2012)*

SECTION 1016. Effect of District Actions

Any action taken by the District to authorize and permit a structure's connection to the District's sewer system or to otherwise bring a structure into compliance with this Code or other applicable District ordinances, rules and regulations, shall not relieve the Owner of responsibility for obtaining other local, state and federal permits and/or approvals pertaining to that structure or guarantee the safety of the structure for any purpose. It is the sole responsibility of the Owner, and not the responsibility of the District, to make certain that the subject structure is in compliance with all applicable local, state and federal laws, rules and regulations.

Chapter 11

Regulation of Industrial User's Discharge

SECTION 1100. General Provisions

The purpose of this Chapter is to set forth uniform requirements for direct and indirect use of the District Sewerage System by Industrial Users to comply with applicable Federal and State standards established in the Porter-Cologne Water Quality Control Act (California Water Code, Division 7), the Clean Water Act (33 United States Code Section 1251 *et seq.*) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations Part 403) and all related and applicable Federal, State or local regulations and grant conditions, as they are now constituted, or as they may be hereafter amended, codified or re-codified.

SECTION 1101. Definitions

For purposes of this Chapter 11, the following terms and phrases shall have the meanings hereinafter designated. Where there is a conflict between the definitions in this Section 1101 and the definitions in Chapter 1, subsection 101.10, this Section shall control. If the application of any definition set forth in this Code of Regulations to a specific situation is without utility or creates ambiguity, reference may also be made to the definitions of the Uniform Plumbing Code, Standard Methods, the Act, and the Code of Federal Regulations to resolve the issue created.

1101.1 Act or The Act: The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, *et seq*.

1101.2 Applicant: The User applying to the District for permission to connect any Sewer or Plumbing System to the District Sewerage System or to modify an existing Sewer or Plumbing System. The Applicant shall be the Owner of the Premises for which permission is requested or the Authorized or Duly Authorized Representative of the User. An Applicant may also be a Person submitting an application for an Industrial Wastewater Discharge Permit or other permits issued by the District.

1101.3 Approval Authority: The United States Environmental Protection Agency, the California State Water Resources Control Board or the Los Angeles Regional Water Quality Control Board.

1101.4 Authorized or Duly Authorized Representative of the User [40 CFR Section 403.12(l)]:

1101.4.1 If the User is a corporation:

1101.4.1.1 The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other Person who performs similar policy or decision-making functions for the corporation; or

1101.4.1.2 The manager of one or more manufacturing production, or operating facilities, provided:

1101.4.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations;

1101.4.1.2.2 The manager is authorized to initiate and direct other comprehensive measures to assure long-term compliance with environmental laws and regulations;

1101.4.1.2.3 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Permit requirements; and

1101.4.1.2.4 The manager has been assigned or delegated authority to sign documents in accordance with corporate procedures.

1101.4.2 If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.

1101.4.3 If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

1101.4.4 The individuals described in subsections 1101.4.1 through 1101.4.3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the District.

1101.5 Best Management Practices or BMPs [40 CFR Section 403.3(e)]**:** Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that help to implement the prohibitions listed in subsections 1103.2.1 and 1103.2.2 of this Chapter. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) of complying with, or in place of, certain established Categorical Pretreatment Standards and Effluent limits.

1101.6 Biochemical Oxygen Demand: The quantity of oxygen, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter as determined by the appropriate procedures set forth in “Standard Methods.”

1101.7 Blowdown: The Discharge of water with high concentrations of accumulated solids from boilers and condensate.

1101.8 Board of Directors: The Governing Board of Directors of the District, which may also be referred to as the “Board.”

1101.9 Building: Any structure used for human habitation or place of business, recreation or other purpose containing sanitary facilities.

1101.10 Categorical Pretreatment Standards or Categorical Standard: Any regulation containing Pollutant Discharge limits promulgated by EPA in accordance with 33 USC 1317

Sections 307(b) and (c) that apply to a specific category of Users and which appear in 40 CFR 405-471.

1101.11 Cesspool: A lined excavation in the ground made for receiving Sewage and so constructed that the solid matter is retained and the liquid portion is permitted to seep away.

1101.12 Chemical Oxygen Demand: The measurement of Wastewater strength in terms of the total quantity of oxygen required for oxidation of organic matter as determined by the appropriate procedure set forth in "Standard Methods."

1101.13 Chlorine Demand: The difference between the amount of chlorine added to sample of Wastewater and the amount remaining at the end of a 30 minute period, as determined by the appropriate procedures set forth in "Standard Methods."

1101.14 Code of Federal Regulations ("CFR"): A publication of the United States government that contains finalized Federal regulations.

1101.15 Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only Pollutant added is heat.

1101.16 Compatible Pollutant: Biochemical Oxygen Demand, organic carbon, suspended solids, ammonia nitrogen, and total coliform bacteria, plus additional Pollutants identified in the District's National Pollutant Discharge Elimination System (NPDES) Permit if the District Sewage Treatment Plant was designed to treat such Pollutants and if such Pollutants do not interfere with the operations of the District Sewerage System and if, in fact, the District Sewage Treatment Plant does remove such Pollutants to a substantial degree.

1101.17 Compliance Schedule: The time period allowed by the General Manager for a User to comply with Permit conditions, or prohibitions, limitations, and/or requirements of this Chapter or any other order issued by the District, General Manager or other governing authority.

1101.18 Composite Sampling: A combination of individual samples of Wastewater taken at selected intervals, in time or volume, to minimalize the variability of the individual sample.

1101.19 Contractor: An individual, firm, corporation, partnership or association duly licensed by the State of California to perform a specified type of work for the District.

1101.20 Control Authority: The District.

1101.21 Direct Discharger: Any facility which is directly connected to the District Sewerage System.

1101.22 Discharge: The introduction of Wastewater into the District Sewerage System by any Industrial User.

1101.23 Discharger: Any Industrial User that causes a Discharge of Wastewater to the District Sewerage System.

1101.24 District: The Ojai Valley Sanitary District of Ventura County, California, a sanitary district organized and existing under the laws of the State of California.

1101.25 General Manager: Person appointed by the Board of Directors to administer and enforce the rules and regulations of the District. The General Manager may also be referred to as the General Manager.

1101.26 District Service Area: The territory served by the District Sewerage System including all Premises within the boundaries of the District which are now served by the District Sewerage System or may be required by this Code of Regulations or other District regulation to be connected to the District Sewerage System.

1101.27 District Sewerage System: The existing collecting system of sewers, appurtenances, pumping stations, treatment works, means of disposal of effluent and sludge, and all other works necessary to complete the collection, treatment and disposal of Sewage by the District, which collecting system is acquired, constructed and financed with funds derived from the sale of revenue bonds, general obligation bonds, or otherwise, together with all improvements and extensions to said system later constructed or acquired.

1101.28 Domestic Wastewater: Wastewater, including domestic septic system waste, from private residences and Wastewater from other Premises resulting from the use of water for personal washing, sanitary purposes or the Discharge of human excrement and related matter.

1101.29 Easement: A property right, however created, entitling the owner of the right to make specified use of real property owned by another.

1101.30 Effluent: the Wastewater or other liquid, untreated, partially treated, or completely treated, flowing to a reservoir, basin, treatment process, collection system, treatment plant, or receiving stream.

1101.31 Existing Source: Any source of Discharge that is not a New Source.

1101.32 Fee: Any charge made to the Discharger for the use, or continued use, of the District Sewerage System and shall include, but not be limited to, connection or tap fees, sewer service charges, industrial or liquid waste permit fees, user charges, excess capacity connection charges, industrial or liquid waste treatment surcharges, industrial or liquid waste treatment capacity charges, treatability charges, unusual industrial waste charges, testing laboratory charges, waste haulers permit fees, and oversize sewer charges, and noncompliance fines or penalties.

1101.33 Garbage: The putrescible animal and vegetable Waste resulting from the handling, preparation and consumption of foods.

1101.34 General Manager: Person appointed by the Board to administer and enforce the rules and regulations of the District. The General Manager may also be referred to as the General Manager.

1101.35 Grab Sample: Any individual sample collected in a short period of time not exceeding 15 minutes. “Grab Samples” shall be collected during normal peak loading conditions for the parameter of interest, which may or may not be hydraulic peaks.

1101.36 Gravity Separation Device: A device for retaining sand, silt, grit, mineral material, petroleum solvent, grease or oil by gravity differential separation from wastewater and of a design and capacity as determined by the current edition of “Uniform Plumbing Code.”

1101.37 Grease: As defined in “Standard Methods” including, but not limited to, waxes, fats, oils, and other non-volatile materials tested as determined by appropriate procedures.

1101.38 Grease Trap (Grease Interceptor or Interceptor): A pretreatment device designed in compliance with the current Uniform Plumbing Code or to other specifications as may be required by the District. A Grease Trap (Interceptor) is installed to separate and retain most Grease so that it does not enter the District Sewerage System. A larger Grease Trap is commonly known as a Grease Interceptor or Interceptor.

1101.39 Ground Garbage: Residue resulting from the preparation, cooking and dispensing of food, which residue has been shredded to such a degree that all particles will be carried freely in suspension under the flow conditions normally prevailing in District Sewerage System, with no particle greater in size than one half inch in any dimension.

1101.40 Indirect Discharge or Discharge [40 CFR Section 403.3(i)]: The introduction of Pollutants into the District Sewerage System by any non-domestic source regulated under Section 307 (b), (c) and (d) of the Act.

1101.41 Industrial User: A non-domestic source of Indirect Discharge or Discharge regulated under Section 307(b), (c) or (d) of the Act. An Industrial User includes, without limitation, those producing, manufacturing, processing, institutional, commercial, agricultural or similar operations that directly or indirectly discharge Industrial or Non-Domestic Waste into the District Sewerage System.

1101.42 Industrial Waste: Any Pollutant that is discharged, flowing or permitted to escape into the District Sewerage System from any source including, without limitation, producing, manufacturing, processing, institutional, commercial, agricultural or similar operation engaged in the development, recovery or processing of any material resource.

1101.43 Industrial Wastewater: Liquid and water-carried Industrial Waste, whether treated or untreated, which enters into the District Sewerage System with or without an Industrial Wastewater Discharge Permit.

1101.44 Industrial Wastewater Discharge Permit. A conditional, written authorization issued by the District permitting an Industrial User to Discharge Industrial Wastewater into the District Sewerage System. An Industrial Wastewater Discharge Permit may also be referred to as an “IWDP.”

1101.45 Inspector: District personnel or Contractors authorized by the District to inspect facilities generating, conveying, processing, storing and/or discharging materials, Waste or Wastewater into the District Sewerage System.

1101.46 Interceptor Sewer. A closed conduit whose primary purpose is to transport, rather than collect, Wastewater.

1101.47 Interference [40 CFR Section 403.3(i)]: The Discharge by an Industrial User which, alone or in conjunction with a Discharge from other sources, inhibits or disrupts the District's Sewage Treatment Plant, its treatment processes or operations, or its sludge processes, use or disposal and which is a cause of a violation of any requirement of the District National Pollution Discharge Elimination Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sludge use or disposal by the District Sewage Treatment Plant in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any of the State's sludge management plans prepared pursuant to Subtitle D or the SWDA), the Clean Air Act, the Toxic Substance Control Act and the Marine Protection Research and Sanctuaries Act. (Federal Pretreatment Regulations 40 CFR Section 403.3(i).)

1101.48 Lateral: A Sewer beginning at the foundation wall of any Building or structure and terminating at the District Sewerage System, which sewer connects the Building or structure to the District Sewerage System. The Lateral includes the connection facility by which the Lateral is connected to the District Sewerage System. A Lateral may also be referred to as a Side Sewer.

1101.49 Liquid Waste: The Discharge from any plumbing fixture which does not receive fecal matter.

1101.50 Local Limits: Specific Discharge limits developed and enforced by the District upon Industrial Users to implement the general and specific Discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

1101.51 Local Sewer: The portion of the District Sewerage System which directly receives Wastewater from the Lateral of a Discharger.

1101.52 Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

1101.53 National Categorical Pretreatment Standard or Categorical Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 401 - 471.

1101.54 National Pretreatment Standard: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR Section 403.5.

1101.55 National Pollution Discharge Elimination System (NPDES) Permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

1101.56 New Source [40 CFR Section 403.3(m)]:

1101.56.1 Any Building, structure, facility or installation from which there is (or may be) a Discharge of Pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the new source meets the definition in 40 CFR 403.3(m):

1101.56.1.1 The Building, structure, facility, or installation is constructed at a site at which no other source located; or

1101.56.1.2 The Building, structure, facility, or installation totally replaces the process or production equipment that causes the Discharge of Pollutants at an Existing Source; or

1101.56.1.3 The production or Wastewater generating processes of the Building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

1101.56.2 Construction on a site at which an existing source is located results in a modification rather than a New Source, if the construction does not create a new Building, structure, facility, or installation meeting the criteria of paragraphs 1101.56.1.2 or 1101.56.1.3 of this subsection but otherwise alters, replaces, or adds to existing process or production equipment.

1101.56.3 Construction of a New Source as defined under this paragraph has commenced if the Owner or operator has:

1101.56.3.1 Begun, or caused to begin, as part of a continuous onsite construction program:

1101.56.3.1.1 Any placement, assembly, or installation of facilities or equipment; or

1101.56.3.1.2 Significant site preparation work including clearing, excavation, or removal of existing Buildings, structures, or facilities which is necessary for the placement, assembly installation of New Source facilities or equipment; or

1101.56.3.2 Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

1101.57 Non-Compatible Pollutant: Any Pollutant which is not a Compatible Pollutant.

1101.58 Non-Contact Cooling Water: Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

1101.59 Nuisance. Anything which 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.

1101.60 Owner: A part owner, joint owner, tenant, tenant in common, or joint tenant of the whole of part of a Building or property. Owner is also a Person owning, in whole or part, fee title to any Premises as shown by the Official Records of the County Recorder of Ventura County and ultimately responsible for the payment of Fees related to the connection of the Premises to the District Sewerage System.

1101.61 Pass Through [40 CFR 403.3(p)]: A Discharge which exits the District's Sewage Treatment Plant into the Waters of the United States in quantities or concentrations which, alone or in conjunction with a Discharge or Discharges from other sources, is a cause of a violation of any requirement of the District NPDES permit, including an increase in the magnitude or duration of the violation.

1101.62 Peak Flow Rate: The maximum Discharge rate over a 30 minute period between the hours of 8:00 a.m. and 10:00 p.m. and determined by averaging a maximum of ten substantiated Peak Flow Rate measurements of the accrual period in gallons per minute; in the absence of actual Peak Flow Rate data, Peak Flow Rate may be computed in the manner set forth in the District's specifications.

1101.63 Permit: Any written authorization required by the District for connection to and use of the District Sewerage System in accordance with this this Chapter, the District Code of Regulations or other applicable Federal, State or local law or regulation.

1101.64 Person: Any individual, partnership co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal representatives, agents, or assigns.

1101.65 pH: The logarithm (base 10) of the reciprocal of the hydrogen ion concentration expressed in moles per liter as determined by the appropriate procedures set forth in "Standard Methods."

1101.66 Plumbing System: All plumbing fixtures and traps, or soil, waste, special waste and vent pipes, and all sanitary sewer pipes within a Building and extending to the Building's Lateral connection.

1101.67 Pollutant: Any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, Radioactive Materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and Industrial Wastes, and certain characteristics of Wastewater including, without limitation, pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.

1101.68 Polluted Water: Any water altered in quality by Waste to a degree which unreasonably affects: (1) the water for beneficial use; or (2) the facilities which serve the beneficial use. The term "Polluted Water" may include "Contaminated Water."

1101.69 Pollution: The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

1101.70 Premises: With reference to the District Sewerage System, any lot, or any piece or parcel of land comprising two or more lots of record in one ownership or any Building or other structure or any part of any Building or structure used or useful for human habitation or gathering or for carrying on a business or occupation or any commercial or industrial activity.

1101.71 Pretreatment: The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the District Sewerage System. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or Slug Loadings that might interfere with or otherwise be incompatible with the POTW. However, where Wastewater from a regulated process is mixed in an equalization facility with unregulated Wastewater or with Wastewater from another regulated process, the Effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Section 403.6(e).

1101.72 Pretreatment Facility: Any works or device for the treatment or flow limitation of Sewage, Liquid Waste or Industrial Waste prior to Discharge into the District Sewerage System to allow a User to comply with Effluent limits.

1101.73 Pretreatment Requirements: Any substantive or procedural requirement related to Pretreatment, other than a National Pretreatment Standard, imposed on a User.

1101.74 Pretreatment Standard: Prohibited Discharge Standard, Categorical Pretreatment Standards, and/or Local Limits.

1101.75 Private Sewage Disposal System: A Septic Tank, Cesspool, Seepage Pit (along with appurtenant piping and/or leach fields) or other such facilities used for the disposal of Sewage and not connected with a Public Sewer.

1101.76 Process Wastewater: Any water, which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product from any industrial, commercial, institutional, or agricultural source.

1101.77 Prohibited Discharge Standards: Absolute prohibitions against the Discharge of certain substances as may be specified in this Chapter or other applicable Federal, State or local law or regulation.

1101.78 Public Sewer: A common Sewer lying within a public way or an Easement which is controlled by or under the jurisdiction of the District and which receives Wastewater flows from Buildings or structures connected thereto.

1101.79 Publicly Owned Treatment Works ("POTW") [40 CFR 403.3(q)]: A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the District. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of Sewage or Industrial Wastes of a liquid nature and any conveyances which convey Wastewater to the District Sewage Treatment Plant.

1101.80 Radioactive Material: Material with chemical elements that spontaneously change their atomic structure by emitting any particles, rays or energy forms in excess of normal background radiation.

1101.81 Sampling Well: An approved opening to a Lateral or the District Sewerage System for the purpose of inspection, sampling and/or flow measurement.

1101.82 Sanitary Sewer: A conduit that conveys Sewage, Industrial Wastewater or Domestic Wastewater or a combination of all the foregoing, and into which storm water, surface and ground waters and unpolluted waters are limited to the greatest extent feasible under the circumstances.

