

OJAI VALLEY SANITARY DISTRICT
ORDINANCE NO. OVSD- 78

**AN ORDINANCE AMENDING THE OJAI VALLEY SANITARY DISTRICT CODE OF
REGULATIONS TO PROVIDE FOR THE INSPECTION, TESTING, REPAIR AND
REPLACEMENT OF PRIVATELY-OWNED SEWER LATERALS**

WHEREAS, the District was formed under the Sanitary District Act of 1923 (Health and Safety Code section 6400 *et seq.*)("Act"); and

WHEREAS, Health and Safety Code section 6491.1 of the Act provides that "[t]he district board may, by general regulation, adopt codes or specifications controlling the manner of construction, repair, maintenance and operation of facilities referred to in Sections 6512 and 6522 such codes or specifications need not be set out in full in such general regulation but may be incorporated therein by reference. Copies of such codes or specifications shall be available for examination in the office of the secretary at all times"; and

WHEREAS, Health and Safety Code section 6512 of the Act authorizes the District to "acquire, plan, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain, and operate ... sewerage collection, outfall, treatment works and other sanitary disposal systems ... as the board deems necessary and proper"; and

WHEREAS, Health and Safety Code section 6520 of the Act authorizes the District to "compel all residents and property owners in the district to connect their houses and habitations and structures requiring sewerage or drainage disposal service with the sewers and storm drains in streets ..."; and

WHEREAS, Health and Safety Code section 6520.2 of the Act authorizes the District to "require any resident or property owner in the district who desires to have any house, habitation, or structure connected to a sewer or drainage disposal line owned by the district to pay his proportionate share of the cost of the line, either by an increased installation charge or by other arrangement with the district, if he did not contribute to the cost of the acquisition, construction, or installation of the line by the district"; and

WHEREAS, Health and Safety Code section 6521(c) of the Act provides that the District may make and enforce all necessary and proper regulations for all sanitary purposes not in conflict with the laws of this State"; and

WHEREAS, Health and Safety Code section 6522 of the Act provides that the District "may do any act necessary or proper to the complete exercise and effect of any of its powers, or of the purposes for which it was formed"; and

WHEREAS, Health and Safety Code section 6523.2 of the Act provides that “[i]n order to effect its powers, ... [the District] may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule or regulation is found to exist”; and

WHEREAS, Health and Safety Code section 6523.3 of the Act provides that “[i]n order to enforce the provisions of any ordinance of the district, the district may correct any violation of an ordinance of the district. The cost of such correction may be added to any sewer service charge payable by the person violating the ordinance or the owner or tenant of the property upon which the violation occurred and the district shall have such remedies for the collection of such costs as it has for the collection of sewer service charges. The district may also petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, requiring any person from the continued violation of any ordinance of the District”; and

WHEREAS, on May 16, 1985 the District, upon its formation, adopted Ordinance No. 1 “Regulating the Use of Public and Private Sewers and Drains, the Installation of Building Connection Sewers and Public Sewer Main Extensions; Providing Permission and Requirements for the Installation and Connection of Sanitary Sewers; Regulating the Discharge of Waters and Wastes into the Public Sewer System, and Providing Penalties for the Violation Thereof”; and

WHEREAS, District Ordinance No. 1, subsections 5.10 and 5.11 require that a parcel owner maintain the lateral connecting any building on the parcel to and including connection of the lateral to the District Sewer System; and

WHEREAS, effective May 4, 2011, the District Code of Regulations (“District Code”) superseded District Ordinance No. 1; and

WHEREAS, District Code, Chapter 4, subsection 401.1 provides that “[a]ll 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;” and

WHEREAS, District Code, Chapter 4, subsection 401.2 provides that “[a]ll 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...”; and

WHEREAS, District Code, Chapter 4, Section 406 provides that “[i]t 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 replacement of Laterals or Private Wastewater facilities shall be made in accordance with Chapter 8 of this Code"; and

