

## CHAPTER 1: WASTEWATER\*

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\* Chapter 1 entitled "Sewage Disposal," consisting of Article 1 entitled "Definitions," Article 2 entitled "General Provisions," Article 3 entitled "Connections to the Sewerage System," Article 4 entitled "Use of the Sewerage System," Article 5 entitled "Charges," and Article 6 entitled "Severability," codified from Ordinance No. 245 §§ 1108 and 1109 T.O.O.C. as added by Ordinance No. 250, and Ordinance Nos. 183-NS, 587-NS, 756-NS, and 791-NS, as amended by Ordinance Nos. 152-NS, 183-NS, 297-NS, 303-NS, 309-NS, 401-NS, 492-NS, 530-NS, 543-NS, 556-NS, 576-NS, 587-NS, 596-NS, 614-NS, 618-NS, 651-NS, 664-NS, 680-NS, 685-NS, 715-NS, 731-NS, 756-NS, 760-NS, and 791-NS, repealed by Ordinance No. 827-NS, effective February 24, 1983, as amended by Ordinance Nos. 947-NS, 1059-NS, 1091-NS, 1190-NS, 1437-NS. Subsequently repealed and replaced by Ord. 1515-NS, eff. June 5, 2009.

### Article 1. General Provisions

#### Sec. 10-1.101. Public Works Department and Public Works Director.

The Public Works Department shall administer the wastewater properties, facilities and services of the City and shall exercise the powers and perform the duties set forth in this chapter.

(Ord. 1515-NS, eff. June 5, 2009)

#### Sec. 10-1.102. Service area.

The area in which service is or will be furnished is as shown on the maps available for inspection at the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

#### Sec. 10-1.103. City responsibility.

The City shall exercise reasonable diligence and care to:

- (a) Endeavor to accept, transfer, treat and dispose of authorized wastewater flow generated within the City's service area;
- (b) Construct, maintain and operate the City's system of collection and transmission pipelines and wastewater treatment facilities;
- (c) Endeavor to meet waste discharge requirements as set forth by the Regional Water Quality Control Board.

(Ord. 1515-NS, eff. June 5, 2009)

#### Sec. 10-1.104. Liability limitations.

The City shall not be liable for:

- (a) Damages to building plumbing or premises as a result of the customer's failure to maintain those pipes and protection devices on the customer's service lateral or within the building;
- (b) Interruption of service on a temporary basis wherein such interruption is a result of repairs and/or maintenance necessary to operate the public system;
- (c) Damages resulting from negligence or unlawful acts of others in not complying with provisions of the Municipal Code.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.105. Application and use of Design and Construction Standards.**

All wastewater collection and transmission pipelines and related facilities shall be designed and constructed in complete conformity with the Wastewater Design and Construction Standards and approved plans and specifications (as appropriate). These standards are adopted by Council action and cover such topics as: design criteria, materials, plan preparation, administrative requirements, construction and testing. All engineers designing wastewater facilities and contractors constructing such facilities shall have obtained the Wastewater Design and Construction Standards prior to their activities.

Wastewater facilities not covered by the Wastewater Design and Construction Standards shall be designed and constructed in conformity with all applicable requirements and standards of governmental agencies having jurisdiction within the City's service area.

The Wastewater Design and Construction Standards may be revised with such revisions being adopted by the City Council via Council Action. Copies of the standards are available for inspection and/or purchase at the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.106. Administration of developer projects.**

Most administration requirements are set by the Wastewater Design and Construction Standards with fees set by Council Action. Other administrative requirements shall be established by the Director of the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.107. General policy.**

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner upon public or private property any human or animal excrement, garbage or other objectionable waste. It shall be unlawful to discharge to the ground or to a natural watercourse any wastewater (sewage) including, but not limited to, any industrial wastewater or other polluted water, in a manner that would create a hazard or nuisance or that would impair the usefulness of ground or surface water.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.108. General connection policy.**

(a) Each parcel of property and each house, building or dwelling unit of separate ownership shall be provided with its own service lateral. More than one lateral may be permitted to a building where judged necessary such as a commercial building housing various users. The requirement for each separate ownership unit to have its own separate lateral shall also pertain to residential condominium conversion projects, unless otherwise approved by the Public Works Department. Where the provision is waived, the wastewater system must be private and must be maintained by a condominium or property owners association.