1101.83 Sanitary Waste: Domestic Wastewater.

1101.84 Seepage Pit: Any pit used for the leaching of treated or untreated Sanitary Sewage into the surrounding ground.

1101.85 Septic Tank: A watertight receptacle which receives the Discharge of a Building, sanitary drainage system, or part thereof, and is designed and constructed so as to separate solids from the liquid, digest organic matter through a period of detention and allow the liquid to discharge into the soil outside of the tank through a system of open joint or perforated piping, or a Seepage Pit.

1101.86 Sewage: Any combination of water-carried Wastes from residences, business Buildings, institutions and industrial establishments.

1101.87 Sewerage System. The District's facilities used to collect, pump, transport, treat and dispose of Wastewater. For the purposes of this Chapter, Sewerage System also includes any Sewers that convey Wastewater from Persons outside the District who are, by contract or agreement with the District, Users of the District Sewerage System.

1101.88 Sewage Treatment Plant: The assemblage facilities, devices, structures and equipment used by the District for the treatment of Wastewater.

1101.89 Sewer: A pipe or conduit for carrying Sewage.

1101.90 Sewer Service: The services and facilities used for collection, treatment and disposal of Sewage furnished or available from the District to serve a given Premise.

1101.91 Shall: "Shall" is mandatory and "may" is permissive.

1101.92 Significant Change: Plus or minus 25 percent in a User's typical Discharge pattern: flow rate, Peak Flow Rate, constituents, concentration of constituents or characteristics.

1101.93 Significant Industrial User: Except as otherwise provided in this Chapter, the term Significant Industrial User means any User who:

1101.93.1 Has a Discharge subject to Categorical Pretreatment Standards; or

1101.93.2 Has an average Discharge flow of 25,000 gallons or more per work day of Process Wastewater to the District Sewerage System, excluding sanitary, Noncontact Cooling Water and boiler Blowdown Wastewater; or

1101.93.3 Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant; or

1101.93.4 Is designated as a Significant Industrial User by the District on the basis that the User:

1101.93.4.1 Has a reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the District Sewage Treatment Plant (or the quality of Effluent from the Sewage Treatment Plant); or

1101.93.4.2 May cause or threaten to cause the District to violate its NPDES Permit; or

1101.93.4.3 Has a reasonable potential to violate any Pretreatment Standard; or

1101.93.4.4 Has a reasonable potential to endanger District personnel; or

1101.93.4.5 Has in its Waste Discharge a Toxic Pollutant.

1101.93.5 The District may determine that an Industrial User subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding Sanitary Sewage, non-contact cooling and boiler Blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

1101.93.5.1 The Industrial User, prior to the District's finding, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

1101.93.5.2 The Industrial User annually submits the certification statement required in subsection 1106.3.13 of this Chapter together with any additional information necessary to support the certification statement; and

1101.93.5.3 The Industrial User never discharges any untreated concentrated Wastewater.

1101.93.6 Upon a finding that an Industrial User meeting the criteria in for a Significant Industrial User has no reasonable potential for adversely affecting the Sewage Treatment Plant or for violating any Pretreatment Standard or Requirement, the District may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR Section 403.8(f)(6), determine that such Industrial User should not be considered a Significant Industrial User.

1101.94 Significant Non-Compliance [40 CFR Section 403.8(f)(2)(viii)]: A Significant Industrial User (or any Industrial User) is in Significant Non-Compliance if its violation meets one or more of the following criteria:

1101.94.1 Chronic violations of Wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Requirement or Standard as defined in subsections 1101.73 and 1101.74 of this Chapter.

1101.94.2 Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each Pollutant parameter taken during a 6-month period equal or exceed the product of the numeric Pretreatment Requirement or Standard as defined in subsections 1101.73 and 1101.74 of this Chapter multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

1101.94.3 Any other violation of a Pretreatment Standard or Requirement that the General Manager determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of the District Sewerage System, personnel, environment or the public);

1101.94.4 Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under subsection 1108.4.2.5 of this Chapter to halt or prevent such a Discharge;

1101.94.5 Failure to meet, within 90 days after the schedule date, a Compliance Schedule milestone contained in a local control mechanism or other enforcement order for starting construction, completing construction, or attaining compliance;

1101.94.6 Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

1101.94.7 Failure to accurately report noncompliance; or

1101.94.8 Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the District's pretreatment program.

1101.95 Slug Discharge or Slug Load: Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through or cause a violation of the District's regulations, Local Limits, or general or specific discharge prohibitions in subsections 1103.2.1 and 1103.2.2 of this Chapter or specific discharge limitations prohibitions in subsection 1103.3 of this Chapter.

1101.96 Standard Industrial Classification: A classification pursuant to the Standard Industrial Classification Manual (latest edition) issued by the Executive Office of the President, Office of Management and Budget.

1101.97 Standard Methods: Current edition of the "Standard Methods for Examination of Water and Wastewater" published by the American Public Health Association.

1101.98 State: State of California.

1101.99 Storm Water: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

1101.100 Suspended Solids or Suspended Matter: The solid matter suspended in Sewage as determined by appropriate procedures set forth in "Standard Methods."

1101.101 Total Dissolved Solids. The solid matter in solution in the Sewage and as determined by evaporation of a Sewage sample from which all suspended matter has been removed by filtration as determined by the appropriate procedures set forth in "Standard Methods".

1101.102 Toxic Pollutant: Those Pollutants, or combination of Pollutants, including disease causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through the food chain, will, on the basis of information available to the Administrator of the EPA, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, or malfunctions in reproduction or physical deformations in such organisms or their offspring. Such Pollutants that have been identified as toxic are listed in 40 CFR 122, Appendix D.

1101.103 Trunk Sewer: The Sewer in any public right-of-way or Easement constructed to accommodate more than one Local Sewer.

1101.104 United States Environmental Protection Agency. The EPA, or where appropriate, the term may also be used as designation for the administrator or other duly authorized official of said agency.

1101.105 User. Any Person that introduces Pollutants into the District Sewerage System.

1101.106 Waste. All water-carried materials, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from or related to any producing, manufacturing, or processing operation of whatever nature, including such materials placed within containers of whatever nature prior to, and for purposes of, disposal into the District Sewerage System.

1101.107 Wastewater: The liquid and water-carried Wastes and Sanitary Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to or permitted to enter the District Sewerage System.

1101.108 Waters of the United States**.** Bodies of water as defined in 40 CFR Section 230.3(s).

ABBREVIATIONS

BOD	Biochemical Oxygen Demand, 5 Day
CCR	Code of California Regulations
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
ERP	Enforcement Response Plan
IWDP	Industrial Wastewater Discharge Permit
Klb	Thousand of Pounds
Klb/day	Thousand of Pounds per Day
L	Liter
Lb/d	Pounds per Day
mg	Milligrams
mg/L	Milligrams per Liter
O & G	Oil and Grease
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SS	Suspended Solids
TDS	Total Dissolved Solids

SECTION 1102. Administration of Industrial User Discharge Requirements

1102.1 Administration

The General Manager shall administer the provisions of this Chapter. Any powers granted to or duties imposed upon the General Manager may be delegated by him to Persons acting in the employ of or under contract to the District.

1102.2 Administrative Rules

The General Manager is authorized to promulgate administrative rules and standards reasonably necessary to protect the District Sewerage System, to comply with all applicable Federal and State laws required by the Clean Water Act of 1977 and the Federal Pretreatment Regulations (40 CFR Part 403), to control and regulate the proper use thereof, to prevent overflow, and to provide for the issuance, suspension or revocation of Industrial Wastewater Discharge Permits, provided, however, the regulations shall be consistent with the provisions of this Chapter and formulated to result in the uniform control of Users contributing to the Sewerage System operated by the District. The General Manager is authorized to promulgate, as he deems necessary, reasonable rules relating to the rate of flow and the quality and quantity of Wastewater Discharges to the District Sewerage System which shall be consistent with and implement the purposes of this Chapter.

1102.3 Inspection and Sampling

1102.3.1 The General Manager or his designee, through a program of inspections and sampling, will ensure compliance with the provisions of this Chapter, a User's Industrial Wastewater Discharge Permit, and all applicable Federal and State laws and regulations. The program shall include, but is not limited to, the review of self-monitoring reports, inspections, sampling, Wastewater flow verification and the retention and availability of all necessary records. [Federal Pretreatment Regulations 40 CFR Section 403.8(f)(1)(v).]

1102.3.2 The General Manager or his designee may inspect the facilities of any Person to ascertain whether the purpose of this Chapter is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, Persons or occupants of Premises where Waste or Wastewater is created or discharged shall allow Inspectors ready access, at all reasonable times, to all parts of the Premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of their other duties. In addition, the General Manager or his designee may enter the property at any hour under emergency circumstances involving the District Sewerage System. The District or any Approval Authority shall have the right to set up on the Industrial User's Premises such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. The District or any Approval Authority shall have access to and the right to inspect and copy all of an Industrial User's records pertaining to Wastewater Discharge and compliance with Pretreatment Standards and Pretreatment Requirements, whether such records are located at the facility where the Wastewater is created or discharged, or at another facility of the Industrial User, in accordance with subsection 1106.4.2 of this Chapter.

1102.3.3 During the inspection and compliance monitoring activities, the Inspector shall observe all reasonable security, safety and sanitation measures. In addition, the Inspector shall observe reasonable precautionary measures specified by the Industrial User.

1102.3.4 Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their Premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, Personnel from the District or Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

1102.3.5 No Persons shall interfere with, delay, resist, or refuse entrance to an authorized Inspector attempting to inspect any raw material, Waste or Wastewater generation, conveyance, treatment or storage facility. (Federal Pretreatment Regulations 40 CFR Section 403.8(f) (1) (v).)

1102.3.6 A report listing any deficiencies and/or violations found during the inspection shall be prepared by the Inspector and shall be kept on file at the District office. A copy of the report shall be provided to Industrial User.

1102.3.7 If corrections are needed, the General Manager or his designee may require the Industrial User to submit an approved Compliance Schedule (see subsection 1105.5 of this Chapter).

1102.3.8 When obtaining samples, the Inspector shall allow the Industrial User to split collected samples for separate analysis.

1102.4 Inspection Warrants

If the District or an Approval Authority has been refused access to a Building, structure, or property, or any part thereof, and is able to demonstrate cause to believe that there may be violation of this Chapter, or that there is need to inspect or sample the Industrial User's facilities as part of a routine inspection and sampling program conducted by the District and designed to verify compliance with this Chapter or any IWDP or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the General Manager or the Approval Authority may seek issuance of an inspection warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of the California Code of Civil Procedure. However, in the event of an emergency affecting the public health and safety, an inspection may be performed without consent or the issuance of a warrant.

1102.5 Connections to District Sewerage System to be Maintained by Owner

All connections of an Industrial User to the District Sewerage System, including the wye or saddle at the Local Sewer, shall be maintained at the expense of the Owner of the property so connected.

1102.6 Availability of Facilities: Restriction of Discharge Rate

1102.6.1 If District Sewerage System capacity is not available, the General Manager or his designee may restrict Discharge until sufficient capacity can be made available. The General Manager or his designee shall advise any Person desiring to locate a new facility of the areas, where Wastewater of the proposed quantity and quality can be received by available District Sewerage System capacity. The General Manager or his designee may refuse immediate service to any new facility located in an area where there is insufficient capacity in the District Sewerage System to accommodate the proposed quality and quantity of the Wastewater or where the Discharge of the Wastewater will violate any of the provisions of this Chapter or cause the District to violate its NPDES permit.

1102.6.2 The General Manager or his designee may restrict the rate of Discharge into any Sanitary Sewer during the peak flow hours (8:00 a.m. to 10:00 p.m.) or at any other time when required to prevent the overloading of the District Sewerage System. A Discharger so restricted shall be required either to curtail his rate of Discharge or to provide approved storage or retention facilities for his Wastewater. Wastewater so retained may be discharged into a Sanitary Sewer between the hours of 10:00 p.m. and 8:00 a.m., or during other periods prescribed by the General Manager or his designee, at a rate of flow which the District Sewerage System can accommodate.

1102.7 Confidential Information

1102.7.1 EPA, State and District. Any information submitted to the EPA, State or District pursuant to this Chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. If no claim is made at the time of submission, the EPA, State or District may make the information available to the public without further notice.

1102.7.2 Effluent Data. Information and data provided to the EPA, State or District pursuant to this Chapter which is Effluent data shall be available to the public without restriction. All other information which is submitted to the EPA, State or District shall be available to the public at least to the extent provided by 40 CFR Section 2.302.

1102.7.3 Trade Secrets. The public interest served by not making trade secret records public clearly outweighs the public interest served by the disclosure of said records. Accordingly, any trade secrets acquired by the District in the course of implementation or enforcement of this Chapter shall not be made public except to that extent necessary to enforce this Chapter.

1102.8 Notice: Time Limits

1102.8.1 Unless otherwise provided herein, any notice required to be given by the District pursuant to this Chapter shall be in writing and served in person or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the District.

1102.8.2 Notice by mail shall be deemed to have been given at the time of deposit, registered or certified postage prepaid, in a collection facility regularly serviced by the United States Postal Service; and notice personally served shall be effective at the time the written notice is served upon the Person or served in any other manner permitted by the California Code of Civil Procedure.

1102.8.3 Any time limit provided in a written notice or in any provision of this Chapter may be extended in writing by or at the direction of the General Manager or his designee.

1102.9 Public Notification

1102.9.1 The District will publish in a newspaper of general circulation within the District Service Area all Industrial Users that, at any time during the previous 12 months (i.e., during any of the 4 quarters), were in Significant Non-Compliance. If an Industrial User has been determined to be in Significant Non-Compliance based solely on violations which occurred in the first quarter of the 15-month evaluation period and was published in the previous year for the same violations, but has demonstrated consistent compliance in the subsequent four quarters, then the District will not republish the Industrial User.

1102.9.2 For the purposes of this subsection, an Industrial User is in Significant Non-Compliance if its violation meets one or more of the following criteria:

1102.9.2.1 Chronic violations of Wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same Pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Requirement or Standard as defined in subsections 1101.73 and 1101.74 of this Chapter.

1102.9.2.2 Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each Pollutant parameter taken during a 6-month period equal or exceed the product of the numeric Pretreatment Requirement or Standard as defined in subsections 1101.73 and 1101.74 multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

1102.9.2.3 Any other violation of a Pretreatment Standard or Requirement that the General Manager determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of the District Sewerage System, personnel or the general public);

1102.9.2.4 Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority under subsection 1108.4.2.5 of this Chapter to halt or prevent such a Discharge;

1102.9.2.5 Failure to meet, within 90 days after the schedule date, a Compliance Schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

1102.9.2.6 Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with Compliance Schedules;

1102.9.2.7 Failure to accurately report non-compliance; or

1102.9.2.8 Any other violation(s), which may include a violation of Best Management Practices, which the General Manager determines will adversely affect the operation or implementation of the District's Pretreatment program.

1102.9.3 The District will evaluate Significant Non-Compliance each quarter (i.e., every 3 months). To determine whether an Industrial User was in Significant Non-Compliance of the criteria in subsection 1102.9.2.1 of this Chapter (chronic violations) or subsection 1102.9.2.2 of this Chapter (Technical Review Violations), the District will review at the end of each quarter, all monitoring data collected in the previous six months. In the first quarter of the year, the data will include the data collected in the first 3 months of the first quarter of the present year and the data collected in the last three months (or last quarter) of the previous year. In the second quarter of the year, the data will include the data collected in the first and second quarter of the year (the first 6 months of the present year). In the third quarter, the data will include the data collected in the second and third quarter of the present year. In the fourth quarter, the data will include the data collected in the third and fourth quarter of the present year. Under this system, each Industrial User is evaluated for Significant Non-Compliance four times during the year, and the total evaluation period covers 15 months (beginning with the last quarter of the previous year through the end of the current year).

SECTION 1103. Wastewater Discharge into District Sewerage System

1103.1 Wastewater Discharge Policy

1103.1.1 In accordance with applicable federal, state and local laws and regulations, Domestic and Industrial Wastewater will be accepted into the District Sewerage System if there is capacity in the system and the Wastewater will not:

1103.1.1.1 Menace public health;

1103.1.1.2 Detrimentally affect the local environment;

1103.1.1.3 Create a nuisance, including odor and infestation;

1103.1.1.4 Impose excessive collection, treatment or disposal costs upon the District;

1103.1.1.5 Significantly interfere with or impede wastewater treatment processes;

1103.1.1.6 Interfere with or impede wastewater reclamation processes;

1103.1.1.7 Exceed quality limits and quantity requirements established by these rules or regulations promulgated thereunder;

1103.1.1.8 Significantly contaminate the sludge from the treatment process;

1103.1.1.9 Cause the District to violate its NPDES permit.

1103.1.2 This Chapter provides specific limits for prohibited Pollutants only where they are now reasonably well established. Other Pollutants will be brought under regulation when specific limits are established. In some cases, the concentration or amount of any particular Pollutant which will be judged to be excessive or unreasonable cannot be foreseen, but will depend on the results of technical determinations relating to the particular situation and the actions of regulatory agencies. The District reserves the right to establish, by ordinance, regulations, or in Industrial Wastewater Discharge Permits, specific limits or requirements that may be more stringent that those established in this Chapter.

1103.1.3 No Person shall Discharge any Domestic or Industrial Wastewater (i) to the ground; (ii) into any surface drainage conduit, storm drain or channel; or (iii) into any stream or other natural water course.

1103.2 Specific Discharge Prohibitions

No Person shall Discharge or cause to be discharged into the District Sewerage System any Waste or Wastewater if in the opinion of the General Manager or his designee the Discharge may have an adverse or harmful effect on the District Sewerage System including, without limitation, District Sewers, maintenance personnel, the Sewage Treatment Plant, personnel or equipment, Sewage Treatment Plant effluent quality, public or private property or may otherwise endanger ecological systems or create a Nuisance. In determining the

acceptability of specific Wastewater under this Section, the General Manager or his designee shall consider in addition to the foregoing, the nature of the Wastewater, the adequacy and nature of the collection, the treatment and disposal system available to accept the Wastewater, and the District governing law embodied in this Chapter. The General Manager may promulgate regulations as provided herein and upon appropriate application shall establish terms and conditions appropriate to specific Dischargers.

1103.2.1 General Prohibitions.

1103.2.1.1 Prohibitions. No User shall contribute or cause to be contributed, directly or indirectly, any Pollutant or Discharge into the District Sewerage System which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in subsection 1103.2.2 of this Chapter apply to each Industrial User introducing Pollutants into the District Sewerage System, whether or not the User is subject to other National Pretreatment Standards or any national, State or local Pretreatment Requirements.