WHEREAS, District Code, Chapter 7, Section 702 authorizes the District to "... inspect private property located within the District for the purposes 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 powers;" and

WHEREAS, District Code, Chapter 7, Section 702 further authorizes the District to "... 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;" and

WHEREAS, District Code, Chapter 7, Section 708 authorizes the District to "... 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;" and

WHEREAS, the District is required to establish regulations to protect its treatment works, the public health and safety, and the environment as provided by State and Federal law including 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

WHEREAS, District Code Chapter 11 sets forth regulations to control the discharge of non-domestic discharges into the District Sewer System in compliance with State and Federal law including 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

WHEREAS, the District is authorized by its enabling legislation and other State and Federal law including 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) to adopt reasonable and necessary regulations to control and regulate the use of the District's sewer system, prevent sanitary sewer overflow and protect the public health and safety; and,

WHEREAS, on May 2, 2006, the State Water Resources Control Board adopted Order No. 2006-003-DWQ establishing Statewide General Waste Discharge Requirements for Sanitary Sewer System to provide a consistent, statewide regulatory approach to address sanitary sewer overflows; and

WHEREAS, State Water Resources Control Board Order No. 006-003-DWQ was amended by Order No. WQ 2008-0002-EXEC and Order No. WQ 2013-0058-EXEC; and

WHEREAS, State Water Resources Control Board Order No. 2006-003-DWQ, as amended, requires the District to properly manage, operate, and maintain all parts of its sanitary sewer system to help reduce and prevent sanitary sewer overflows and discharges that may affect public health and safety and/or illegal discharges into waters of the state; and

WHEREAS, State Water Resources Control Board Order No. 2006-003-DWQ, as amended, finds that the major causes of sanitary sewer overflows include: grease blockages, root blockages, excessive storm or groundwater inflow and infiltration, debris blockages, sanitary sewer system age and construction material failure; and

WHEREAS, the District is required to comply with State Water Resources Control Board Order No. 2006-003-DWQ, as amended, which, in pertinent part, requires that the District demonstrate, through sanitary sewer system ordinances, service agreements, or other legally binding procedures, that it possess the necessary legal authority to: (i) Prevent illicit discharges into its sanitary sewer system (examples may include infiltration/inflow, storm water, chemical dumping, unauthorized debris and cut roots, etc.); (ii) Require that sewers and connections be properly designed and constructed; (iii) Limit the discharge of fats, oils and grease and other debris that may cause blockages; and (iv) Enforce any violation of its ordinances; and

WHEREAS, regardless of the coverage obtained under State Water Resources Control Board Order No. 2006-003-DWQ, as amended, the District's collection system is part of the District's publicly-operated treatment works subject to California Regional Water Quality Control Board, Los Angeles Region R4-2013-0173, NPDES No. CA0053961 ("National Pollutant Discharge Elimination Permit" or "NPDES Permit"). As such, pursuant to federal regulations, the District must properly operate and maintain its collection system (40 CFR Section 122.41(e)), report any non-compliance (40 CFR Section 122.41(1) (6) and (7), and mitigate any discharge from the collection system in violation of the District's NPDES Permit (40 CFR Section 122.41(d); and

WHEREAS, pursuant to State Water Resources Control Board Order No. 2006-003-DWQ, as amended, section D, provision 2(iii), the provisions of the District's NPDES Permit supersede State Water Resources Control Board Order No. 2006-003-DWQ for all purposes, including enforcement to the extent the requirements may be deemed duplicative; and

WHEREAS, on December 6, 2012, the Regional Water Quality Control Board for the Los Angeles Region ("Regional Board") adopted Resolution No. R12-011, an amendment to the Water Quality Control Plan for the Los Angeles Region ("Basin Plan Amendment"), to incorporate a Total Maximum Daily Load (TMDL) for algae, eutrophic conditions, and nutrients in the Ventura River, including the Estuary, and its tributaries ("Algae TMDL"); and