(b) When property provided with a service connection is partitioned, split or otherwise divided, the existing service connection shall be assigned to the lot or parcel nearest the lateral unless the City determines that an alternate assignment or location is appropriate. Additional lateral(s) shall be installed to the other parcel(s) or building(s).

(c) All new subdivisions or developments requiring wastewater service shall, unless expressly exempted by the City Council, be annexed to the City prior to final connections to the City's wastewater system.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.109. Application of provisions.**

The provisions of this Title shall apply to all persons utilizing any of the facilities or services of the wastewater system of the City; provided, however, nothing contained in this Title shall be construed to prevent the City from entering into special agreements for the disposal of wastes through the City's wastewater facilities.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.110. Private wastewater disposal facilities: Conditions permitting.**

(a) Where a connection to the public wastewater system is not required under the provisions of this title, an owner, with written permission from the Public Works Director, may construct private wastewater disposal facilities conforming to the requirements of the Municipal Code and the City's Community Development Department. The owner shall enter into an agreement with the City to participate in the costs of future wastewater facilities that will serve the property and to connect to the public main when it becomes available. Said agreement shall be recorded against the property as notice to future owners.

(b) A private wastewater disposal facility shall be under the same ownership as the property served. Neither the disposal facility nor the property served shall be separately sold.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.111. Ambiguities.**

Any ambiguities concerning the application, meaning or intent of the provisions of this title shall be resolved by written decision of the Public Works Director with a copy to the City Clerk's office unless subsequent Code revision is made or other administrative interpretation made.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.112. Other applicable codes or policies.**

The provisions of this title shall be used in conjunction with the Wastewater Design and Construction Standards, pertinent City Council ordinances or resolutions, other sections of the Municipal Code, as well as the codes and policies of other public agencies having jurisdiction on a particular subject matter. In case of conflict, the Public Works Director shall review the matter and render a decision based upon an interpretation which is most consistent with this Title.

(Ord. 1515-NS, eff. June 5, 2009)

## **Article 2. Definitions**

### **Sec. 10-1.201. Accessible wastewater line.**

"Accessible wastewater line" means a publicly owned wastewater pipeline at a location and depth such that the pipeline can serve a particular parcel of property via a gravity or a pumped system. The pipeline can be either within public right-of-way or within a wastewater easement adjacent to or within the property.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.202. Adjusted total floor area.**

"Adjusted total for area" means the total area within the outside walls of a building, additive for multiple floors, but with the following adjustments:

- (a) A room or area which is predominantly used for the sheltering of motor vehicles shall be excluded, provided it has no wastewater drain.
- (b) An area of screened porches shall be reduced by one-half (1/2), provided it has no wastewater drain.
- (c) A roofed but unenclosed and un-screened area overhung by roofs shall be included as porches, excluding, however, the roofed area determined by lines parallel from the edge of the roof within six (6') feet horizontally therefrom.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.203. Apartment.**

"Apartment" means a room or flat occupied, or intended or designed to be occupied, by one housekeeping unit for living and sleeping purposes and with cooking facilities and shall include hotels and motels where the rooms are occupied by the same tenant consecutively for a period of thirty (30) days or more. For purposes of this Title, each separate apartment shall be treated as a single residential unit in regard to wastewater service charges.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.204. Applicant.**

"Applicant" means a person, firm or company that submits a written application for wastewater service.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.205. Building lateral.**

"Building lateral" means the pipe on private property connecting a building with the service lateral on public property at the property line.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.206. City.**

For purposes of this chapter, the term "City" may be used interchangeably with the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.207. Condominium.**

"Condominium" means an estate in real property consisting of an undivided interest in a common portion of a parcel of real property, together with a separate interest in space in a building on such real property. A condominium may include, in addition, a separate interest in other portions of such real property.

For the purposes of this chapter, each separate residential condominium unit shall be treated as a single residential unit in regard to wastewater connection and service charges. Non-residential condominiums shall be considered on a building by building basis in regard to connection and service charges.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.208. Condominium, Detached.**

"Condominium, Detached" means an estate in real property consisting of an undivided interest in a common portion of a parcel of real property, together with a separate interest in a detached building on such real property. A detached condominium may include, in addition, a separate interest in other portions of such real property.