1103.2.1.2 Affirmative Defenses. A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in subsection 1103.2.1 of this Chapter and the specific prohibitions in subsections 1103.2.2.3, 1103.2.2.4, 11103.2.2.5, 1103.2.2.6, and 11033.2.2.7 of this Chapter where the User can demonstrate that:

1103.2.1.2.1 It did not know or have reason to know that its Discharge, alone or in conjunction with a Discharge or Discharges from other sources, would cause Pass Through or Interference; and

1103.2.1.2.2 The User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the District Sewerage System was regularly in compliance with the District's NPDES Permit requirements and, in the case of Interference, applicable requirements for Sewage sludge use or disposal.

1103.2.2 Specific Prohibitions. In addition, the following Pollutants shall not be introduced into the District Sewerage System:

1103.2.2.1 Pollutants which create a fire or explosion hazard in the District Sewerage System, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosive hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent nor any single reading over ten percent of the lower explosive Limit (LEL) of the meter.

1103.2.2.2 Pollutants which will cause corrosive structural damage to the District Sewerage System, but in no case Discharges with pH lower than 5.0 or higher than 12.5;

1103.2.2.3 Solid or viscous Pollutants in amounts which will cause obstruction to the flow in the District Sewerage System resulting in Interference;

1103.2.2.4 Any Pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with District Sewerage System;

1103.2.2.5 Heat in amounts which will inhibit biological activity in the District Sewerage System resulting in Interference, but in no case heat in such quantities that the temperature at the District Sewerage System Treatment Plant exceeds 40 deg. C (104 deg. F) or a discharge into the District Sewerage System that exceeds a temperature limit established in subsection 1103.3 of this Chapter or in a Permit issued to the User;

1103.2.2.6 Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;

1103.2.2.7 Pollutants which result in the presence of toxic gases, vapors, or fumes within the District Sewerage System in a quantity that may cause acute worker health and safety problems;

1103.2.2.8 Any trucked or hauled pollutants, except at discharge points designated within the District Sewerage System;

1103.2.2.9 Rain water, storm water, groundwater, street drainage, subsurface drainage, roof drainage, swimming pool and/or spa water, yard drainage, water from yard fountains, ponds or lawn sprays or other uncontaminated water, or water added for the purpose of diluting wastes which exceed maximum concentration limitations; [Federal Pretreatment Regulations 40 CFR Section 403.6(d).]

1103.2.2.10 Any Wastewater with objectionable color including, but not limited to, dye wastes and vegetable tanning solutions, or any Waste producing excessive discoloration of Sewage or Sewage Treatment Plant effluent or which causes any violation of the District's NPDES Permit Discharge requirements;

1103.2.2.11 Any Wastewater containing any Radioactive Materials or isotopes of such half-life or concentration as may exceed limits established by the General Manager in compliance with applicable State or Federal regulations;

1103.2.2.12 Steam, under-waste or brines from water softeners using salts to deionize water or ion-exchange regeneration brines;

1103.2.2.13 Any single pass cooling water, Blow-Down or bleed water from cooling towers or other evaporation coolers exceeding 1/3 of the make-up water, (quantities in excess of 1/3 of the make-up water may be discharged into the District Sewerage System, subject to subsection 1102.6 of this Chapter, during off-peak hours if hydraulic sewer capacity is available);

1103.2.2.14 Any Wastes with amounts of TDS which may be detrimental to the District Sewerage System, restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge requirements;

1103.2.2.15 Any Wastes with amounts of chlorides which may restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge requirements;

1103.2.2.16 Any Wastes with amounts of boron which may restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge requirements;

1103.2.2.17 Any Wastes with amounts of fluorides which may restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge requirements;

1103.2.2.18 Any Wastes with amounts of sulfates which may be detrimental to the District Sewerage System, restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge requirements;

1103.2.2.19 Any Garbage that is not ground sufficiently to pass through a ½ inch screen; and

1103.2.2.20 Disposal of oils and fats including lard, tallow, or vegetable oil in concentrations which may be detrimental to the District Sewerage System, restrict the beneficial reuse of Effluent, or cause violation of the District's NPDES Permit Discharge Requirements.

1103.3 Specific Discharge Limitations for Industrial Users

1103.3.1 No Industrial User shall discharge Wastewater containing Pollutants in excess of:

Parameter	Concentration (mg/L)
BOD 5 day	887
S.S.	2334
Boron	25
Nitrogen (Ammonia)	92
Molybdenum	0.46
Cadmium	0.1
Chromium (Total)	3.5
Copper	2.6
Iron	120
Lead	0.67
Mercury	0.047
Nickel	1.7
Zinc	7.7
Arsenic	0.17
Cyanide	0.081
Thallium	0.0073
Phosphate (Phosphorus)	44
Selenium	0.42
Silver	6.4
Gamma-BHC (Lindane)	0.0002
Toluene	8.3
Bis (2-Ethylhexyl) phthalate	0.04

The above limits apply at the point where the Wastewater is discharged to the District Sewerage System or where specified by an Industrial Wastewater Discharge Permit. All

concentrations for metallic substances are for “total” metal unless indicated otherwise. These limits are expressed as daily maximum limits. The daily maximum shall mean the maximum allowable Discharge of Pollutant during a calendar day. Where daily maximum limitations are expressed in terms of a concentration, the daily Discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day. The General Manager may impose mass limitations in addition to, or in place of, the concentration-based limitations above. Where daily maximum limitations are expressed in terms of mass, the daily discharge is the total mass discharged over the course of the calendar day.

When the General Manager or his designee determines that the User is contributing to the District Sewerage System any of the above enumerated Pollutants in amounts in excess of these limitations, the General Manager or his designee may notify the User of the violation. (See subsection 1105.8 of this Chapter.)

The General Manager or his designee may develop Best Management Practices (“BMPs”) by ordinance or in IWDPs to implement Local Limits and the requirements of this Chapter.

1103.3.2 The District shall have the right to establish (through IWDPs issued pursuant to Section 1105 of this Chapter) specific Discharge limitations that may differ (be more stringent or less stringent or address other Pollutants) from those contained in this Section.

1103.4 Limitations on the Use of Garbage Grinders

Waste from garbage grinders shall not be discharged into the District Sewerage System except:

1103.4.1 Wastes generated in preparation of food from a Premises used solely for residential purposes; or

1103.4.2 Where the User has an existing garbage grinder and has an approval for that specific use from the District, and agrees to undertake whatever self-monitoring is required to enable the District to equitably determine the charges and fees based on the Waste constituents and characteristics. Such grinders must be repaired or replaced as necessary in order to at all times ensure that the Waste is shredded to a degree that all particles will be carried freely under normal flow conditions prevailing in the District Sewerage System. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, garden refuse, or waste products resulting from the handling, storage and sale of fruits and vegetables in wholesale and retail produce establishments, and wastes from plants engaged in the preparation, processing or preserving of foods not intended primarily for immediate consumption.

1103.5 Variance from Specific Discharge Limitations

1103.5.1 A variance from a specific Compatible Pollutant limitation may be obtained from the General Manager or his designee. Prior to issuing such a variance, the General Manager or his designee shall verify that the variance will not allow the User to exceed

applicable Categorical Standards. Granting of such a variance shall be determined on a case-by-case basis. The General Manager or his designee shall take into account the following factors when making this determination:

1103.5.1.1 The User's ability to meet the existing limitations;

1103.5.1.2 The User's Wastewater Discharge volume;

1103.5.1.3 The User's current Wastewater constituent concentrations;

1103.5.1.4 The impact of increased constituent concentrations on the District Sewerage System, the District Sewage Treatment Plant, Effluent and/or sludge quality; and

1103.5.1.5 The impact of increased constituent concentrations on the Sewage Treatment Plant's NPDES Permit requirements; and

1103.5.1.6 Any other factor the General Manager deems applicable.

1103.5.2 The General Manager or his designee may require the User to monitor its Effluent in excess of previous levels if he deems it necessary to properly enforce any variance granted under this Section.

1103.5.3 The General Manager or his designee reserves the right to impose requirements which are stricter than, or are additive to, those specified in subsections 1103.2 and 1103.3 of this Chapter should the quantity or quality of the User's Effluent merit unique consideration by virtue of its impact on the District Sewerage System or the public health, safety and welfare.

1103.5.4 The General Manager reserves the right to revoke the variance at any time.

1103.5.5 The General Manager reserves the right to charge additional Fees as related to the granting of a variance.

1103.6 Dilution of Discharge

In accordance with Federal Pretreatment Standards 40 CFR Section 403.6(d), no Industrial User shall in any way attempt to dilute a Discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a Pretreatment Standard or Pretreatment Requirement, except where expressly authorized to do so by an applicable Pretreatment Standard or Pretreatment Requirement.

1103.7 State Requirements

State requirements and limitations on Dischargers shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Chapter. [Federal Pretreatment Regulations 40 CFR Section 403.4.]

1103.8 National Categorical Pretreatment Standards

The District hereby incorporates by this reference the National Categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, parts 405-471. Upon the promulgation of a National Categorical Pretreatment Standard (or Categorical Standard) for a particular industrial sub-category, the Categorical Standard(s) that is more stringent than limitations imposed under this Chapter, the more stringent Categorical Standard shall immediately supersede the less stringent limitations. The General Manager or his designee shall notify all affected Users of the new standards and the applicable reporting requirements under 40 CFR Section 403.12 and this Chapter. The District will periodically amend or restate this Chapter to incorporate such new or revised Categorical Standards. All National Categorical Pretreatment Standards applicable to local industry which specify quantities or concentrations of Pollutants that may be discharged by a specific industrial subcategory shall be complied with by applicable Industrial Users. Compliance by existing Industrial Users with Categorical Standards shall be within three (3) years of the date the standard is promulgated unless a shorter time is specified by the EPA. Within the shortest feasible time (not to exceed 90 days from date of Discharge), New Sources shall meet all applicable Categorical Standards.

SECTION 1104. Pretreatment Requirements

1104.1 Regulatory Actions

If Wastewater containing excess concentrations of a substance or a prohibited substance referred to in subsections 1103.2 or 1103.3 of this Chapter is Discharged or proposed to be Discharged to the District Sewerage System, the General Manager or his designee may at his option do any of the items set forth in subsections 1104.1.1 through 11044.1.4 of this Chapter or any combination thereof [Federal Pretreatment Regulations 40 CFR Section 403.8(f)(1)(i).]:

1104.1.1 Prohibit the Discharge of the Wastewater;

1104.1.2 Require the Discharger to demonstrate that in plant modifications would reduce or eliminate the Discharge in conformance with prohibitions, limitations and requirements of this Chapter;

1104.1.3 Require Pretreatment to reduce, eliminate or alter the nature of Pollutants to a less harmful state prior to their Discharge to the District Sewerage System;

1104.1.4 Implement any other remedial action as may be deemed necessary to achieving the purpose and requirements of this Chapter.

1104.2 Pretreatment Facilities and Operation

1104.2.1 A Pretreatment Facility may be required by the General Manager or his designee to pretreat Industrial Wastewater flows prior to Discharge to the District Sewerage System. Pretreatment may be necessary to restrict or prevent the Discharge of certain Waste constituents, to distribute more equally over a longer time period any Peak Flow Rate Discharges of Industrial Wastewaters, or to accomplish any Pretreatment results required by this Chapter. Pretreatment Facilities, as required by the General Manager or his designee, shall be maintained in good working order and operated as efficiently as possible at the expense of the User, and are subject to the requirement of this Chapter and all other applicable Federal, State and local law or regulation. When Pretreatment or flow equalization prior to Discharge into the District Sewerage System is required, plans, specifications and other pertinent data or information relating to such Pretreatment or flow control shall first be submitted to the General Manager or his designee for approval. Such approval shall not exempt the User of said facilities from compliance with any other applicable Federal, State and local law or regulation. Any alterations or additions to such Pretreatment Facilities shall not be made without due notice to the General Manager or his designee for prior review and approval.

1104.2.2 All Domestic Sewage including, but not limited to, those from restrooms, showers and drinking fountains shall be kept separate from Industrial Wastewater until the Industrial Wastewaters have passed through any required Pretreatment and/or monitoring device or system.

1104.3 Protection from Slug Discharges, Spills or Accidental Discharges

1104.3.1 Each Industrial User shall provide protection from Slug Discharges, spills or accidental Discharges of prohibited materials, other regulated Wastes or Wastewater called out in this Chapter or any other materials in concentration or quantities which cause interference, damage or hazard to the District Sewerage System, its operation or personnel.

1104.3.2 Each floor drain or floor sink located in an area where chemicals are stored or used, shall be protected in a manner approved by the General Manager or his designee to prevent a Slug Discharge, spill, or uncontrolled or accidental Discharges from directly entering the District Sewerage System.

1104.3.3 A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a Slug Discharge, spill, an uncontrolled or accidental Discharge. Employers shall ensure that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

1104.3.4 Any Person that causes or discovers a Slug Discharge, spill, an uncontrolled or accidental Discharge of regulated Wastes or Wastewater into the District Sewerage System shall immediately telephone the General Manager or his designee in order that corrective action may be taken to protect the District Sewerage System its operation or personnel. In addition, the Person responsible for the Discharge of said Wastes or Wastewater shall file a written report to the District detailing the date, time and cause of the Slug Discharge, spill, or uncontrolled or accidental Discharge, the quantity and characteristics of the Discharge and corrective action taken to prevent future Discharges. The report shall be filed within 5 days of the occurrence of the Slug Discharge, spill, or uncontrolled or accidental Discharge. Such notification shall not relieve the User of any expense, loss, damage, or other liability that may be incurred as a result of damage to the District Sewerage System, nor shall notification relieve the User of any fines, civil penalties, or other liability that may be imposed by this Chapter or other applicable Federal, State and local law or regulation.

1104.3.5 The General Manager or his designee may require any Industrial User to develop and implement a Spill Prevention, Control, and Countermeasures Plan (SPCCP) that addresses the prevention and control of Slug Discharges, spills, or accidental Discharges designed to protect the District Sewerage System. The SPCCP shall address, but not be limited to, description of facilities and operating procedures to prevent, contain, or control such discharges into the District Sewerage System. The SPCCP shall be submitted to the District for review and approval prior to construction of said facilities. Such review and approval of plans and operating procedures shall not relieve the Industrial User from the responsibility of modifying said facilities as necessary to meet the other requirements of this Chapter or other governmental agencies. Facilities to prevent accidental Discharge shall be provided and maintained at the Owner's and/or User's expense.

1104.3.6 The General Manager or his designee will evaluate whether each Significant Industrial User needs an SPCCP or other action to control Slug Discharges. Significant Industrial Users are required to notify the District immediately of any facility changes affecting potential for a Slug Discharge. The General Manager or his designee may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the General Manager or his designee may develop such a plan for any User. An SPCCP shall address, at a minimum, the following:

1104.3.6.1 Description of Discharge practices, including non-routine batch Discharges;

1104.3.6.2 Description of stored chemicals;

1104.3.6.3 Procedures for immediately notifying the General Manager or his designee of any accidental or Slug Discharge; and

1104.3.6.4 Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, Building of containment structures or equipment, measures for containing toxic organic Pollutants, including solvents, and/measures and equipment for emergency response.

1104.4 Dischargers of Wastes or Wastewater into the District's Sewerage System from Vehicles

1104.4.1 No Person shall Discharge into the District Sewerage System any Industrial Wastes or Wastewater, any Gravity Separation Device or Grease Trap (Interceptor) contents, any Septic Tank, Seepage pit, or Cesspool contents or recreational vehicle Wastes or Wastewater transported by or discharged from a vacuum truck, cesspool pump truck or other Waste or Wastewater transport vehicle at a location other than that which has been approved by the General Manager or his designee. The General Manager or his designee may impose special conditions on any approval granted under this provision.

1104.4.2 Transported Industrial Wastes shall be discharged only at locations specified by the General Manager or his designee for the specific Waste. Payment for any excessive treatment and disposal costs may be required and permission to Discharge prohibited Wastes may be refused by the General Manager or his designee.

1104.5 Grease Trap (Interceptors) and Gravity Separation Devices

1104.5.1 Restaurants. All restaurants or similar establishments shall install an approved Grease Trap (Interceptor) which is of sufficient size so as to prevent excessive Discharges of Grease into the District Sewerage System. The Grease Trap (Interceptor) shall be easily accessible for inspection by the District. Exceptions to the installation of a Grease Trap (Interceptor) shall be determined on a case by case basis by the General Manager or his designee. The General Manager or his designee shall take into account the following items when determining exceptions: (1) size of restaurant; (2) meals served per day; (3) seating

capacity, (4) dish washing and garbage disposal facilities on hand; and (5) any other criteria the General Manager or his designee deems applicable.

1104.5.2 Car Washes, Vehicle Service Stations and Garages. Car washes and vehicle service stations or garages shall be required to install a Gravity Separation Device designed to prevent the Discharge of sand, silt, oil and grease to the District Sewerage System.

1104.5.3 Laundries and Dry Cleaners. Subject to subsections 1104.5.3.1 and 1104.5.3.2, all laundries and dry cleaners or similar establishments shall install a Gravity Separation Device of a size and design approved by the General Manager or his designee. They shall also install any other Pretreatment Facility required by the General Manager or his designee to ensure their compliance with all requirements and specifications of this Chapter.

1104.5.3.1 Any laundries, dry cleaners or similar establishments in existence prior to the effective date of this Chapter that have, pursuant to prior District ordinances or other federal or state laws or regulations, been required to install a Gravity Separation Device and/or other Pretreatment Facility shall be required to maintain those installations, subject to any modifications that may be required by the General Manager or his designee pursuant to this Chapter.

1104.5.3.2 Any laundries, dry cleaners or similar establishments in existence prior to the effective date of this Chapter that have not installed a Pretreatment Facility pursuant to a prior District ordinance or other federal or state laws or regulations shall install an appropriate Pretreatment Facility in accordance with this Chapter if in the opinion of the General Manager or his designee installation of that facility is warranted to protect the District Sewerage System, the public, the environment or to avoid a Discharge that may cause the District to violate its NPDES Permit.