WHEREAS, on February 19, 2013, the California State Water Resources Control Board ("State Board") adopted Resolution No. 2013-05 approving and adopting the Basin Amendment to incorporate the Algae TMDL; and

WHEREAS, on June 4, 2013, the State of California Office of Administrative Law ("OAL") approved the regulatory actions of the Los Angeles Water Board and the State Water Resource Control Board establishing the Algae TMDL by amending the Water Quality Control Plan for the Los Angeles Region; and

WHEREAS, on June 28, 2013, the United States Environmental Protection Agency approved the Algae TMDL, which became effective on that same date ("Effective Date"); and

WHEREAS, the Algae TMDL's Implementation Schedule requires the District to achieve compliance with wet-weather total phosphorous waste load allocations upon their incorporation into the NPDES Permit and to achieve compliance with dry-weather total phosphorous waste load allocations, winter season total nitrogen limits, and summer season total nitrogen limits within 10 years of the Effective Date; and

WHEREAS, in July 2014 an "Infiltration and Inflow Master Plan" ("2014 I&I Master Plan") was prepared for the District by MNS Engineering; and

WHEREAS, the 2014 I&I Master Plan, reviewed eleven sewer system and infiltration and inflow ("I&I") studies conducted by the District between January 1967 and March 2010 which are incorporated herein by this reference (collectively, "Prior I&I Studies"); and

WHEREAS, based on its review of Prior I&I Studies and further analysis based on industry standard I&I rates, the 2014 I&I Master Plan concluded that at least 40% of the 26 groundwater sub-basins comprising the four major groundwater basins in the District's service area are subject to excessive or extreme I&I; and

WHEREAS, the 2014 I&I Master Plan concludes that reducing I&I in the District's service area will help the District comply with increasingly stringent regulatory requirements including (i) water quality discharge limits imposed on the District through its NPDES Permit and (ii) waste load allocations imposed on the District by the Algae TMDL; and

WHEREAS, based on the 2014 I&I Master Plan, it is likely that (i) I&I from privately-owned sewer laterals comprises a significant proportion of the peak I&I flows entering the District's sanitary sewer system during and following wet weather events and (ii) I&I from privately-owned sewer laterals contributes to wastewater flows that may result in untreated and partially-treated wastewater being discharged into the Ventura River; and

WHEREAS, as one of several recommended strategies to reduce I&I, the 2014 I&I Master Plan recommends that the District consider implementing a privately-owned sewer lateral program requiring the inspection, testing, repair or replacement and certification of the structural integrity of privately-owned sewer laterals; and

WHEREAS, the District engages in the ongoing inspection, repair and replacement of the publicly-owned mainline portion of its collection system in order to reduce or prevent I&I; and

WHEREAS, The District has determined that the I&I problem attributable to privately-owned laterals must be addressed through the adoption of District regulations requiring the inspection, testing, repair or replacement and certification of the structural integrity of privately-owned sewer laterals; and

WHEREAS, the District Board of Directors desires to codify requirements for the inspection, testing, repair or replacement and certification of the structural integrity of privately-owned sewer laterals in order to reduce I&I attributable to those laterals; and

WHEREAS, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies) of the State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) provide Categorical Exemptions from CEQA. Section 15308 exempts actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Section 15321 categorically exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency.

WHEREAS, all local, state and federal permits, rules and regulations and studies related to the District's operation and management of its sewer system and treatment facilities including those permits, rules and regulations and studies that specifically address or relate to privately-owned sewer laterals connected to the District sewer system are incorporated by this reference and made part of the Administrative Record supporting this Ordinance; and

WHEREAS, all completed reports, all completed correspondence and all completed data and documentation located in the District's official files and all documents referenced in or relied upon in any of the above-listed records that specifically address or relate to privately-owned sewer laterals connected to the District sewer system are

incorporated by this reference and made part of the Administrative Record supporting this Ordinance.