For the purposes of this Chapter, each separate detached condominium unit shall be treated as a single residential unit or single commercial/industrial entity in regard to wastewater connection and service charges.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.209. Council action.**

"Council action" means a resolution or ordinance adopted by the Thousand Oaks City Council approving fees, charges, standards or other provisions referenced in this Title.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.210. Customer.**

"Customer" means a person, firm or company which has an approved application for wastewater service or who has received such service without an application.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1. 211. Domestic wastewater.**

"Domestic wastewater" means the liquid and waterborne wastes derived from, or equivalent to, that of ordinary residential living processes and which are of such a character as to permit satisfactory disposal, without special treatment, into the service lateral.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.212. Dwelling unit.**

"Dwelling unit" means any residential unit including, but not limited to, single family homes, condominiums, townhouses and mobile homes, secondary dwelling units, apartments, congregate care facilities and motels with kitchens.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.213. Equivalent residential unit.**

Equivalent residential unit (ERU) is a number which represents the discharge to the wastewater system which is equal to that from an average residential unit. One ERU is equal to 20 plumbing fixture units or the discharge of 285 gallons per day having an average strength.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.214. HCTP-NPDES Permit.**

"HCTP-NPDES Permit" shall mean the Waste Discharge Requirements (WDR) - City of Thousand Oaks, Hill Canyon Wastewater Treatment Plant (NPDES Permit No. CA0056294).

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.215. Local share.**

"Local share" means a contribution made by an owner or company towards an improvement constructed by others where the parcel or property in question is fronting said improvement and is beneficiary of that improvement.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.216. Main line extension agreements.**

"Main line extension agreements" means an agreement for extension of the City pipeline system and may or may not involve reimbursement to the developer/owner.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.217. Mobile home.**

"Mobile home" means a residential dwelling unit transportable in one or more sections designed to be used with or without a foundation system. For purposes of this Title, each separate mobile home unit shall be treated as a single residential unit with respect to wastewater service charges.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.218. Plans.**

"Plans" refers to the drawings of wastewater facilities prepared by a California registered Civil Engineer and approved by the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.219. Plumbing Code.**

"Plumbing Code" means the "City of Thousand Oaks Plumbing Code" as defined in Title 8 of the City of Thousand Oaks Municipal Code.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.220. Plumbing fixture unit.**

"Plumbing Fixture Unit" is the number assigned in the Plumbing Code to the various plumbing appurtenances. The unit count of each fixture type is as determined in the current edition of the California Plumbing Code adopted by the City Council using the water demand weight of fixtures. For any fixture type not listed in the Plumbing Code, the Public Works Director shall determine a weight in fixture units in relation to the amount contributed.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.221. Pro-rata share.**

"Pro-rata share" means a contribution made by an owner or company towards a wastewater improvement previously constructed or being constructed by others where the parcel or property in question is fronting said improvement and/or benefits from the improvement.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.222. Public wastewater line or system.**

"Public wastewater line or system" refers to a main wastewater line or the associated collection, transportation and treatment system dedicated for public use and owned by the City and available to receive connections from buildings or other approved sources. It shall not include the building lateral or pretreatment facilities located on the private property.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.223. Public Works Director.**

"Public Works Director" means the Director of the Public Works Department or an authorized representative, also referred to as the Public Works Department when discussing wastewater matters.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.224. Reimbursement agreement.**

"Reimbursement agreement" means an agreement entered into by and between the City and an individual or company per the provisions of this Code where the City agrees to collect and transfer to the individual or company funds from other benefiting properties as reimbursement for a wastewater facility originally installed by the individual or company.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.225. Service lateral.**

"Service lateral" means the pipe designed or intended to convey wastewater from the building lateral to the public wastewater pipeline.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.226. Service unit.**

"Service unit" is a number which results from the multiplication of the number of equivalent residential units by the adjustment factor for the user group to reflect the strength and volume of the discharge from that user group. The discharge from the average residential user is defined as being equal to one service unit.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.227. User.**

"User" means any person, firm or company who discharges or causes a discharge of wastewater directly to a service lateral or the public wastewater system.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.228. Wastewater.**

"Wastewater" means water which has been polluted or contaminated by use in a residence, institution, industrial establishment, commercial business or recreational building and shall include, but not be limited to, any wastewater collected by the plumbing drains of any building. Also referred to as "sewage".