1104.5.4 Existing Gravity Separation Device, Grease Trap (Interceptor) or other Pretreatment Facility Required by District. If the General Manager or his designee finds that a Grease Trap (Interceptor), Gravity Separation Device or other Pretreatment Facility installed prior to or following the effective date of this Chapter is incapable of retaining adequately the grease or sand and oil in the Wastewater flow from a service station, car wash, restaurant or similar establishment, or any other facilities that may require such devices, the General Manager or his designee shall give the proprietor a written notice requiring that an adequate Grease Trap (Interceptor), Gravity Separation Device or other Pretreatment Facility be installed within a reasonable time period.

1104.5.5 Approved Designs. The General Manager or his designee may maintain an information file available for public use of acceptable designs of Grease Trap (Interceptor), Gravity Separation Devices and other Pretreatment Facilities. The installation of a design shown in such file or of any design meeting the size requirement set forth in this Chapter or any recommendation of requirements made by the General Manager or his designee shall not impute any liability to the District for the adequacy of the Grease Trap (Interceptor), Gravity Separating Device or other Pretreatment Facilities under the actual conditions of use. Such installation shall not relieve the Owner or User of responsibility for keeping prohibited substance(s) above the limitations of this Chapter out of the District Sewerage System. If the Grease Trap (Interceptor), Gravity Separation Device or other Pretreatment Facility is not adequate under the conditions of use, one shall be constructed which is effective in accomplishing the intended purpose.

1104.5.6 Permits. All Persons referred to in subsections 1104.5.1 through 1104.5.3 of this Chapter shall be considered Industrial Users required to apply for and obtain an Industrial Wastewater Discharge Permit from the District as specified in subsection 1105.2 of this Chapter.

1104.6 Maintenance of Grease Traps (Interceptors) and Gravity Separation Devices

Any Grease Trap (Interceptor), Gravity Separation Device or other Pretreatment facility required by the District shall be readily accessible for inspection and properly maintained to assure that the accumulations of Grease or sand and oil do not impair its efficiency or pass out with the Effluent. All Users required to use and maintain a Grease Trap (Interceptor), Gravity Separation Device or other Pretreatment Facility shall maintain a maintenance record of the pretreatment facility. This record shall include the date, the name of the Person who cleaned the pretreatment facility and the disposal site of the Waste. The report shall be reviewed by the General Manager or his designee at each routine inspection. Persons hauling Wastes and Wastewater removed from the Grease Trap (Interceptor) or Gravity Separation Device shall be registered to do so by the proper permitting agency. A Grease Trap (Interceptor) or Gravity Separation Device shall not be considered properly maintained if material accumulations total more than 25 percent of the operating fluid capacity. The District will endeavor to inspect each required Grease Trap (Interceptor), Gravity Separation Device or other required Pretreatment Facility at least annually. If it is found that it is improperly maintained or adequate records are not being kept, a warning will be issued to the Owner and/or User of the property. Thereafter, the District may take enforcement action as specified in Article VIII and the District's approved Enforcement Response Plan ("ERP").

SECTION 1105. Industrial Wastewater Discharge Permit System

1105.1 Connection to Sewer Lines

No Industrial User or other Person shall connect any private property in the District with any District Sewer or other facility of the District Sewerage System without first obtaining a "Will Serve" letter issued by the General Manager or his designee, paying to the District all required Fees, and obtaining all permits that may be required by this Chapter or other District regulation.

1105.2 Industrial Wastewater Discharge Permits

All Industrial Users proposing to connect and/or Discharge Industrial Wastewater into any part of the District Sewerage System must first apply for and, if required by the General Manager or his designee, obtain an Industrial Wastewater Discharge Permit ("IWDP"). The District has the right to deny or condition new or increased contributions of Pollutants or changes in the nature of Pollutants from Industrial Users based on a User's violations of applicable Pretreatment Standards or the limitations imposed by this Chapter or where such contributions could cause the District's Sewage Treatment Plant to violate its NPDES Permit (Federal Pretreatment Regulations 40 CFR Section 403.8 (f)(1)(iii)). In addition, each IWDP upon renewal or each application for an IWDP shall be accompanied by Fees as may be required by this Chapter, the District Code of Regulations or other applicable Federal, State or local law or regulation. (See subsection 1107.5.1 of this Chapter.)

1105.3 Industrial Wastewater Discharge Permit Application

The Industrial User seeking an IWDP or IWDP renewal shall complete an application form provided by the General Manager or his designee and file it with the General Manager or his designee accompanied by any required Fees. In support of this application, the Applicant shall supply the following information:

1105.3.1 Name and address of Applicant and Standard Industrial Classification (S.I.C.) number of the operations to be carried out by the Industrial User;

1105.3.2 The location of the Discharge;

1105.3.3 Time and duration of Discharge;

1105.3.4 Estimated average and Peak Flow Rates including any expected daily, monthly and seasonal variations;

1105.3.5 Major constituents and characteristics including but not limited to those regulated by this Chapter and the applicable Categorical Standards as determined by a certified analytical laboratory;

1105.3.6 Site plans, floor plans, plumbing plans and details to show all Public Sewers and appurtenances by size, location and elevation;

1105.3.7 Description of toxic or hazardous materials stored/or used on the Premises which are or could be discharged to the District Sewerage System;

1105.3.8 Each product by type and production process;

1105.3.9 Identification of applicable regulating Pretreatment Standards;

1105.3.10 Number of employees and normal hours of operation of the facility;

1105.3.11 Any requests for a monitoring waiver (or renewal of an approved monitoring waiver) for a Pollutant neither present nor expected to be present in the Discharge based on subsection 1106.3.5.2 of this Chapter.

1105.3.12 Any other information which may be deemed necessary by the General Manager or his designee to evaluate the permit application.

1105.4 Industrial Wastewater Discharge Permit Conditions

The IWDP shall constitute the performance specification to which each Industrial User must conform in order to maintain authorization to use the District Sewerage System. IWDPs shall be expressly subject to all provisions of this Chapter, Federal Pretreatment Standards, Requirements and regulations pursuant to Section 307 *et seq*. of the Clean Water Act and all other regulations, and Fees established by the District. IWDP conditions may include, but are not limited to, the following [Federal Pretreatment Regulations 40 CFR Section 403.8 (f)(1)(iii).]:

1105.4.1 Limits on the average and/or maximum Wastewater Pollutant concentrations or mass and other relevant qualitative characteristics, including Best Management Practices, prohibitive Discharges, and any applicable National Categorical Pretreatment Standards that are more stringent than local limitations; (See Section 1103 of this Code of Regulations.)

1105.4.2 Requirements to pretreat Wastewater, install, operate, and maintain Pretreatment Facilities or requirements to develop and implement plans or other special conditions including management practices to prevent and control accidental Discharges, spills, or Slug Discharges, or requirements to develop and implement Waste minimization plants to reduce the amount of Pollutants discharged to the District Sewerage System;

1105.4.3 Limits on rate and time of Discharge or requirements for flow regulations and equalization; (See subsection 1102.6 of this Chapter.)

1105.4.4 Requirements for installation of inspection and sampling facilities and specifications for monitoring programs, including the process for seeking monitoring waivers in accordance with 40 CFR Section 403.12(e)(2); and,

1105.4.5 Requirements for maintaining and submitting technical self-monitoring reports and plant records relating to Industrial Wastewater Discharges, record-keeping requirements, and notification requirements to include, but not be limited to notifying the District of any changes in Wastewater, violations of Pretreatment Standards or requirements, the occurrence of spills or Slug Loads, or the Discharge of hazardous wastes. Permits for Significant Industrial User will also include requirements for immediately notifying the District of any facility changes affecting the User's potential for an accidental or Slug Discharge.

1105.4.6 Compliance Schedules. (See subsection 1105.5 of this Chapter.)

1105.4.7 A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements.

1105.4.8 Other conditions to ensure compliance with this Chapter.

1105.5 Compliance Schedules

A Compliance Schedule required as a result of an Industrial User's noncompliance with applicable Federal and/or local Pretreatment Standards or Requirements, or for the installation of technology required to meet applicable Pretreatment Standards or Requirements, shall be based on the following:

1105.5.1 A list of the expected increments of progress in the form of dates for the commencement and completion of major events leading to consistent compliance with applicable Federal and/or local Pretreatment Standards.

1105.5.2 No increment referred to above shall exceed 3 months.

1105.5.3 Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the General Manager or his designee including, as a minimum, whether or not the User complied with the latest increment of progress and, if not, the date on which the User expects to comply with this increment of progress, the reason for the delay, and the steps taken by the User to return to the schedule established.

1105.6 Duration and Revision of Industrial Wastewater Discharge Permits

1105.6.1 IWDPs shall be issued for a specified time period not to exceed five years. Permittees must file an application for renewal of an IWDP within 60 days of the IWDP expiration date. The application must be accompanied by the appropriate IWDP fee and other applicable Fees. If the renewal application has been filed on time and the IWDP fee and other applicable Fees paid, the existing IWDP shall remain in effect beyond its stated term until the application is acted upon. The terms and conditions of the IWDP may be subject to modification as limitations or requirements are modified as a result of Pretreatment Standards and/or requirements promulgated pursuant to Section 307 *et seq.* of the Clean Water Act and/or to otherwise maintain consistency with District's Industrial Discharge Pretreatment Program. The Industrial User shall be informed of the proposed changes in his IWDP 30 days prior to the effective date of the change. Any new conditions in the IWDP shall include a reasonable Compliance Schedule to be proposed by the Industrial User and approved by the General Manager or his designee. Such Compliance Schedule will allow the Industrial User time to modify the industrial process sufficiently to comply with the new IWDP changes. The Industrial User may seek reconsideration of and appeal any IWDP condition or provision under subsection 1108.5 of this Chapter.

1105.6.2 IWDPs issued to each Industrial User shall be based on the Industrial User's typical Discharge rate, Peak Flow Rate and Wastewater constituents and characteristics as described in the Industrial User's IWDP application or through the General Manager or his designee's knowledge of the history of the Industrial User's Discharge. The Industrial User is required to promptly notify the General Manager or his designee of any significant changes in the Industrial User's operation that may affect his Discharge rate, Peak Flow Rate, Wastewater constituents or characteristics. [Federal Pretreatment Regulations 40 CFR Section 403.12.]

1105.7 Transfer of a Permit

IWDPs are issued to a specific Industrial User for a specific operation. An IWDP shall not be reassigned or transferred or sold to a new Owner, new Industrial User, different Premises or a new or changed operation.

1105.8 Violation of the Industrial Wastewater Discharge Permit

When the District determines that a specific condition and/or Discharge is, or threatens to be, in violation of any IWDP condition or limitation imposed, the Industrial User shall be notified. Such notification and other enforcement actions will generally be in accordance with the provisions set forth in section 1108 of this Chapter including, without limitation, subsections 1108.4.6 and 1108.4.7, the District's ERP and other relevant enforcement provisions and procedures adopted by the District.

SECTION 1106 Industrial Wastewater Monitoring & Reporting

1106.1 Monitoring

1106.1.1 Industrial Users, at the discretion of the General Manager or his designee, shall install at their own expense suitable monitoring equipment to facilitate the accurate observation, sampling, and measurement of regulated constituents. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.

1106.1.2 Sampling well(s) of a design approved by the General Manager or his designee shall be furnished and installed by designated Industrial Users to facilitate inspection, sampling and flow measurements. The Sampling Well(s) shall be located in an accessible location and the location shall be designated by the General Manager or his designee.

1106.1.3 If the General Manager or his designee requires or the Industrial User chooses to install a flow meter, the appropriate flow measurement devices and methods consistent with approved scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored Discharges. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements is consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10 percent from true Discharge rates throughout the range of expected Discharge volumes. The flow meter must be calibrated annually at the expense of the Industrial User and a photocopy of the calibration must be sent to the District. The calibration must be performed by one of the following: (i) the manufacturer; or (ii) a qualified Civil Engineer, or (ii) a qualified instrumentation technician suitable to the District. Flow charts are to be held by the Industrial User for a minimum of 3 years and made available to the District upon request. Totalizer readings shall be recorded daily, and every month a report shall be submitted to the District showing total daily flows and total monthly flow, or as IWDP conditions dictate.

1106.1.4 Whether constructed on public or private property, the approved Sampling Well shall be constructed in accordance with the District's requirements. An Industrial User may request approval from the District for Sampling Wells installed prior to the effective date of this Chapter, which meet the design and accessibility requirements for sampling purpose.

1106.1.5 Unrestricted access to the Sampling Well(s) and monitoring equipment shall be provided to authorized personnel of the District at all times.

1106.2 Sampling And Analysis

1106.2.1 Compliance determinations shall be made by the General Manager or his designee with respect to subsections 1103.2 and 1103.3 of this Chapter on the basis of either instantaneous Grab Sample or Composite Sampling of the Wastewater. Grab Samples may be taken as deemed necessary by the General Manager or his designee to meet needs of the specific circumstances. If routine Grab Samples or composite sampling reveal noncompliance by the Discharger with the Discharge limitations or conditions specified in the Industrial User's IWDP, then the Industrial User may be required to pay the District Fees, fines and penalties as specified in this Code of Regulations and may be assessed all other District costs incurred during the subsequent evaluation period for sampling and analysis, including labor, equipment, materials and overhead.

1106.2.2 All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR Part 136 and amendments thereto or with any other test procedures approved by the EPA. (See 40 CFR Sections 136.4 and 136.5.) Sampling shall be performed in accordance with the techniques approved by the EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the Pollutants in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the Pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the District or other parties, approved by the EPA. Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is specifically authorized by the District. Where time-proportional composite sampling or Grab Sampling is authorized, the samples must be representative of the Discharge and the decision to allow the alternative sampling will be documented in the facility's Industrial User file. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple Grab Samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the District, as appropriate.

1106.2.3 Sampling of Industrial Wastewater and Wastes for the purpose of compliance determination shall be conducted at intervals specified by the General Manager or his designee.

1106.3 Self-Monitoring Reports

1106.3.1 All Industrial Users, as required by the General Manager or his designee, shall monitor and report on the quantity and quality of their Industrial Wastewater Discharge. The items to be included in the report and the frequency with which this report shall be submitted to the General Manager or his designee will be detailed in the IWDP. The frequency of self-monitoring and reporting for those Industrial Dischargers not regulated by Federal pretreatment regulations will be based on the following factors:

1106.3.1.1 The effect of the Wastewater on the District Sewerage System;

1106.3.1.2 The degree of toxic material which may pass through the District's Sewage Treatment Plant;

1106.3.1.3 The quantity, nature, and type of the Industrial Wastewater Discharge; and

1106.3.1.4 The extent to which the Discharge could contribute to violation of the District's NPDES permit.

1106.3.2 Reporting Requirements for Industrial Users upon Effective Date of Categorical Pretreatment Standard - Baseline Report. Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR Section 403.6(a)(4), whichever is later, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the District Sewerage System shall be required to submit to the District a baseline report which contains the information listed in subsections 1106.3.2.1 through 1106.3.2.7 of this Chapter. At least 90 days prior to commencement of Discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the District a baseline report which contains the information listed in subsections 1106.3.2.1 through 1106.3.2.7 of this Chapter. New Sources shall also be required to include in this baseline report information on the method of Pretreatment the source intends to use to meet applicable Pretreatment Standards. New Sources shall give estimates of the information requested in subsections 1106.3.2.4 and 1106.3.2.5 of this Chapter.

1106.3.2.1 Identifying Information. The Industrial User shall submit the name and address of the facility including the name of the operator and Owners;

1106.3.2.2 Permits. The Industrial User shall submit a list of any environmental control permits held by or for the facility;

1106.3.2.3 Description of Operations. The Industrial User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the District Sewerage System from the regulated processes.

1106.3.2.4 Flow Measurement. The Industrial User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the District Sewerage System from each of the following:

1106.3.2.4.1 Regulated process streams; and

1106.3.2.4.2 Other streams as necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e). The District may allow for verifiable estimates of these flows where said estimates are justified by cost or feasibility considerations.

1106.3.2.5 Measurement of Pollutants.

1106.3.2.5.1 The Industrial User shall identify the Pretreatment Standards applicable to each regulated process.

1106.3.2.5.2 In addition, the Industrial User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or the District) of regulated Pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required)

shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by the District or the applicable Standards to determine compliance with the Standard.

1106.3.2.5.3 A minimum of four (4) Grab Samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other Pollutants, 24 hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The District may waive flow proportional composite sampling for any Industrial User that demonstrates that flow proportional sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling techniques or through a minimum of four (4) Grab Samples where the Industrial User demonstrates that this will provide a representative sample of the Effluent being discharged. For facilities for which historical sampling data are available, the District may authorize a lower minimum number of samples.

1106.3.2.5.4 The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section.

1106.3.2.5.5 Samples should be taken immediately downstream from Pretreatment Facilities if such exist or immediately downstream from the regulated process if no Pretreatment exists. If other Wastewaters are mixed with the regulated Wastewater prior to Pretreatment, the Industrial User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR Section 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR Section 403.6(e) this adjusted limit along with supporting data shall be submitted to the District.

1106.3.2.5.6 Sampling and analysis shall be performed in accordance with the procedures prescribed in subsection 1106.2.2 of this Chapter.

1106.3.2.5.7 The District may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

1106.3.2.5.8 The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the District Sewerage System.

1106.3.2.6 Certification. A statement, reviewed by an Authorized Representative of the Industrial User (as defined in subsection 1101.4 of this Chapter and required by subsection 1106.3.12 of this Chapter) and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements.

1106.3.2.7 Compliance Schedule. If additional Pretreatment and/or O&M will be required to meet the Pretreatment Standards; the Industrial User shall develop and submit to the District the shortest schedule by which the Industrial User will provide such additional Pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

1106.3.2.7.1 Where the Industrial User's Categorical Pretreatment Standard has been modified by a removal allowance (pursuant to 40 CFR Section 403.7), the combined wastestream formula (of 40 CFR Section 403.6(e)), and/or a Fundamentally Different Factors variance (provided by 40 CFR Section 403.13) at the time the Industrial User submits the report required by subsection 1106.3.2 of this Chapter. The information required by subsections 1106.3.2.6 and 1106.3.2.7 of this Chapter shall pertain to the modified limits.