WHEREAS, the Administrative Record was available for public review prior and subsequent to noticed public hearings.

NOW, THEREFORE, the Board of Directors of the Ojai Valley Sanitary District does ordain as follows:

- A. Ordinance No. OVSD-78 is subject to review under the California Environmental Quality Act ("CEQA") (California Public Resource Code Section 21000 *et seq.*), but is categorically exempt from the terms and conditions of CEQA pursuant State CEQA Guidelines (Chapter 3 of Division 6 of Title 14 of the California Code of Regulations) Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and Section 15321 (Enforcement Actions by Regulatory Agencies). The project involves actions taken by the District (i) as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, (ii) to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the District, and (iii) to adopt amendments to the District's Code of Regulations which govern the District's sewer system operations. There is no substantial evidence in the record of proceedings before the District Board of Directors on this project showing a reasonable possibility of a significant effect on the environment due to unusual circumstances. Therefore, the project qualifies for the categorical exemptions under 14 California Code of Regulations Sections 15308 and 15321 and is adopted on that basis.
- B. The District Board of Directors directs that a Notice of Exemption be filed with the County Clerk of the County of Ventura in accordance with CEQA Guidelines.

IT IS FURTHER ORDAINED by the District Board of Directors that:

1. The above recitals are true and incorporated by this reference.
2. The findings and determinations set forth in this Ordinance constitute the independent findings and determinations of the District Board in all respects and are supported by the substantial evidence in the record as a whole. The Administrative Record shall be maintained in the District's official files in the District's office.
3. Infiltration and inflow of water into the District sewage collection and treatment system is a significant problem. Much of the I&I is introduced from Privately-Owned Sewer Laterals. As a result of I&I, the District sewage collection and treatment facilities may become overburdened leading to sanitary sewer overflows, ground water contamination and spills into the waters of the Ventura River. Such overflows and spills can result in significant fines and penalties being levied against the District

by state and federal regulatory agencies, a significant risk to the environment, and a threat to public health, safety and welfare.

4. It is in the public interest and serves a public purpose for the District to address its I&I problem by adopting regulations requiring the inspection, testing, repair or replacement and certification of Privately-Owned Sewer Laterals.
5. The Ojai Valley Sanitary District Code of Regulations is amended to add, Chapter 4, Section 409 to read as set forth in attached "Exhibit A" incorporated by this reference.
6. **Severability.** If any portion of this Ordinance or the application thereof is held to be unconstitutional or for any reason determined to be invalid by a court of competent jurisdiction, the validity of all remaining portions and applications shall be unaffected, and they shall remain in full force and effect.
7. **Publication and Effective Date.** This Ordinance shall be published or posted in accordance with Health and Safety Code §6490. The provisions of this Ordinance shall take effect and become enforceable on December 1, 2015.

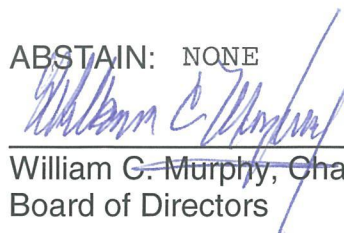
PASSED AND ADOPTED by the governing board of the Ojai Valley Sanitary District Sept. 28, 2015 by the following vote:

AYES: BAGGERLY, GREENE, MURPHY, BURG, STONE, KAISER

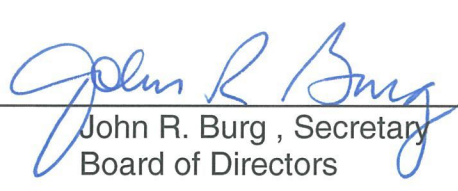
NAYS: NONE

ABSENT: CURTIS

ABSTAIN: NONE



William G. Murphy, Chairman
Board of Directors



John R. Burg, Secretary
Board of Directors

[EXHIBIT A]

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

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 Certificate 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.