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.229. Wastewater connection charge.**

"Wastewater connection charge" means a charge which reflects as nearly as possible the cost increment necessary to serve a new customer who has submitted an application to connect to the existing wastewater system. This cost increment represents capital costs exclusive of in-tract wastewater facilities, such as service mains and service laterals. Capital costs include transmission mains, pumping stations, treatment facilities and other facilities required to provide wastewater service.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.230. Wastewater Design and Construction Standards.**

"Wastewater Design and Construction Standards" refers to those standards governing the design and construction of wastewater facilities as adopted by Council action and are available for inspection and/or purchase at the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.231. Wastewater main.**

"Wastewater main" means a pipeline within the wastewater system serving one or more customers and generally being six (6") inches or larger in diameter and located in the public right of way or easement.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.232. Wastewater service charge.**

"Wastewater service charge" means a charge which is assessed to each property or entity with the ability to discharge wastes to the City wastewater system. This charge covers the costs of operating and maintaining the City's wastewater collection and treatment facilities, including administration costs, replacement of upgraded equipment or capital facilities, and capital improvements necessary to meet new regulatory requirements.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.233. Will-Serve letter.**

"Will-serve letter" is a document in which the Public Works Department certifies that an applicant's property lies within the City's wastewater service area and that the City is able to provide wastewater service to the property, subject to certain terms, conditions and

limitations. A will-serve letter is typically not provided by the City until such time as all fees have been paid and the terms and conditions for City service have been met to the satisfaction of the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

### **Article 3. Classes of Service**

#### **Sec. 10-1.301. Residential service.**

Residential service is that general class of dwelling units including, but not limited to, single-family dwellings, townhouses, condominiums, apartments and mobile homes. Connection charges are based upon the number of residential units. The monthly wastewater service charge is based upon the average flow contribution from all residential users as opposed to an exact determination for any one user or type of user.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.302. Commercial/industrial service.**

Commercial/industrial service is that general class of commercial and industrial establishments for which service is provided and for which the monthly service charge is based upon the number of service units multiplied by the service unit rate. The number of service units is a composite function of the volume of the discharged flow, the biochemical oxygen demand (BOD) and suspended solids (SS) loadings. The connection charge is based upon the number of service units multiplied by the service unit rate.

Special industrial waste discharge permits are required for industrial dischargers and some commercial dischargers as determined by the Public Works Director.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.303. Condominium Service.**

(a) It is anticipated all newly-constructed residential condominium complexes shall provide individual wastewater laterals to the public wastewater system unless otherwise directed by the Public Works Director.

(b) Non Residential and existing residential condominium conversions shall conform to the following provisions:

(1) This is the class of service furnished to properties where a one-lot condominium map has been recorded over the subject property. All of the land area within the boundary of the map shall be considered to be the parent property. Each parent property shall be provided with a single wastewater lateral connection to the public wastewater system; however, where, due to topographic constraints, more than one lateral is determined advisable or necessary by the Public Works Department, more laterals may be approved.

(2) There may be one or more buildings situated on the parent property. Where multiple buildings exist or are proposed, at the discretion of the Public Works Department, the wastewater mains connecting laterals to each building may be (1) privately owned and maintained by the Property Owners Association (POA), or (2) may be constructed to City standards and dedicated to the City for maintenance purposes. The POA or property management firm acting on behalf of the POA, encompassing a single building or a group

of buildings on the "parent property" shall be billed for monthly wastewater service charges of all users within the "parent property". Each individual ownership shall be a member of the POA.

(3) Where a building, or separate condominium within a building, is either subdivided or constructed, and that building or separate condominium generates wastewater which would be classified as industrial strength waste (§ 10-1.602), said building or condominium unit shall provide a sampling well outside the building which is readily accessible to City staff for purposes of monitoring and sampling the contents and strengths of the wastewater being discharged to the City's wastewater system, all pursuant to Section 10-1.605 of the City of Thousand Oaks Municipal Code.

(4) The POA shall enter into a binding agreement with the City, said agreement being in the form as determined by the City, in which the POA agrees to: (1) pay all connection fees and ongoing monthly wastewater service charges; (2) maintain onsite wastewater mains in good working condition; (3) not discharge substances into the wastewater system in violation of the City's industrial waste ordinance; and (4) to pay any penalties or fines imposed by the City or other governmental agencies for any illegal discharge.

(5) Each individual property's owner shall be a member of the POA.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.304. Other.**

This class of service includes any customers other than residential or commercial/industrial users such as those persons or companies which are allowed by permit to pump or discharge wastes into the City's public wastewater system.