1106.3.2.7.2 If the Categorical Pretreatment Standard is modified by a removal allowance (pursuant to 40 CFR Part 403.7), the combined wastestream formula (of 40 CFR Part 403.6(e)), and/or a Fundamentally Different Factors variance (provided by 40 CFR Part 403.13) after the Industrial User submits the baseline report required by subsection 1106.3.2 of this Chapter, any necessary amendments to the information requested by subsections 1106.3.2.6 and 1106.3.2.7 of this Chapter shall be submitted by the Industrial User to the District within 60 days after the modified limit is approved.

1106.3.3 Compliance Schedule for Meeting Categorical Pretreatment Standards. The following conditions shall apply to the schedule required by subsection 1106.3.2.7 of this Chapter:

1106.3.3.1 The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment Facilities required for the Industrial User to meet the applicable Categorical Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

1106.3.3.2 No increment referred to in subsection 1106.3.3.1 of this Chapter shall exceed 9 months.

1106.3.3.3 Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the District including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the District.

1106.3.4 Report on Compliance with Categorical Pretreatment Standard Deadline. Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of Wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements (except a Non-Significant Categorical User) shall submit to the District a report containing the information described in subsections 1106.3.2.4 through 1106.3.2.6 of this Chapter. For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR Section 403.6(c),

this report shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the Industrial User's actual production during the appropriate sampling period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the Industrial User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.

1106.3.5 Periodic Reports on Continued Compliance.

1106.3.5.1 Any Industrial User subject to a Categorical Pretreatment Standard (except a Non-Significant Categorical User), after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the Discharge into the District Sewerage System, shall submit to the District during the months of July and January, unless required more frequently in the Pretreatment Standard or by the District or the Approval Authority, a report indicating the nature and concentration of Pollutants in the Effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported in subsection 1106.3.2.4 of this Chapter except that the District may require more detailed reporting of flows. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the District may agree to alter the months during which the above reports are to be submitted. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation required by the District or the Pretreatment Standard necessary to determine the compliance status of the Industrial User.

1106.3.5.2 The District may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a Pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the Pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the Pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1106.3.5.2.1 The waiver may be authorized where a Pollutant is determined to be present solely due to Sanitary Sewage discharged from the facility provided that the Sanitary Sewage is not regulated by an applicable Categorical Standard and otherwise includes no Process Wastewater.

1106.3.5.2.2 The monitoring waiver is valid only for the duration of the effective period of the Industrial User's IWDP. The Industrial User must submit a new request for the waiver before the waiver can be granted for each subsequent IWDP. (See subsection 1105.3.11 of this Chapter.)

1106.3.5.2.3 In making a demonstration that a Pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's Process Wastewater prior to any treatment present at the facility that is representative of all Wastewater from all processes.

1106.3.5.2.4 The request for a monitoring waiver must be signed in accordance subsection 1106.3.12 of this Chapter, and include the certification statement in subsection 1106.3.13 of this Chapter.

1106.3.5.2.5 Non-detectable sample results may be used only as a demonstration that a Pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that Pollutant was used in the analysis.

1106.3.5.2.6 Any grant of the monitoring waiver must be included as a condition in the Industrial User's IWDP. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the waiver will be maintained by the District for 3 years after expiration of the waiver.

1106.3.5.2.7 Upon approval of the monitoring waiver and revision of the Industrial User's IWDP by the District, the Industrial User must certify on each report with the statement in subsection 1106.3.13 of this Chapter, that there has been no increase in the Pollutant in its wastestream due to activities of the Industrial User.

1106.3.5.2.8 In the event that a waived Pollutant is found to be present or is expected to be present because of changes that occur in the Industrial User's operations, the Industrial User must immediately notify the District and comply with the monitoring requirements of subsection 1106.3.5.1 of this Chapter, or other more frequent monitoring requirements imposed by the District.

1106.3.5.2.9 This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.

1106.3.5.3 Where the District has imposed mass limitations on Industrial Users as provided for by 40 CFR Section 403.6(d), the report required by subsection 1106.3.5.1 of this Chapter shall indicate the mass of Pollutants regulated by Pretreatment Standards in the Discharge from the Industrial User.

1106.3.5.4 For Industrial Users subject to equivalent mass or concentration limits established by the District in accordance with the procedures in 40 CFR Section 403.6(c), the report required by subsection 1106.3.5.1 of this Chapter shall contain a reasonable measure of the Industrial User's long term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed only in terms of allowable Pollutant Discharge per unit of production (or other measure of operation), the report required by subsection 6.3.5.1 of this Chapter shall include the Industrial User's actual average production rate for the reporting period.

1106.3.5.5 The periodic reports on continued compliance required in this Section shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. Sampling and analysis shall be performed in accordance with the procedures prescribed in subsection 1106.2.2 of this Chapter. The District shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

1106.3.6 Notice of Potential Problems, Including Slug Loading. All categorical and non-categorical Industrial Users shall notify the District immediately of all Discharges that could cause problems to the District Sewerage System, including any Slug Loadings by the Industrial User.

1106.3.7 Monitoring and Analysis to Demonstrate Continued Compliance.

1106.3.7.1 Except in the case of Non-Significant Categorical Users, the reports required in subsections 1106.3.2, 1106.3.4, and 1106.3.5 of this Chapter shall contain the results of sampling and analysis of the Discharge, including the flow and the nature and concentration, or production and mass where requested by the District, of Pollutants contained therein which are limited by the applicable Pretreatment Standards. This sampling and analysis may be performed by the District in lieu of the Industrial User. Where the District performs the required sampling and analysis in lieu of the Industrial User, the Industrial User will not be required to submit the compliance certification required under 40 CFR Sections 403.12(b) (6) and 403.12(d). In addition, where the District itself collects all the information required for the report, including flow data, the Industrial User will not be required to submit the report.

1106.3.7.2 If an Industrial User subject to the reporting requirement in subsection 1106.3.5 of this Chapter monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the District, using the procedures prescribed in subsection 1106.2.2 of this Chapter, the results of this monitoring shall be included in the report.

1106.3.8 Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards. The District shall require appropriate reporting from those Industrial Users with Discharges that are not subject to Categorical Pretreatment Standards. Significant Non-Categorical Industrial Users shall submit to the District at least once every six months (on dates specified by the District) a description of the nature, concentration, and flow of the pollutants required to be reported by the District. In cases where a Local Limit requires, compliance with a Best Management Practice or pollution prevention alternative, the Industrial User must submit documentation required by the District to determine the compliance status of the Industrial User. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the procedures prescribed in subsection 1106.2.2 of this Chapter. This sampling and analysis may be performed by the District in lieu of the Significant Non-categorical Industrial User.

1106.3.9 Repeat Sampling. If sampling performed by an Industrial User indicates a violation, the Industrial User shall notify the District within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if:

1106.3.9.1 The District performs sampling at the Industrial User at a frequency of at least once per month, or

1106.3.9.2 The District performs sampling at the Industrial User between the time when the Industrial User performs its initial sampling and the time when the Industrial User receives the results of this sampling.

1106.3.10 Notification of Changed Discharge. All Industrial Users shall promptly notify the District in advance of any substantial change in the volume or character of Pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under subsection 1106.3.11 of this Chapter.

1106.3.11 Notification of Discharge of Hazardous Wastes.

1106.3.11.1 The Industrial User shall notify the District, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any Discharge into the District Sewerage System of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of Discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the District Sewerage System, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. All notifications must take no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted pursuant to subsection 1106.3.10 of this Chapter. The notification requirement in this Section does not apply to Pollutants already reported under the self-monitoring requirements of subsections 1106.3.2, 1106.3.4, 1106.3.5, and 1106.3.8 of this Chapter.

1106.3.11.2 Dischargers are exempt from the requirements of subsection 1106.3.11.1 of this Chapter during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the Wastes are acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR Sections 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

1106.3.11.3 In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the District, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

1106.3.11.4 In the case of any notification made under subsection 1106.3.11 of this Chapter, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

1106.3.11.5 The Discharge of such waste must meet the Pretreatment Standards and requirements and other provisions of this Chapter. The District reserves the right to deny such waste discharges.

1106.3.12 Signatory Requirements for Industrial User Reports. The reports required by subsections 1106.3.2, 1106.3.4, 1106.3.5, and 1106.3.8 of this Chapter shall include the certification statement as set forth in 40 CFR Section 403.6(a)(2)(ii) and subsection 1106.3.13 of this Chapter, and shall be signed as follows:

1106.3.12.1 By a responsible corporate officer, if the Industrial User submitting the reports required by subsections 1106.3.2, 1106.3.4, and 1106.3.5 of this Chapter is a corporation. For the purpose of this paragraph, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

1106.3.12.2 By a general partner or proprietor if the Industrial User submitting the reports required by subsections 1106.3.2, 1106.3.4, and 1106.3.5 of this Chapter is a partnership, or sole proprietorship respectively.

1106.3.12.3 By a Duly Authorized Representative of the individual designated in subsections 1106.3.12.1 or 1106.3.12.2 of this Chapter if: (i) The authorization is made in writing by the individual described in subsections 1106.3.12.1 or 1106.3.12.2 of this Chapter; (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the District.

1106.3.12.4 If an authorization under subsection 1106.3.12.3 of this Chapter is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of subsection 1106.3.12.3 of this Chapter must be submitted to the District prior to or together with any reports to be signed by an Authorized Representative.

1106.3.13 Certification Statement. Any Person signing the reports submitted pursuant to this section shall make the following certification:

"I certify under penalty of law 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. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

1106.3.14 Provisions Governing Fraud and False Statements. The reports and other documents required to be submitted or maintained under this section shall be subject to:

1106.3.14.1 The provisions of 18 U.S.C. Section 1001 relating to fraud and false statements;

1106.3.14.2 The provisions of Sections 309(c)(4) of the Act, as amended, governing false statements, representation or certification; and

1106.3.14.3 The provisions of Section 309(c)(6) of the Act regarding responsible corporate officers.

1106.3.15 Reporting Requirements for Non-Significant Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by District pursuant to subsection 1101.93.5 of this Chapter must annually submit the following certification statement signed in accordance with the signatory requirements in subsection 1106.3.12 of this Chapter. This certification must accompany an alternative report with additional supporting information required by the District:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR [insert applicable Federal category], I certify that, to the best of my knowledge and belief that during the period from_____, _____ to_____,_____[months, days, year]: (1) The facility described as _____ [insert facility name] met the definition of a Non-Significant Categorical Industrial User as described in Chapter 11, subsection 1101.93.5 of the Ojai Valley Sanitary District Code of Regulations (2) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (3) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period."

1106.4 Record-Keeping Requirements

1106.4.1 All Industrial Users discharging or proposing to discharge Industrial Wastewater to the District Sewerage System shall maintain records of its raw materials and usage, processes, effluent flows, Pollutant concentrations and related factors. These records shall be necessary to demonstrate compliance with the requirements of this Chapter and any applicable Federal or State Pretreatment Standards.

1106.4.2 All such records relating to compliance with Pretreatment Standards shall be made available for inspection and copying at the company facility or, if located elsewhere, at the other location to officials of the EPA, Approval Authority and the General Manager or his designee. [Federal Pretreatment Regulations 40 CFR Section 403.12(o)(2).] (See subsection 1102.3.2 of this Chapter.)

1106.4.3 Any Industrial User subject to the reporting requirements established in this Section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices. Such records shall include for all samples:

1106.4.3.1 The date, exact place, method, and time of sampling and the names of the Person or Persons taking the samples;

1106.4.3.2 The dates analyses were performed;

1106.4.3.3 Who performed the analyses;

1106.4.3.4 The analytical techniques/methods use; and

1106.4.3.5 The results of such analyses.

1106.4.4 Any Industrial User subject to the reporting requirements (including documentation associated with Best Management Practices) established in subsection 1106.3 of this Chapter or in a IWDP or any Orders issued by the District pursuant to this Chapter shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section) and shall make such records available for inspection and copying by the District, Approval Authority and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the Industrial User or when requested by the District, Approval Authority or EPA.

1106.4.5 The District to which reports are submitted by an Industrial User pursuant to subsections 1106.4.2, 1106.4.4, 1106.4.5, and 1106.4.8 of this Chapter shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Approval Authority and EPA. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of Pollutants by the Industrial User or the operation of the District's Pretreatment Program or when requested by the Approval Authority or EPA.

SECTION 1107. Fees, Charges and Computations

1107.1 Fees: Schedule Of Charge

Fees made and collected in accordance with and under the authority of this Chapter may be established in the District's Schedule of Fees for Sewer System-Related Services set forth in Chapter 3, Appendix D of this Code of Regulations.

1107.2 Fees: Due Date

All Fees made or assessed pursuant to the provisions of this Chapter are due upon receipt of the District's billing statement and shall become delinquent 15 days thereafter. Fees not received by the District within 30 days of the receipt thereof shall be subject to a penalty which will be set by an ordinance of the District. Unpaid Fees shall also accrue interest at the legal rate beginning on the 31st day after receipt of the billing statement.

1107.3 Fees: Record Of Charges

The District shall keep a record of all Fees assessed and collected under this Chapter. The record shall reflect the names and addresses of the Persons on whose account the Fees were paid, the date, the amount of payment, and the purpose for which Fees were paid or the Premises affected.

1107.4 Fees: Estimated Quantities and Values

Except as otherwise wherein provided, whenever the Fees required by this Chapter are based on estimated values or estimated quantities, the General Manager or his designee shall make the necessary determinations in accordance with established practices.

1107.5 Specific Fees

1107.5.1 Industrial Wastewater Discharge Permit Fee. All Person(s) requiring an IWDP (See subsection 1105.2 of this Chapter) shall pay to the District a yearly permit fee, the cost of which is set forth in Ojai Valley Sanitary District Code of Regulations.

1107.5.2 Service Fees. Should the District or its agents perform required industrial wastewater sampling, analysis, review, flow measurements or other activities for an Industrial User, said User shall be held responsible for all costs. The General Manager or his designee may, at his discretion, bill the Discharger directly for services performed by the District or bill on the basis of a reasonable estimate of the cost of such service. (Fees shall be as specified in Ojai Valley Sanitary District Fee Code of Regulations).

1107.5.3 Collection of Fees. The General Manager or his designee shall charge and collect the Fees specified by the Board of Directors from Persons connecting to the District Sewerage System, from applicants for permits and permittees under this Chapter and from Industrial Users of the District Sewerage System.

1107.6 Determination of Total Flow & Loading

1107.6.1 The total flow of Industrial Wastewater discharged by the Industrial User shall be measured by the General Manager or his designee by means of:

1107.6.1.1 A metering device, approved by the General Manager or his designee and obtained, installed, and maintained at the expense of the Industrial User (See subsection 1106.1.3 of this Chapter);

1107.6.1.2 An estimate determined from total water used in the area occupied by the Industrial User, i.e. water meter etc;

1107.6.1.3 An estimate based on the count of "equivalent fixture units" as set forth in the current edition of the Uniform Plumbing Code; or,

1107.6.1.4 An estimate as set forth by the State Water Resources Control Board "Revenue Program Guidelines for Wastewater Agencies" Appendix (F), as those guidelines may be updated and/or amended from time to time;

1107.6.2 The strength and characteristics of Industrial Wastewater discharged by the Industrial User shall be measured by the General Manager or his designee by means of:

1107.6.2.1 Sampling devices, approved by the General Manager or his designee, designed to collect representative samples to be analyzed by a certified laboratory acceptable to the General Manager or his designee; or

1107.6.2.2 An estimate as set forth by the State Water Resources Control Board "Revenue Program Guidelines for Wastewater Agencies" Appendix (F), as those guidelines may be updated and/or amended from time to time;

1107.6.3 The General Manager or his designee shall select the method to be used unless the Industrial User can demonstrate that another method will more accurately represent the Discharge.

1107.7 Charges for Unusual or Excessive Strength Wastewaters

A charge for Wastewater of such quality or character as to impose upon the District unusual operation and/or maintenance or capital cost whether or not related to flow volume, BOD, SS, or peak flow rates shall be set by the General Manager or his designee and paid by the Industrial User. These charges shall be reasonably calculated to defray cost attributable to such Wastewater.

1107.8 Collection of Fees

The amount of any Fee imposed by the provisions of this Chapter (including interest) may be added to and become part of the charges fixed by the District for sewer services furnished to the Parcel subject to the Fees. Those, charges, inclusive of the Fees, may be collected by any of the means for collection of sewer service charges set forth in Chapter 3, Section 303 of this Code of Regulations. (Authority: Health and Safety Code Section 5473 et seq., Health and Safety Code Section 6523.3 and Government Code Section 53069.4.)

SECTION 1108. Enforcement of Industrial User Discharge Requirements

1108.1 General

The General Manager or his designee shall be responsible for the enforcement all of the provisions of this Chapter. When the General Manager or his designee finds that a Discharge to the District Sewerage System has taken place, or continues to take place, or threatens to take place, in violation of the prohibitions, limitations, requirements or provisions of this Chapter or its implementing regulations or the conditions of an IWDP, the General Manager or his designee shall take action in accordance with the provisions of this Chapter. The remedies provided for in this Chapter are not exclusive and may be asserted cumulatively and in addition to any other remedy available to the District under applicable federal, state and local laws and regulations.

1108.2 Enforcement Response Plan

The District will typically use its Enforcement Response Plan ("ERP"), as required by 40 CFR Section 403.8(f)(5), and approved by the General Manager, to coordinate enforcement actions against Industrial Users in noncompliance with this Chapter. To the extent that there is any conflict between the ERP and the provisions of this Chapter, this Chapter will control.

1108.3 Declaration of Public Nuisance

An Industrial User's Discharge of Wastewater that violates (i) the provisions of this Chapter, (ii) any condition of the Industrial User's IWDP, (iii) any administrative order issued by the District to the Industrial User or (iv)any other enforcement action taken by the District against the Industrial User is hereby declared a Nuisance. The General Manager or his designee has the authority to take necessary measures (informal notice will suffice) to immediately and effectively correct or abate the Nuisance and may seek to prohibit such Discharge by order of a court of competent jurisdiction.