(Ord. 1515-NS, eff. June 5, 2009)

### **Article 4. Connection Rules**

#### **Sec. 10-1.401. General.**

Installation of a service lateral to any property and for any connection to the public wastewater system shall only follow receipt and approval of the application (permit) and payment of all applicable fees.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.402. Application.**

The application for wastewater service shall:

- (a) Include the name and address of the owner;
- (b) Include an agreement by the applicant to abide by all laws, policies and regulations relating to the wastewater system.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.403. Requirement to apply for wastewater service.**

(a) If wastewater service to a premises is being used, the person in possession or person taking possession shall make a proper application to the City for such service.

(b) If wastewater service is used without having made application, the owner will be held liable for all charges for the wastewater service received for the length of time service was provided to the property subject to limitations by other governmental codes.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.404. Public wastewater connections: Conditions requiring.**

(a) All tract, land division, residential, commercial, industrial and public building projects shall connect to the public wastewater system unless an exemption is specifically granted by the Public Works Director. Exceptions for certain condominiums are cited in Section 10-1.303.

(b) Single-family residences or those buildings previously not connected nor granted a deferral to connect to the public wastewater system shall be required to connect if any one of the following applies:

(1) If any part of the parcel of property is within three hundred (300') feet from an accessible wastewater line, all buildings on the parcel shall be required to connect and any existing onsite private septic system shall be abandoned;

(2) Within sixty (60) days after the City Council or the Public Health Department or Public Health Officer declares a private disposal facility to be a public nuisance. Included in this requirement shall be any cesspool or septic tank which requires pumping in excess of three (3) times in any twelve (12) month period or which has rising or overflowing wastewater which could cause contamination in the groundwater or on the surface. The private disposal facility shall then be removed or rendered inoperative and nuisance-free in accordance with the requirements of the Ventura County Environmental Health Department, the Plumbing Code, City of Thousand Oaks Community Development Department and/or any other applicable law;

(3) Upon the sale or transfer of the property. Exceptions to rule (1) above may be granted by the Public Works Director or the City Council under special circumstances with such waivers being subject to (2) and (3) as well as any other conditions deemed necessary. As a condition for granting an exception for connection of a property or building to the public wastewater system, the Public Works Department will require the applicant to sign an agreement or other similar document specifying a future date and/or conditions for connecting to the system. Such agreement or document shall be recorded upon the property title at the Office of the Ventura County Recorder to provide proactive title notification of this obligation to future purchasers of the property.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.405. Independent service laterals.**

An independent service lateral shall be provided for each property, lot, parcel, dwelling unit or other individual unit of ownership receiving service even though the building may have common walls of construction. Exceptions for certain condominiums are cited in Section 10-1.303.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.406. Size and location.**

The Wastewater Department reserves the right to determine the size and location of the service lateral in relation to the boundaries and facilities of the property to be served. Where possible, the wastewater building lateral to the property line shall not be laid until the service lateral is installed. In the event the building lateral is put in place prior to the time the service lateral is installed, and its location does not correspond with that of the service lateral, the customer shall bear the additional cost and obligation of properly connecting the building lateral to the service lateral.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.407. Facilities responsibility.**

The installation, maintenance, repair or replacement of service laterals and other facilities beyond the City's public main shall be solely the complete responsibility of the property owner or property owners association. The City's responsibility shall cease at the public main and beyond that point the customer shall by their application for wastewater service agree to defend, hold the City harmless and indemnify the City in the event of judgment, including reasonable attorney's fee, for any and all claims of damage or liability to persons or property arising occurring beyond that point.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.408. Service lateral installations.**

(a) The costs and obligations for connection of a service lateral and for making a connection to the public wastewater system including administration and inspection fees shall be borne by the property owner.

(b) The City may install wastewater service laterals where the Public Works Director finds that it would be in the best interest of the City and property owners. However, normally, the Wastewater Department will allow the installation of a service lateral by a private contractor wherein the installation shall be made in accordance with the City's Wastewater Design and Construction Standards. The Public Works Department shall inspect and approve the connection of the lateral to the wastewater main line and the Community Development Department shall inspect and approve the service lateral connection to the building lateral prior to the backfill of such lateral installation.

(c) The Public Works Department shall be notified at least twenty-four (24) business hours in advance of any connection to the wastewater system so that inspections by the Public Works Department and the Community Development Department may be conducted.

(d) All service lateral installations within the public right-of-way shall be done in strict accordance within the requirements, as applicable, of the City's Public Works Department including, but not limited to, those requirements as set forth in an Encroachment Permit.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.409. Connection to public system.**

Such connections shall not be made final until the wastewater system constructed by the private contractor has been accepted by the City, all connections and administrative charges and fees have been paid, and the system has been offered for dedication to the City, where applicable.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.410. Alterations to wastewater system.**

All changes to the Public Works Department's wastewater system including changing the size of the service lateral, relocating of any facilities, raising or lowering any facilities, etc., must be done with approval of the Public Works Department and payment of applicable fees.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.411. Extension of wastewater system.**

The Public Works Department shall not be obligated to extend wastewater services to those areas beyond existing City mains and/or off the public rights-of-way.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.412. Dedication of facilities.**

As a condition precedent to receiving wastewater services for each subdivision or parcel of land, the owner shall furnish, install and offer for dedication to the City all necessary local system improvements as required by the Public Works Department, designed and constructed according to the Wastewater Design and Construction Standards and subject to approval and acceptance by the City. Unless otherwise approved by the Public Works Director, no occupancy of newly completed tracts or projects shall be permitted until the City accepts such dedication and the developer has satisfied all other applicable portions of this Code.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.413. Acceptance of wastewater facilities.**

City Council acceptance of wastewater facilities shall only follow completion of the physical improvements as well as administrative items as required by the Wastewater Design and Construction Standards, Municipal Code, or as deemed necessary by the Public Works Director. Acceptance of wastewater facilities may be delayed until substantial use is either present or anticipated as evidenced by the construction of buildings/houses and occupancy of those units. Acceptance may be delayed until at least seventy-five (75%) percent of the buildings/houses are under construction or at least fifty (50%) percent of the buildings/houses are occupied.

(Ord. 1515-NS, eff. June 5, 2009)

### **Article 5. Service and General Discharge Regulations**

#### **Sec. 10-1.501. General prohibitions on wastewater discharges.**

No person shall discharge or deposit, or allow to be discharged or deposited into any opening leading to the wastewater system, any wastewater lateral, main or other, which contains the following:

- (a) Oils and grease. Total fat, wax, grease or oil concentrations (whether emulsified or not) subject to the discharge limits set forth by Council Action.
- (b) Explosive mixtures. Liquids, solids or gases which either alone or by interaction with other substances may cause fire or explosion or may in any way be injurious to the wastewater facilities or to the operation of the system. Prohibited materials include, but are not limited to, wastestreams with a closed cup flash point of less than one hundred forty (140°) degrees Fahrenheit or sixty (60°) degrees Centigrade.
- (c) Noxious material. Noxious or malodorous solids, liquids, gases, vapors or fumes which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life, or an acute or chronic worker health and safety problem, or may prevent entry into the public wastewater system for maintenance or repair.
- (d) Improperly shredded organic garbage. Organic garbage that has not been ground or comminuted to such a degree that all particles will be carried freely in suspension under flow conditions normally prevailing in the public wastewater lines, with no particle greater than one-quarter (1/4") inch in mean diameter.
- (e) Radioactive waste. Radioactive wastes or isotopes not complying with applicable regulations of governmental bodies.
- (f) Solid or viscous wastes. Solid or viscous wastes which may cause obstruction to the flow or interfere with the operation of the public wastewater system. Prohibited materials include, but are not limited to, uncomminuted garbage, offal, earth, sand, rocks, plaster, concrete, rags, plastics, metal filings and metal objects.
- (g) Chemical toilets. Any discharge from a chemical toilet excepting privately owned recreational vehicles which use nontoxic chemical agents.
- (h) Excessive discharge rate. Quantities of pollutants or rates of flow which overload the City's wastewater system, cause excessive City collection or treatment costs, use a disproportionate share of the City's facilities, inhibit or disrupt wastewater treatment operations, or cause or contribute to a violation of any requirement of the City's HCTP-NPDES Permit. Any discharges of flow which exceed the normal operating discharge pattern in either flow quantity or concentration of pollutants in the discharge shall be prohibited, unless such discharge receives prior approval in writing from the Public Works Director.
- (i) Toxic substances. Quantities of toxic substances identified and regulated pursuant to the Clean Water Act discharged in concentrations in excess of applicable pretreatment standards or the City's pollutant discharge limits, whichever is more stringent. Wastes prohibited include those that alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment; interfere with or disrupt wastewater treatment processes, operations or sludge use or disposal; cause or contribute to any violation of the City's HCTP-NPDES Permit; or cause a public nuisance or cause any hazardous condition to occur in the wastewater system.
- (j) Unpolluted water. Any unpolluted water including, but not limited to, rainwater, street or yard drainage, roof drainage, swimming pool drainage, groundwater or subsurface drainage or any other uncontaminated water sufficiently pure so that it can be discharged into available natural water courses or storm drains, except as approved by the Public Works Director.