1108.4 Enforcement Actions

1108.4.1 Notice of Violation. When the General Manager or his designee finds that an Industrial User has violated, or continues to violate (i) the provisions of this Chapter, (ii) any condition of the Industrial User's IWDP, (iii) any administrative order issued by the District to the Industrial User or (iv)any other enforcement action taken by the District against the Industrial User, the General Manager or his designee may serve upon the Industrial User a written Notice of Violation ("NOV"). The NOV shall be served personally or by certified mail upon the Industrial User. The NOV will state the provisions violated, the facts alleged to constitute the violation and may include any proposed corrective actions or monitoring. Within seven working days of the receipt of the NOV, the Industrial User subject to the NOV shall provide a written explanation of the violation, a plan for the satisfactory correction and prevention of the violation, including specific required actions to the General Manager or his designee. Submission of such a response and plan in no way relieves the Industrial User of liability for any violations occurring before or after the receipt of the NOV. Nothing in this Section shall limit the authority of the General Manager or his designee to take any enforcement action, including any emergency actions, with or without issuance of a NOV.

1108.4.2 Administrative Orders. The General Manager or his designee can require compliance with an Industrial User's IWDP conditions or limitations, or any provision of this Chapter or any other federal, state or local pretreatment standard or pretreatment

requirement by issuing Administrative Orders. Administrative Orders may contain requirements or conditions to address an Industrial User's noncompliance, including, without limitation, a compliance schedule, imposition of administrative fines or penalties, and additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the Sewer. An Administrative Order shall not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does an Administrative Order relieve the Industrial User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User. The following Administrative Orders may be issued by the General Manager or his designee and shall be judicially enforceable in a court of competent jurisdiction:

1108.4.2.1 Consent Orders. The General Manager or his designee may, at any time after finding a violation of this Chapter, enter into an agreement with the violating Industrial User that shall be known as a Consent Order. Such agreement may be in the form of a compliance schedule with milestones or other specific actions to be taken by the Industrial User to correct or prevent the noncompliance within a time period specified in the order, payment of damage, fines, penalties, or other remedies. The Consent Order is developed between the Industrial User and the District. This Order shall have the same force and effect as any other administrative order issued pursuant to this Chapter and may include civil fines or penalties imposed in accordance with this Section 1108. A Consent Order may be enforced by an Administrative Complaint under subsection 1108.4.3 or by court action.

1108.4.2.2 Compliance Orders. A Compliance Order shall be issued to an Industrial User that has violated or continues to violate this Chapter, the Industrial User's IWDP, or any other order issued under this Chapter. The General Manager or his designee may issue a Compliance Order to the Industrial User responsible for the violation which may specify the provisions violated and, the facts constituting the violation, and shall direct that adequate treatment facilities, devices, or other related appurtenances be installed and properly operated by a specified time period. Compliance Orders may also contain such other requirements as the General Manager or his designee deems reasonably necessary and appropriate to assure timely compliance with this Chapter and to address noncompliance. Such order may require the installation of pretreatment technology, additional self-monitoring, management practices, adherence to a compliance schedule with milestones, submission of action plans, appearance by the Industrial User at a specific time and place for a compliance meeting, or other measures necessary to achieve and maintain compliance. The Compliance Order is developed by the General Manager or his designee without comment from the Industrial User and may include may include civil fines or penalties imposed in accordance with this Section 1108. A Compliance Order may be enforced by an Administrative Complaint under subsection 1108.4.3 or by court action. .

1108.4.2.3 Cease and Desist Orders. A Cease and Desist Order may be issued by the General Manager or his designee to any Industrial User whose violation poses a threat to the District Sewerage System, District employees or Contractors, the environment or the public. A Cease and Desist Order may also be issued by the General Manager or his designee to Industrial Users who continue to discharge wastewater to the District Sewerage System without a valid IWDP or in violation of the Industrial User's IWDP. The General Manager or his designee may issue an order to cease and desist immediately upon discovering any such violations and direct those Industrial Users in noncompliance to take such appropriate remedial or preventive action as may be deemed needed to eliminate a continuing or threatened violation, including halting operations and terminating the Discharge. Such order shall include

the provision violated and the facts constituting the violation. A Cease and Desist may include civil fines or penalties imposed in accordance with this Section 1108. A Cease and Desist Order may be enforced by an Administrative Complaint under subsection 1108.4.3 or by court action.

1108.4.2.4 Show Cause Order. The General Manager or his designee may order an Industrial User which has violated, or continues to violate, or threatens to violate any provision of this Chapter, an IWDP or order issued hereunder, or any other Pretreatment Standard or requirement, to appear before the General Manager or his designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Industrial User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served on any Authorized Representative of the Industrial User personally or by registered or certified mail (return receipt requested) at least 7 days prior to the hearing. Such notice may be served on any Authorized Representative of the Industrial User. The hearing shall be in the nature of a meet and confer meeting. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

1108.4.2.5 Emergency Suspension of Service Order. The General Manager or his designee may issue an Emergency Suspension of Service Order when necessary to stop any discharge that reasonably appears to present an imminent hazard to the public, the environment or which either individually or by interaction with other Discharges, is an imminent hazard to the District Sewerage System, the Waters of the State, or places the District in violation of its NPDES Permit. If the Industrial User does not comply voluntarily with the Emergency Suspension, the District may take reasonably necessary steps to ensure compliance. These include, but are not limited to, immediate blockage or disconnection of the Industrial User's connection to the public sewer.

1108.4.2.5.1 Any Industrial User notified of a suspension of its service shall immediately stop or eliminate its Discharge. In the event of an Industrial User's failure to immediately comply voluntarily with the suspension order, the General Manager or his designee may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the District Sewerage System, its receiving stream, or endangerment to any individuals. The General Manager or his designee may allow the Industrial User to recommence its Discharge when the Industrial User has demonstrated to the satisfaction of the General Manager or his designee that the period of endangerment has passed, unless the termination proceedings in this Chapter are initiated against the Industrial User.

1108.4.2.5.2 An Industrial User that is responsible, in whole or in part, for a Discharge presenting any of the imminent hazards described above shall submit a detailed written statement to the General Manager or his designee describing the causes of the harmful contribution and the measures taken by the Industrial User to prevent any future occurrence of the hazard(s). The detailed written statement must be submitted prior to the date of any show cause or termination hearing under this Chapter.

1108.4.2.5.3 Nothing in this subsection 1108.4.2.5 shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

1108.4.3 Administrative Complaint and Penalties Government Code Section 54740.5)

1108.4.3.1 Notwithstanding any other provision of this Chapter, the General Manager or his designee may issue an Administrative Complaint to an Industrial User who violates this Chapter, the User's IWDP, or an Administrative Order.

1108.4.3.2 The Administrative Complaint shall allege the act or failure to act that constitutes the violation, the provision of law authorizing civil liability to be imposed and the proposed civil penalty. The Administrative Complaint shall be served by personal delivery or certified mail on the Industrial User and shall inform the Industrial User served that a hearing shall be conducted within sixty (60) days after the Industrial User has been served.

1108.4.3.3 The hearing shall be held before a hearing officer designated by the District Board. The Industrial User who has been issued an Administrative Complaint may waive the right to a hearing, in which case the District shall not conduct a hearing. An Industrial User dissatisfied with the decision of the hearing officer may appeal to the District Board within thirty (30) days of notice of the hearing officer's decision.

1108.4.3.4 If after the hearing, or appeal, if any, it is found that the Industrial User has violated reporting or Discharge requirements, the hearing officer of the District may assess a civil penalty against the Industrial User. In determining the amount of a civil penalty, the hearing officer or District may take into consideration all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any attempted or taken by the Industrial User.

1108.4.3.5 Civil penalties may be imposed pursuant to subsection 1108.4.3 *et seq.* as follows:

1108.4.3.5.1 In an amount which shall not exceed $2,000.00 for each day for failing to furnish technical or monitoring reports. [Government Code Section 54740.5(d)(1).]

1108.4.3.5.2 In an amount which shall not exceed $3,000.00 for each day for failing or refusing to timely comply with any compliance schedule established by the General Manager. [Government Code Section 54740.5(d)(2).]

1108.4.3.5.3 In any amount which shall not exceed $5,000.00 per violation for each day for discharges in violation of any waste discharge limitation, IWDP condition, or requirement issued, reissued or adopted by the District. [Government Code Section 54740.5(d)(3).]

1108.4.3.5.4 In an amount which shall not exceed $10.00 per gallon for Discharges in violation of any suspension, cease and desist order or other orders, or prohibitions issued, reissued or adopted by the General Manager or his designee. [Government Code Section 54740.5(d)(4).]

1108.4.3.6 Unless appealed, orders setting administrative penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days

established by the order. Copies of these orders shall be served by personal service or by certified mail upon the parties served with the Administrative Complaint and upon other Persons who appeared at the hearing and requested a copy.

1108.4.3.7 All monies collected under this Section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment and control of Discharges into the District Sewerage System.

1108.4.3.8 The amount of any civil penalties imposed under this Section which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the Industrial User from which the Discharge, Chapter violation, or permit violation originated resulting in the imposition of civil penalty. The lien shall be recorded with the Ventura County Recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Section 683.110 to 683.220, inclusive of the Code of Civil Procedure.

1108.4.3.9 No penalties shall be recoverable under this Section for any violation for which civil liability is recovered under subsection 1108.4.4.

1108.4.3.10 Judicial Review

1108.4.3.10.1 Any Industrial User aggrieved by a final order issued by the District under this Section may obtain review of the order of the District in the Superior Court by filing in the Court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the District. Any Industrial User aggrieved by a final order of a hearing officer issued under this Section for which the District Board denies review, may obtain review of the order of the hearing officer in the Superior Court by filing in the Court a petition for writ of mandate within 30 days following service of a copy of a decision and order denying review by the District Board.

1108.4.3.10.2 If no aggrieved Industrial User petitions for a writ of mandate within the time allowed, an order of the District Board or hearing officer shall not be subject to review by any court or agency.

1108.4.3.10.3 The evidence before the Court shall consist of the record before the District Board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the Court, should be considered to effectuate and implement policies of this Ordinance. In every such case, the Court shall exercise its independent judgment on the evidence.

1108.4.3.10.4 Subdivisions (e) and (f) of Section 1094.5 of the Code of Civil Procedure shall govern review proceedings.

1108.4.4 Administrative Fines and Penalties (Government Code Section 53069.4)

The purpose of this subsection 1108.4.4 is to establish procedures for the administrative enforcement of this Chapter through the issuance of Administrative Citations and the imposition of Administrative Fines and Penalties. These administrative enforcement procedures are in addition to, and not in lieu of, any other applicable enforcement procedures set forth in this Chapter, other District ordinances or in state or federal law. This subsection 1108.4.4 is not

intended to limit the enforcement or prosecutorial discretion of the General Manager, or his designee, to impose or seek any remedy available, civil or criminal, for violations of the Chapter or other District ordinances.

1108.4.4.1 Issuance of Administrative Citation.

1108.4.4.1.1 The General Manager or his designee may issue an Administrative Citation to an Industrial User in violation of this Chapter.

1108.4.4.1.2 If, following a District investigation, the General Manager, or his designee, determines that an Industrial User committed a violation of this Chapter, the General Manager, or his designee, may issue an Administrative Citation to that Industrial User for the violation even though the General Manager, or his designee, did not actually observe the Industrial User committing the violation.

1108.4.4.1.3 An Administrative Fine shall become effective on the date stated in the Administrative Citation (hereafter referred to as the "Effective Date of the Fine"). Following the Effective Date of the Fine, the District shall require the Industrial User to pay that Administrative Fine in accordance with, and subject to, the provisions set forth in this subsection 1108.4.4.

1108.4.4.1.4 Each day an Industrial User allows a violation to exist may be treated as a separate violation, and that Industrial User may be subject to a separate Administrative Fine for each separate violation.

1108.4.4.1.5 An Administrative Citation may charge a violation of this Chapter for one or more days on which a violation exists and for violation of one or more Chapter sections.

1108.4.4.1.6 The issuance of an Administrative Citation or payment of an Administrative Fine does not bar the District from pursuing any other enforcement action regarding a Code violation that is not corrected, including issuing additional Administrative Citations or referring the matter for criminal prosecution.

1108.4.4.2 Contents of Administrative Citation. The Administrative Citation shall be issued on a form prescribed by the General Manager and shall contain the following information:

1108.4.4.2.1 The form shall be titled "Administrative Citation."

1108.4.4.2.2 The name and signature of the individual issuing the Administrative Citation.

1108.4.4.2.3 The name of the Industrial User.

1108.4.4.2.4 Date on which an inspection, observation or investigation established the violation.

1108.4.4.2.5 Legal authority for the Administrative Citation.

1108.4.4.2.6 Address or location where the Code violation(s) was established.

1108.4.4.2.7 Description of the Code violation(s).

1108.4.4.2.8 The amount and the Effective Date of the Fine for each violation.

1108.4.4.2.9 An order to the Industrial User to correct the violation(s) prior to the Effective Date of the Fine, and an explanation of the consequences of failure to correct the violation(s).

1108.4.4.2.10 An explanation of how the fine shall be paid and directing that it be made payable to the District, the time period within which it shall be paid, and the address at which the fine payment shall be remitted or mailed.

1108.4.4.2.11 A statement regarding the right to appeal the Administrative Citation, including: (i) the time within which the appeal must be filed; and (ii) the place to obtain a Notice of Appeal and Request for Hearing Form.

1108.4.4.2.12 A self-addressed envelope shall accompany any Administrative Citation issued by the District so that the Industrial User may mail payment of the specified administrative fine to the District.

1108.4.4.2.13 The District shall retain a copy of each Administrative Citation issued.

1108.4.4.3 Establishment of Administrative Fines or Penalties. Fines and penalties may be imposed pursuant to subsection 1108.4.4 *et seq.* as follows:

1108.4.4.3.1 A fine not exceeding one hundred dollars ($100.00) per day for the first violation up to a maximum of one thousand dollars ($1000.00).

1108.4.4.3.2 A fine not exceeding two hundred dollars ($200.00) per day for a second violation of the same standard or requirement within one year up to a maximum of two thousand dollars ($2000.00).

1108.4.4.3.3 A fine not exceeding five hundred dollars ($500.00) per day for a third violation of the same standard or requirement within one year up to a maximum of four thousand dollars ($4000.00).

1108.4.4.3.4 Civil administrative fines which are not paid by the due date established by the Administrative Citation (or the General Manager in accordance with District regulations) will be assessed a late payment penalty equal to one percent (1%) of the total amount due per month.

1108.4.4.4 Service of Administrative Citations. An Administrative Citation shall be served on an Industrial User in person or by certified mail, first class mail, postage prepaid.

1108.4.4.4.1 Personal Service. The General Manager, or his designee, shall attempt to locate and personally serve the Authorized Representative of the Industrial User. If possible, the General Manager or his designee shall obtain the signature of the Authorized Representative on the Administrative Citation in order to record the Authorized Representatives receipt of such Administrative Citation. But if the Authorized Representative refuses or fails to sign the Administrative Citation, the failure or refusal to sign shall not affect the validity of the citation or subsequent proceedings and the General Manager, or his designee, shall make service of the citation as otherwise provided herein.

1108.4.4.4.2 If for any reason the General Manager, or his designee, is unable to personally serve the Administrative Citation on the Authorized Representative, the Administrative Citation shall be mailed to the Authorized Representative by United States Postal Service, certified, first-class mail, postage prepaid. The failure of an Authorized Representative to receive a properly addressed Administrative Citation shall not affect the validity of any proceeding under this Section. Service of the Administrative Citation by mail shall be effective on the date of mailing.

1108.4.4.5 Opportunity to Correct Continuing Violation

1108.4.4.5.1 Where a continuing violation does not create an immediate danger to public health and safety, the General Manager, or his designee, shall allow the Industrial User a reasonable amount of time to correct or otherwise remedy the violation prior to the Effective Date of the Fine. The determination of what constitutes a reasonable amount of time shall be determined in the sole and absolute discretion of the General Manager, or his designee, based on the following:

1108.4.4.5.1.1 Magnitude of the violation;

1108.4.4.5.1.2 Likelihood of violation to cause harm to persons or property;

1108.4.4.5.1.3 Cost to correct the violation; and

1108.4.4.5.1.4 Effect of the violation on the District Sewerage Facilities.

1108.4.4.5.2 If the Authorized Representative demonstrates to the General Manager, or his designee, that a violation cited in an Administrative Citation was corrected or otherwise remedied on or before the Effective Date of the Fine for that violation or the date otherwise specified by the General Manager in accordance with subsection 1108.4.4.7, he shall not be assessed an Administrative Fine for the violation.

1108.4.4.5.3 If the Authorized Representative fails to demonstrate to the General Manager, or his designee, that a violation cited in an Administrative Citation was corrected or otherwise remedied on or before the Effective Date of the Fine for that violation or the date otherwise specified by the General Manager in accordance with subsection 1108.4.4.7, the applicable Administrative Fine must be paid to the District within 10 days of the Effective Date of the Fine or the date otherwise specified by the General Manager in accordance with subsection 1108.4.4.6.

1108.4.4.5.4 Subsection 1108.4.4.5 *et seq.* shall not be construed as a waiver of any fee or payment that would ordinarily be required pursuant to the Code.

1108.4.4.6 General Manager Authority. Without the prior approval of or subsequent ratification by the Board, the General Manager is authorized to do the following:

1108.4.4.6.1 Decrease or increase the amount of time specified in the Administrative Citation for an Industrial User to correct or otherwise remedy a violation

1108.4.4.6.2 Extend the Effective Date of the Fine specified in an Administrative Citation;

1108.4.4.6.3 Impose an administrative fine or penalty on an Industrial User for a violation at or below the upper limit or "cap" for that violation established by this Chapter. The General Manager's determination as to amount of fine or penalty imposed may be based on any or all of the following factors:

1108.4.4.6.3.1 Magnitude of the violation;

1108.4.4.6.3.2 Likelihood of violation to cause harm to persons or property.

1108.4.4.6.3.3 Duration of the violation;

1108.4.4.6.3.4 Effect of the violation on the District Sewerage System;

1108.4.4.6.3.5 Compliance history of the Industrial User; and

1108.4.4.6.3.6 Good faith of the Industrial User where "Good Faith" is defined as the Industrial User's honest intention to remedy noncompliance manifested by actions which give support to this intention.

1108.4.4.7 Satisfaction of Administrative Citation. An Industrial User who is issued an Administrative Citation must:

1108.4.4.7.1 Pay Administrative Fines imposed by the District within 10 days of the Effective Date of the Fine, subject to the provisions set forth in subsections 1108.4.4.5 and 1108.4.4.6; and

1108.4.4.7.2 Demonstrate to the General Manager or his designee, that each violation cited in an Administrative Citation has been corrected or remedied on or before the Effective Date of the Fine for the violation, or within the time-frame otherwise approved by the General Manager pursuant to subsection 1108.4.4.6.

1108.4.4.8 Request for Administrative Appeal to the General Manager

1108.4.4.8.1 An Industrial User who has received an Administrative Citation may file with the District Clerk a written Request for Appeal to the

General Manager. An Industrial User seeking an appeal must obtain a "Request for Appeal to the General Manager" form from the District Clerk.

1108.4.4.8.2 The "Request for Appeal to the General Manager" form must be filed within 30 days from the date the Administrative Citation was issued. The request shall specify the action, decision or determination complained of and shall state the reasons upon which the request is based. Any appeal of the Administrative Citation must include a detailed written explanation of the grounds for appeal in order for the request to be considered complete by District staff and ready for administrative review.

1108.4.4.8.3 The filing of a Request for Appeal to the General Manager by an Industrial User for a violation(s) listed in an Administrative Citation shall stay the Industrial User's duty to pay administrative fines related to the violation and to correct or otherwise remedy those violations until such time as there is a final decision on the matter. If the final decision upholds the issuance of the Administrative Citation, applicable administrative fines shall be calculated from the date Request for Appeal to the General Manager was filed.

1108.4.4.8.4 Within 30 days of an Industrial User filing a written request pursuant to subsections 1108.4.4.8.1 through 1108.4.4.8.3, and on at least 10 days written Notice of Hearing to the Industrial User by certified, first class mail, postage prepaid, the General Manager shall meet with the Industrial User to hear the Industrial User's objections. Within 5 days of said meeting, the General Manager shall deliver a ruling on the matter to the Industrial User by certified, first class mail, postage prepaid. In ruling on the matter, the General Manager may, in his sole discretion, reverse or modify the decision at issue and make any adjustments and impose any conditions deemed just and proper, if he finds and determines that the provisions of this Chapter were not properly applied to the matter under consideration.

1108.4.4.8.5 The failure to file a timely and complete "Request for Appeal to the General Manager" with the District Clerk shall terminate a Responsible Person's right to administratively appeal or contest the District's action, decision or determination and a failure to exhaust administrative remedies. The Administrative Citation shall then serve as a final determination and conclusive evidence of the named Industrial User's liability.

1108.4.4.9 Request for Administrative Appeal to the District Board

1108.4.4.9.1 Within 10 calendar days following the date the notice of the General Manager's ruling is served on the appellant, the appellant who initiated the Request for Appeal to the General Manager may appeal the General Manager's ruling to the District Board.

1108.4.4.9.2 An appellant seeking to appeal the General Manager's ruling to the District Board shall file with the Clerk of the Board an original and two copies of a Request for Appeal to the District Board which states with particularity the grounds of appeal and the specific relief requested. The District Clerk shall note on the original Request for Appeal to the District Board the date and time of filing and shall transmit copies of the request to the General Manager and the District's legal counsel.

1108.4.4.9.3 The District Board shall conduct a hearing on the matter at a scheduled Board meeting following the appellant's filing of the Request for Appeal to the District Board, and on at least 10 days written Notice of Hearing to the appellant by certified,

first class mail, postage prepaid. The Notice of Hearing shall be deemed served on appellant 5 calendar days from the date the Notice of Hearing was mailed.

1108.4.4.9.4 The hearing shall be conducted in accordance with the procedures set forth in subsection 1108.4.4.10 and any other applicable procedures and rules adopted by the District.

1108.4.4.9.5 Within 14 days of the hearing, the District Clerk shall serve a copy of the Board's ruling on the matter to the appellant by certified, first class mail, postage prepaid.

1108.4.4.9.6 In ruling on a matter, the Board may, in its sole discretion, affirm, reverse or modify the ruling of the General Manager on the matter. In so doing, the Board may make any adjustments and impose any conditions on the appellant in order to properly apply the provisions of this Code.

1108.4.4.9.7 The Board's ruling on the matter shall be final.

1108.4.4.10 Administrative Appeal Procedures

1108.4.4.10.1 Any proceeding by the General Manager or Board of Directors under subsection 1108.4.4 *et seq.* shall be conducted on the date and at the time and location specified in a duly issued notice to the appellant.

1108.4.4.10.2 Prior to any proceeding before the General Manager or District Board pursuant to subsection 1108.4.4 *et seq.*, all information relevant to the proceeding shall be provided by the District staff to the General Manager or District Board, as applicable. The District staff shall also provide appellant with copies of all such relevant information.

1108.4.4.10.3 During any proceeding conducted before the General Manager or District Board and pursuant to subsection 1108.4.4 *et seq.*, the appellant shall be allowed to testify, to present witnesses and to present evidence relevant to the matter at issue.

1108.4.4.10.4 Reports prepared by District staff concerning the matter at issue shall be accepted by the General Manager or District Board as prima facie evidence of the facts stated in such documents.

1108.4.4.10.5 If a request is made by the appellant or a representative of the District setting forth good cause for a continuance, the General Manager or District Board, as applicable, may continue a proceeding conducted pursuant to subsection 1108.4.4 *et seq.*. The General Manager or District Board, as applicable, may also, in their independent discretion, order that a proceeding conducted pursuant to subsection 1108.4.4 *et seq.* be continued.

1108.4.4.10.6 If a continuance is granted, a new hearing date shall be set by the General Manager or District Board, as applicable, and specified in a written Notice of Continuance. The Notice of Continuance shall be served on the appellant by certified, first-class mail, postage prepaid. Service of the Notice of Continuance shall be deemed served on appellant 5 calendar days from the date the Notice of Continuance was mailed. The Notice of

Continuance shall be mailed to the appellant at least 5 calendar days prior to the date of the continued Administrative Hearing by certified, first class mail, postage prepaid. If a continuance is denied, the General Manager or District Board, as applicable, shall proceed as scheduled. The decision of the General Manager or District Board to grant or deny a continuance shall be final and is not subject to judicial review.

1108.4.4.10.7 Any proceedings before the General Manager or District Board pursuant to subsection 1108.4.4 *et seq.* shall be conducted informally without strict adherence to the legal rules of evidence.

1108.4.4.10.8 Neither the General Manager nor District Board shall be required to provide written transcripts of proceedings conducted pursuant to subsection 1108.4.4 *et seq.*, but any proceedings before the District Board shall be recorded, either audio or video, and the recording of the proceeding shall be made available for a fee not to exceed the cost to duplicate and, where applicable, deliver the recording to the requesting party by first-class mail.

1108.4.4.10.9 An Industrial User who files an appeal in accordance with subsection 1108.4.4 *et seq.* shall attend all scheduled proceedings related to that appeal on the date and at the time and location specified by the District in a duly issued notice. Failure by an appellant to attend a proceeding shall constitute (i) an abandonment of the appeal, (ii) an admission by the appellant that he violated any and all requirements of this Chapter that are at issue, (iii) an admission by the appellant that the amount of the Administrative Fine or Penalty at issue is appropriate, and (iv) a failure on the part of the appellant to exhaust administrative remedies.

1108.4.4.10.10 In the event an appellant fails to attend a scheduled proceeding on the date and at the time and location specified in a duly issued notice, all Administrative Fines or Penalties that are at issue shall become payable on the Effective Date of the Fine or, if the Effective Date of the Fine has elapsed, within 10 days of the date the appeal on the matter was scheduled to take place.

1108.4.4.11 Notice of Decision

1108.4.4.11.1 The General Manager or District Board, as applicable, shall file with the District Clerk a written Notice of Decision within 10 working days of the conclusion of an appeal proceeding conducted in accordance with subsection 1108.4.4 *et seq.* either upholding or dismissing the Administrative Citation. The decision shall list the findings in support of the decision and, where applicable, the imposition of the Administrative Fine. In the event that an Industrial User fails to attend a scheduled Administrative Hearing, the Notice of Decision shall note that fact.

1108.4.4.11.2 The Notice of Decision shall be delivered by the District to the appellant by certified, first-class mail, return receipt requested, postage prepaid. Service of the Notice of Decision shall be deemed served on appellant 5 days from the date the Notice of Decision was mailed to the appellant.

1108.4.4.11.3 The General Manager or District Board, as applicable, may determine that an administrative fine or penalty for a violation be imposed on an Industrial User at or below the upper limit or “cap” for that violation as established by this Chapter. The basis for the Hearing Officer’s determination shall be reflected in the Notice of

Decision and include consideration of any or all of the following factors:

1108.4.4.11.3.1 Magnitude of the violation;

1108.4.4.11.3.2 Likelihood of violation to cause harm to persons or property.

1108.4.4.11.3.3 Duration of the violation;

1108.4.4.11.3.4 Effect of the violation on the District Sewerage System;

1108.4.4.11.3.5 Compliance history of the Industrial User; and

1108.4.4.11.3.6 Good faith of the Industrial User where "Good Faith" is defined as the Industrial User's honest intention to remedy noncompliance manifested by actions which give support to this intention.

1108.4.4.11.4 Where there is a determination in the Notice of Decision that the violation(s) cited in the Administrative Citation should be upheld, the Notice of Decision shall, if necessary, establish a new Effective Date of the Fine for each violation upheld, and establish the date by which the Industrial User shall be required to correct or otherwise remedy each of those violations. The Notice of Decision shall require that applicable fines and penalties be payable to the District within 10 days of the Effective Date of the Fine stated in the Notice of Decision.

1108.4.4.11.5 Where there is a determination in the Notice of Decision that a Code violation cited in an Administrative Citation should be dismissed, no Administrative fine or penalty for that violation shall be imposed, and no further action by the appellant with respect to the alleged violation shall be required. This provision shall not be construed to waive any fee or payment that would ordinarily be required pursuant to the Code.

1108.4.4.12 Judicial Review

1108.4.4.12.1 In accordance with Government Code Section 53069.4, the Industrial User the Ventura County Superior Court Clerk within 20 calendar days after the date the Notice of Decision was served. Any appeal filed with the Superior Court shall contain a proof of service showing that a copy of the appeal was served upon the District. The Industrial User must pay the appropriate filing fees.

1108.4.4.12.2 Within 15 days of receiving a request from the Superior Court to forward the District's file on a particular Administrative Citation, the District's legal counsel shall forward to the superior court the appropriate Notice of Decision, Administrative Citation and other documentation. If the Superior Court reverses, in whole or in part, any decision of the Hearing Officer, the District shall refund to the appellant the Superior Court filing fee and, in accordance with the judgment of the court, administrative fines paid by the Industrial User.

1108.4.4.13 Collection of Administrative Fines

1108.4.4.13.1 An Administrative Fine or Penalty that has not been directly and timely paid to the District by the Industrial User as required by subsection 1108.4.4 *et seq.* may be added to and become part of the annual sewer service charges fixed by the District for sewer services furnished to the Parcel subject to the Administrative Fine or Penalty. Those charges, inclusive of the Administrative Fine or Penalty, may be collected by any of the means for collection of sewer service charges set forth in Chapter 3, Section 303 of this Code of Regulations. (Authority: Health and Safety Code Section 5473 et seq., Health and Safety Code Section 6523.3 and Government Code Section 53069.4.)

1108.4.4.13.2 A lien against the Industrial User's property may be sought for the amount of unpaid Administrative Fines and Penalties under this Section.

1108.4.5 Assessment of Noncompliance Costs. Where an Industrial User's Discharge violates any provision of this Chapter or the Industrial User's IWDP or causes damage to or otherwise inhibits the operation of the District Sewerage System, the Industrial User shall be liable to the District for any expense, loss, or damage caused by such Discharge. This includes any fines and costs associated with enforcement actions levied against the District including environmental fines and cleanup costs arising out of, pertaining to, or resulting from an Industrial User's noncompliance. These costs also include, but are not limited to, all costs associated with inspections and sampling activities, analytical laboratory fees, transportation, equipment use, and labor and administrative costs resulting from the District's efforts to investigate, resolve and/or correct an Industrial User's noncompliance.

1108.4.6 Suspension of Industrial Wastewater Discharge Permit

1108.4.6.1 The General Manager or his designee may suspend an IWDP if the suspension is necessary to terminate a Discharge which is in violation of any provision of this Chapter or other District regulations, provided that a Notice of Violation, administrative order or other enforcement action has been served on the Industrial User and the time designated therein to correct the violation has transpired.

1108.4.6.2 The General Manager or his designee may suspend an IWDP, upon informal notice only, if suspension is necessary to terminate a Discharge which presents an imminent hazard to the local environment and/or public health, to the District Sewerage System or to District Personnel or the termination of which is reasonably required to preserve the public health, safety or welfare (See subsection 1108.4.5).

1108.4.6.3 Any Industrial User notified of the suspension of the IWDP shall immediately stop or eliminate the Discharge of the specified Wastewater or other material into the District Sewerage System. In the event of a failure of the Industrial User to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including, but not limited to, immediate severance of the sewer connection.

1108.4.6.4 The General Manager or his designee shall reinstate an IWDP suspended hereunder upon proof of the Industrial User's compliance with the Notice of Violation or other enforcement orders issued by the District and with the requirements of this Chapter and the IWDP. A detailed written statement submitted by the Industrial User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the District within 15 days of the date of occurrence.

1108.4.7 Revocation of Industrial Wastewater Discharge Permit

1108.4.7.1 Any Industrial User who violates the conditions of his IWDP or provisions of this Chapter or applicable Federal and State regulations is subject to having its IWDP revoked. Violations subjecting an Industrial User to possible revocation of the IWDP include, but are not limited to, the following:

1108.4.7.1.1 Discharge(s) cause(s) damage to the District Sewerage System or District personnel, endangers the environment, or threatens the public health, safety and welfare;

1108.4.7.1.2 Unpermitted Discharge(s) which violate the District's NPDES Permit or which create a dangerous situation threatening public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.7.1.3 Discharge(s) that exceed Local or Categorical Discharge Limits and result in damage to the environment;

1108.4.7.1.4 Slug Loads causing Interference, Pass Through, or damage to public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.7.1.5 Failure of an Industrial User to notify the District of effluent limit violations or Slug Loads which resulted in damage to public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.7.1.6 Complete failure of an Industrial User to sample, monitor, or report as required by an Administrative Order issued by the District;

1108.4.7.1.7 Failure of an Industrial User to install required monitoring equipment per the condition of an Administrative Order issued by the District;

1108.4.7.1.8 An Industrial User's major violation(s) of a condition of the Industrial User's IWDP condition, this Chapter or an Administrative Order issued by the District accompanied by evidence of negligence or intent.

1108.4.7.1.9 Failure of an Industrial User to accurately report the Wastewater constituents and characteristics of its Discharge;

1108.4.7.1.10 Failure of an Industrial User to report significant changes in operations or the Industrial User's wastewater volume, constituents, and characteristics prior to Discharge;

1108.4.7.1.11 Refusal of an Industrial User to provide the District or its representatives with reasonable access to the Industrial User's Premises for the purpose of inspection, monitoring, or sampling; or

1108.4.7.1.12 Failure to pay required fees, fines, penalties, sewer service fees and charges, or other costs owed to the District.

1108.4.7.2 Any Industrial User notified of the revocation of the IWDP shall immediately stop or eliminate all Discharges into the District Sewerage System. In the event of a

failure of the Industrial User to comply voluntarily with the revocation order, the District shall take such steps as deemed necessary, including, but not limited to, immediate severance of the Industrial User's connection to the District Sewerage System.

1108.4.7.3 The General Manager or his designee may issue a new IWDP upon proof of the Industrial User's compliance with the Notice of Violation or other enforcement orders issued by the District and with the requirements of this Chapter, submission of an IWDP application, and payment of all Fees or penalties.

1108.4.8 Notice of Termination of Service

1108.4.8.1 The District may terminate service to an Industrial User for good cause, including, but not limited to, the following:

1108.4.8.1.1 Discharge(s) cause(s) damage to the District Sewerage System or District personnel, endangers the environment, or threatens the public health, safety and welfare;

1108.4.8.1.2 Unpermitted discharge(s) which violate the District's NPDES Permit or which create a dangerous situation threatening public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.8.1.3 Discharge(s) that exceed local or categorical discharge limits and result in damage to the environment;

1108.4.8.1.4 Slug Loads causing Interference, Pass Through, or damage to public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.8.1.5 Failure of an Industrial User to notify the District of effluent limit violations or Slug Loads which resulted in damage to public health, safety and welfare, the environment, or the District Sewerage System;

1108.4.8.1.6 Complete failure of an Industrial User to sample, monitor, or report as required by an Administrative Order issued by the District;

1108.4.8.1.7 Failure of an Industrial User to install required monitoring equipment per the condition of an Administrative Order issued by the District;

1108.4.8.1.8 An Industrial User's major violation(s) of a condition of the User's IWDP condition, this Chapter or an Administrative Order issued by the District accompanied by evidence of negligence or intent;

1108.4.8.1.9 Failure of an Industrial User to accurately report the Wastewater constituents and characteristics of its Discharge;

1108.4.8.1.10 Failure of an Industrial User to report significant charges in operations or the Industrial User's wastewater volume, constituents, and characteristics prior to discharge;

1108.4.8.1.11 Refusal of reasonable access to the Industrial User's Premises for the purpose of inspection, monitoring, or sampling; or

1108.4.8.1.12 Failure of an Industrial User to pay fees, fines, penalties, sewer service fees and charges, or other costs owed to the District.

1108.4.8.2 Such Industrial User will be notified of the proposed Termination of Service and offered an opportunity to show cause, pursuant to a Show Cause Order, why the proposed Termination of Service action should not be taken by the District.

1108.4.8.3 If a Notice of Termination of Service has been issued, and the Industrial User fails to comply voluntarily with the termination notice, the General Manager or his designee shall take such steps as deemed necessary, including immediate termination or severance of the Industrial User's sewer service lateral connection, to prevent or minimize damage to the District Sewerage System or endangerment to any Person or the environment.

1108.4.8.4 Termination of Service by the District shall not be a bar to, or a prerequisite for, the District taking any other enforcement action against the Industrial User. The cost of termination and reconnection, if any, shall be paid by such Industrial User.

1108.4.9 Civil Prosecution

1108.4.9.1 An Industrial User who has violated, or continues to violate, any provision of this Chapter, an IWDP, or Order issued hereunder, or any other Pretreatment Standard or requirement shall be liable to the District for a maximum civil penalty of $25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

1108.4.9.2 The District may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

1108.4.9.3 In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit grained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the Industrial User, and any other factor as justice requires.

1108.4.9.4 Notwithstanding any other provision of law, all civil penalties imposed by the Court for a violation of this Section shall be distributed the District.

1108.4.9.5 Remedies under this Section are in addition to and do not supersede or limit any or all other remedies, civil or criminal.

1108.4.10 Criminal Prosecution. An Industrial User who willfully or negligently violates any provision of this Chapter, an IWDP, or Order issued hereunder, or any other Pretreatment Standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $1,000 per violation, per day, or imprisonment for not more than 30 days, or both as provided under California Health and Safety Code Section 6523.

1108.4.11 Injunctive Relief. When the District finds that an Industrial User has violated, or continues to violate any provision of this Chapter, an IWDP, or Order issued hereunder, or any other Pretreatment Standard or requirement, the District may petition the Superior Court for the issuance of a temporary restraining order, or a temporary or permanent

injunction, as appropriate, which restrains or compels the specific performance of the IWDP, Order, or other requirement imposed by this Chapter on activities of the Industrial User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

1108.4.12 Annual Publication of Significant Violators. The names of all Significant Industrial Users which at any time during the previous 12 months were found to be in significant noncompliance with applicable Pretreatment Standards, Requirements and this Chapter shall be published at least annually in a newspaper of general circulation within the service area of the District.

1108.5 Administrative Appeals. Except as may otherwise be provided in this Chapter, the following procedures shall be followed by an Industrial User who seeks to appeal an action, decision or determination by the District in enforcing this Chapter:

1108.5.1 Request for Administrative Appeal to the General Manager

1108.5.1.1 An Industrial User may file with the District Clerk a written Request for Appeal to the General Manager.

1108.5.1.2 The request must be filed within 30 days from the date of the action, decision or determination being appealed. The request shall specify the action, decision or determination complained of and shall state the reasons upon which the request is based. Any appeal must include a detailed written explanation of the grounds for appeal in order for the request to be considered complete by District staff and ready for administrative review.

1108.5.1.3 The filing of a Request for Appeal to the General Manager by an Industrial User shall stay the Industrial User's duty to correct or otherwise remedy any violations of this Chapter being appealed until such time as there is a final decision on the matter.

1108.5.1.4 Within 30 days of an Industrial User filing a written request pursuant to subsections 1108.5.1.1 through 1108.5.1.3 and on at least 10 days written Notice of Hearing to the Industrial User by certified, first class mail, postage prepaid, the General Manager shall meet with the Industrial User to hear the Industrial User's objections. Within 5 days of said meeting, the General Manager shall deliver a ruling on the matter to the Industrial User by certified, first class mail, postage prepaid. In ruling on the matter, the General Manager may, in his sole discretion, reverse or modify the District action, decision or determination at issue and make any adjustments and impose any conditions deemed just and proper, if he finds and determines that the provisions of this Chapter were not properly applied to the matter under consideration.

1108.5.1.5 The failure to submit a timely and complete Request for Administrative Citation Appeal Hearing Form shall terminate an Industrial User's right to administratively appeal or contest the District's action, decision or determination.

1108.5.2 Request for Administrative Appeal to the District Board

1108.5.2.1 Within 10 calendar days following the date the notice of the General Manager's ruling is served on the appellant, the appellant who initiated the Request for Appeal to the General Manager may appeal the General Manager's ruling to the District Board.

1108.5.2.2 An appellant seeking to appeal the General Manager's ruling to the District Board shall file with the Clerk of the Board an original and two copies of a Request for Appeal to the District Board which states with particularity the grounds of appeal and the specific relief requested. The District Clerk shall note on the original Request for Appeal to the District Board the date and time of filing and shall transmit copies of the request to the General Manager and the District's legal counsel.

1108.5.2.3 The District Board shall conduct a hearing on the matter at a scheduled Board meeting following the appellant's filing of the Request for Appeal to the District Board, and on at least 10 days written Notice of Hearing to the appellant by certified, first class mail, postage prepaid. The Notice of Hearing shall be deemed served on appellant 5 calendar days from the date the Notice of Hearing was mailed.

1108.5.2.4 The hearing shall be conducted in accordance with the procedures set forth in Section 1108.5.3 and any other applicable procedures and rules adopted by the District.

1108.5.2.5 Within 14 days of the hearing, the District Clerk shall serve a copy of the Board's ruling on the matter to the appellant by certified, first class mail, postage prepaid.

1108.5.2.6 In ruling on a matter, the Board may, in its sole discretion, affirm, reverse or modify the ruling of the General Manager on the matter. In so doing, the Board may make any adjustments and impose any conditions on the appellant in order to properly apply the provisions of this Code.

1108.5.2.7 The Board's ruling on the matter shall be final.

1108.5.3 Administrative Appeal Procedures

1108.5.3.1 Any proceeding by the General Manager or Board of Directors under subsection 1108.5 *et seq.* shall be conducted on the date and at the time and location specified in a duly issued notice to the appellant.

1108.5.3.2 Prior to any proceeding before the General Manager or District Board pursuant to subsection 1108.5 *et seq.*, all information relevant to the proceeding shall be provided by the District staff to the General Manager or District Board, as applicable. The District staff shall also provide appellant with copies of all such relevant information.

1108.5.3.3 During any proceeding conducted before the General Manager or District Board and pursuant to subsection 1108.5 *et seq.*, the appellant shall be allowed to testify, to present witnesses and to present evidence relevant to the matter at issue.

1108.5.3.4 Reports prepared by District staff concerning the matter at issue shall be accepted by the General Manager or District Board as prima facie evidence of the facts stated in such documents.

1108.5.3.5 If a request is made by the appellant or a representative of the District setting forth good cause for a continuance, the General Manager or District Board, as applicable, may continue a proceeding conducted pursuant to subsection 1108.5 *et seq.*. The General Manager or District Board, as applicable, may also, in their independent discretion, order that a proceeding conducted pursuant to subsection 1108.5 *et seq.* be continued.

1108.5.3.6 If a continuance is granted, a new hearing date shall be set by the General Manager or District Board, as applicable, and specified in a written Notice of Continuance. The Notice of Continuance shall be served on the appellant by certified, first-class mail, postage prepaid. Service of the Notice of Continuance shall be deemed served on appellant 5 calendar days from the date the Notice of Continuance was mailed. The Notice of Continuance shall be mailed to the appellant at least 5 calendar days prior to the date of the continued Administrative Hearing by certified, first class mail, postage prepaid. If a continuance is denied, the General Manager or District Board, as applicable, shall proceed as scheduled. The decision of the General Manager or District Board to grant or deny a continuance shall be final and is not subject to judicial review.

1108.5.3.7 Any proceedings before the General Manager or District Board pursuant to subsection 1108.5 *et seq.* shall be conducted informally without strict adherence to the legal rules of evidence.

1108.5.3.8 Neither the General Manager nor District Board shall be required to provide written transcripts of proceedings conducted pursuant to subsection 1108.5 *et seq.*, but any proceedings before the District Board shall be recorded, either audio or video, and the recording of the proceeding shall be made available for a fee not to exceed the cost to duplicate and, where applicable, deliver the recording to the requesting party by first-class mail.

1108.5.3.9 An Industrial User who files an appeal in accordance with subsection 1108.5 *et seq.* shall attend all scheduled proceedings related to that appeal on the date and at the time and location specified by the District in a duly issued notice. Failure by an appellant to attend a proceeding shall constitute (i) an abandonment of the appeal, (ii) an admission by the appellant that he violated any and all Code provisions at issue; (iii) an admission by the appellant that the action, decision or determination of the District at issue is valid and enforceable, and (iv) a failure on the part of the appellant to exhaust administrative remedies.

1108.5.3.10 In the event an appellant fails to attend a scheduled proceeding on the date and at the time and location specified in a duly issued notice, all Administrative Fines or Penalties that are at issue, if any, shall become payable on the Effective Date of the Fine or, if the Effective Date of the Fine has elapsed, within 10 days of the date the appeal on the matter was scheduled to take place.

1108.5.4 Notice of Decision

1108.5.4.1 The General Manager or District Board, as applicable, shall file with the District Clerk a written Notice of Decision within 10 working days of the conclusion of an appeal proceeding conducted in accordance with subsection 1108.5 *et seq.* either upholding or dismissing District's action, decision or determination. The decision shall list the findings in support of the decision. In the event that an Industrial User fails to attend a scheduled proceeding under this subsection 1108.5, the Notice of Decision shall note that fact.

1108.5.4.2 The Notice of Decision shall be delivered by the District to the appellant by certified, first-class mail, postage prepaid. Service of the Notice of Decision shall be deemed served on appellant 5 days from the date the Notice of Decision was mailed to the appellant.

1108.6 Remedies Nonexclusive

The remedies provided for in this Chapter are not exclusive. The District may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the District's approved ERP, however, the District may take other action against any Industrial User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant Industrial User.

1108.7 Judicial Review

1108.7.1 Purpose and Effect. Except as may otherwise be provided in this Chapter, in accordance with Section 1094.6 of the California Code of Civil Procedure, limits the time within which an action can be brought in Court by an Industrial User seeking judicial review of a final decisions by the District Board by means of administrative mandamus to ninety (90) days following the Board's final decision.

1108.7.2 Definitions. As used in this Section, the following terms and words shall have the following meanings:

1108.7.2.1 The term "Decision" shall mean final actions, decisions, ruling or determinations by the Board after an adjudicatory, administrative hearing on any enforcement action taken against an Industrial User pursuant to this Chapter.

1108.7.2.2 The term "Complete Record" shall mean the transcript, if any exists, of the proceedings, all pleadings, all notices and orders, any proposed decision by the General Manager or his designee, the final decision, all admitted exhibits, all rejected exhibits in the possession of the District or its offices or agents, all written evidence, and any other papers in the case.

1108.7.2.3 The term "party" shall mean an Industrial User whose IWDP has been denied, suspended, or revoked or who has otherwise been subject to a Decision.

1108.7.3 Time Limit for Judicial Review. Judicial review of any decision of the District or its officer or agent may be made pursuant to Section 1094.5 of the Code of Civil Procedure only if the petition for writ of mandate is filed not later than the ninetieth (90th) day

following the date on which the decision becomes final. If there is no provision for reconsideration in the procedures governing the proceedings or if the date is not otherwise specified, the decision is final on the date it is made. If there is provision for reconsideration, the decision is final upon the expiration of the period during which such reconsideration can be sought; provided that if reconsideration is sought pursuant to such provision the decision is final for the purposes of this Section on the date that reconsideration is rejected.

1108.7.4 Preparation of the Record. The complete record of the proceedings shall be prepared by the District officer or agent who made the decision and shall be delivered to the petitioner within ninety (90) days after he has filed written request therefore. The District may recover from the petitioner its actual costs for transcribing or otherwise preparing the record.

1108.7.5 Extension. If the petitioner files a request for the record within ten (10) days after the date the decision becomes final, the time within which a petition, pursuant to Section 1094.5 of the Code of Civil Procedure, may be filed shall be extended to not later than the thirtieth (30th) day following the date on which the record is either personally delivered or mailed to the petitioner or the petitioner's attorney of record, if appropriate.

1108.7.6 Notice. In making a final decision, the District shall provide notice to the party that the time within which judicial review must be sought is governed by Section 1094.6 of the Code of Civil Procedure.

1108.8 Unlawful Discharges; Damages & Liability

1108.8.1 Any User who discharges or causes to be discharged into the District Sewerage System, either directly or indirectly, any prohibited Waste or Wastewater which causes damage or causes detrimental effects, alone or in conjunction with Discharges from other sources, to the District Sewerage System and/or the District Sewage Treatment Plant processes, or causes the violation of a Discharge requirement or regulation imposed by a regulatory agency shall be liable for all damages and costs occasioned thereby, including any penalty assessed by a regulatory agency. The damages, costs or penalties assessed shall be deemed to be a debt to the District and shall be charged to the User by the General Manager or his designee.

1108.8.2 Any User who discharges or causes to be discharged into the District Sewerage System, either directly or indirectly, any Waste or Wastewater which creates a stoppage, plugging, breakage, permanent reduction in the capacity of a Sewer, or any other damage to the District Sewerage System shall be liable for the damage and for excessive District Sewerage System maintenance expense occasioned thereby. The expense and the damage shall be deemed a debt to the District and shall be charged to the Discharger by the General Manager or his designee. Any excessive maintenance expense or any other expenses attributable thereto shall be charged to the offending Discharger by the District.

1108.8.3 If the General Manager or his designee finds that any Person has discharged any Wastes into the District Sewerage System in violation of the provisions of this Chapter or of the Industrial User's IWDP or any Order issued hereunder, and that such Discharge caused increased operating costs or diminished the efficiency of the treatment

process, the General Manager or his designee shall estimate the value of the damage and add that sum to that Person's next regular sewer service billing. The items the General Manager or his designee shall consider shall include, but not be limited for the following:

1108.8.3.1 The cost of repairs to the District Sewerage System;

1108.8.3.2 The depreciation of the system due to damages not repaired;

1108.8.3.3 The extra operating costs; and

1108.8.3.4 The value of the loss of the District Sewerage System operating efficiency based upon the District's normal operating costs and the extent to which the performance of the District's Sewage Treatment Plant was reduced below normal as a result of such improper Discharge to the Sewer.

1108.8.4 Charges imposed on a User pursuant to this subsection 1108.8 are due and payable upon receipt of notice thereof. All such charges become delinquent to the extent they remain unpaid beyond 30 calendar days from the Industrial User's receipt of the notice. Unpaid charges shall, after 30 calendar days, be assessed a penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 10% per month. This remedy is non-exclusive and may be asserted in addition to any other remedy available to the District under law.

1108.9 Falsifying Information

1108.9.1 A User who knowingly makes any false statements, representation, or certify in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter or an industrial wastewater discharge permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter or an IWDP, shall upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than six months or by both as provided under California Health and Safety Code Section 6523.

SECTION 1109. Miscellaneous Provisions

1109.1 Severability Clause

If any provision or clause of this Chapter or the application thereof to any Person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or application, and to this end, the provisions and clauses of this Chapter are declared to be severable.

REFERENCES TO ORDINANCES
Ojai Valley Sanitary District Code of Regulations

Ordinance Number	Date Adopted	Code Section
OVSD-64	April 25, 2011	District Code
OVSD-65	May 23, 2011	District Contract & Purchasing Policy
OVSD-66	May 23, 2011	1002, 1002.1, 1002.1.1, 1002.1.2, 1002.1.2.1, 1002.1.2.2, 1002.1.2.3, 1002.1.3, 1002.1.4, 1002.2, 1002.2.1, 1002.2.1.1, 1002.2.1.2, 1002.2.2, 1002.2.3, 1002.2.4, 1006, 1006.1, 1006.2, 1006.3, 1006.4, 1006.5, 1006.7, 1006.8, 1006.9, 1009.4, 1012, 1012.1, 1012.2, 1012.3, 1012.3.1, 1012.3.2, 1012.3.3, 1012.3.4, 1014.1, 1014.2, 1014.3, 1014.3.1, 1014.3.2, 1014.3.3, 1014.3.4, 1014.3.5, 1014.3.6, 1014.3.7, 1015
OVSD-67	June 20, 2011	301.19, 301.20, 301.20.1, 301.20.2, 301.20.3, Chapter 3 Appendix B, 1009.5, 1009.5.1, 1009.5.2, 1009.5.3
OVSD-68	August 22, 2011	200.6, 200.6.1, 200.6.2, 200.7
OVSD-69	June 18, 2012	101.10, 301.6, 301.10, 301.11.2, 301.12.2, 301.13.2, 301.16, 301.16.1, 301.16.2, 301.16.2.1, 301.16.3, 301.20, 301.20.1, 301.20.2, 301.20.3, 301.21, 302.7.1, Chapter 3 Appendix A, 1000, 1002.1, 1002.2, 1008, 1008.1 , 1008.2, 1008.3, 1009.5, 1009.5.3, 1014.2, 1014.3.1, 1015
OVSD-70	June 18, 2012	Chapter 3 Appendix B, Chapter 3 Appendix D, 302.8.3.1

REFERENCES TO ORDINANCES
Ojai Valley Sanitary District Code of Regulations

Ordinance Number	Date Adopted	Code Section
OVSD-71	June 17, 2013	302.8.3.1, 302.8.3.1.1, 302.8.3.1.2, 302.8.3.1.3, 302.8.3.1.4, 302.8.3.1.5, 302.8.3.1.6, 302.8.3.1.7, 302.8.3.1.8, 302.8.3.1.9, 302.8.3.1.10, 302.8.3.1.11, 302.8.3.1.12, 302.8.3.1.13 Chapter 3 Appendix C Chapter 3 Appendix D
OVSD-72	June 17, 2013	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-73	April 28, 2014	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-74	April 27, 2015	200.6, 200.6.1, 200.6.2, 200.7,
OVSD-75	May 18, 2015	101.10, 301.11.4, 301.12.4, 301.13.4, 301.16, 301.20, 302.4.1, 302.4.2, 302.6.4, 302.7.4, 302.8.3.1.14, Chapter 3 Appendix D, 303, 608, 309, 915, 916, 917, 919, 1007, 1008, 1009, 102, 1014.3.2
OVSD-76	May 18, 2015	Chapter 11
OVSD-77	June 22, 2015	Chapter 3 Appendix C
OVSD-78	Sept. 28, 2015	409
OVSD-79	January 22, 2018	Moratorium on Permitting 2nd Units/ADUs – January 22 to June 22, 2018
OVSD-79.1	June 25, 2018	Extend Moratorium on Permitting 2nd Units/ADUs – June 22 to October 22, 2018
OVSD-79.2	Oct. 22, 2018	Extend Moratorium on Permitting 2nd Units/ADUs – October 22 to Nov. 30, 2018
OVSD-80	Jan. 28, 2019	Update for State ADU Laws
OVSD-81	June 17, 2019	Chapter 3 Appendix C
OVSD-82	April 26, 2021	101.10, Chapter 1 Appendix A, 301.4, 302.7.1
OVSD-83	June 21, 2021	Chapter 3 Appendix C
OVSD-84	July 1, 2024	Chapter 3 Appendix C
OVSD-85	July 22, 2024	200.6, 200.6.1, 200.6.2, 200.7,