(k) Colored material. Any waste which causes discoloration of treatment plant effluent.

(l) Corrosive wastes. Any wastes which will generate abnormal sulfide levels, cause corrosion, or deterioration in the wastewater system or injure City personnel.

(m) Dilution water. Any water added for the purpose of diluting wastes which would otherwise exceed applicable constituent concentration limitations.

(n) Saline wastes.

(1) Regenerating wastes from an ion exchange water treating device. A self-regenerating ion exchange treating device shall not be installed, enlarged, used or regenerated in the City or on any property connected to the wastewater system of the City unless such a device is located on a property for which a permit has been obtained from the Public Works Director prior to October 10, 1969 or for which an industrial waste discharge permit has been obtained and complied with as provided in this title. It shall be a misdemeanor for anyone to offer home-regenerated softeners for use in the City's wastewater service area, or to solicit an owner or occupant of a property in the City wastewater service area to purchase such a unit, or to install a softener with provisions for on-site regeneration except where the purchaser holds a valid permit from the City for such installation.

(2) Discharges from saltwater chlorine generating swimming pools that contain pollutants in excess of the City's HCTP-NPDES Permit as specified in the uncodified ordinance setting fees and discharge limits for City wastewater.

(o) Trucked or hauled waste. Any trucked or hauled waste, except as approved by the Public Works Director.

(p) Heat. Heat in amounts that will cause the temperature of the wastewater at the treatment plant to exceed forty (40°) degrees C (one hundred four (104°) degrees F), or interferes with the operation of the treatment plant or the collection system.

(q) Others. Any wastes which may impair the collection system or treatment process, including materials such as enzymes, bacterial agents or toxic root control products. As specified in Section 10-1.602(s), no User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference.

The discharge or deposit of any of the above listed substances shall be a violation of this Code and punishable pursuant to Chapter 2, Title 1 of this Code.

Where any of the above pollutants, as noted in sub-paragraphs above, contributed by users cause or significantly contribute to a recurring violation of the City's wastewater discharge permit for its treatment facilities, the City will ensure renewed compliance with its permit by (1) imposing specific effluent limits on any users as appropriate; (2) making modifications to the treatment plant's facilities or operation, or (3) a combination of the above.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.502. City responsibility for maintenance and operation.**

(a) The maintenance and operation of the public wastewater system including pipelines and treatment facilities shall be the sole responsibility of the City or its agents unless the maintenance and/or repair requirements are due to unauthorized discharge of

wastewater or discharges not meeting the requirements as set forth in this Title, then the costs for such maintenance/repair shall be the responsibility of the property owner from which the discharge was made or originated or was introduced into the system.

(b) Only City personnel and its agents shall be allowed to open manhole lids or otherwise enter any portion of the public wastewater system unless approval is granted by the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.503. Customer responsibilities.**

Building laterals and service laterals shall be maintained by, and are the sole responsibility of, the property owner. If there is a failure or a stoppage in either the building lateral or the service lateral, the property owner shall correct the problem.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.504. Information supplied by Public Works Department.**

The Public Works Department may furnish information intended to assist a customer in locating their service lateral; such information will be based upon best available records. The accuracy of this information is not warranted by the Public Works Department.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.505. Emergency discontinuances.**

The Public Works Department shall have the right to discontinue wastewater service to any customer or premises or in any part of the service area as long as necessary without notice to customers in case of emergency. In cases of nonemergency and in cases of extensions or connections, the Public Works Department shall make a reasonable effort to deliver a notice of the discontinuance of service to the customer.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.506. Tampering with Public Works Department property.**

(a) No person shall open any manhole lid, tamper with, interfere with, or damage any, public wastewater main, service lateral, wastewater connection, or any appurtenances connected with the Public Works Department's main pipes, or tap, break or injure any wastewater main or other pipe fitting laid in any street, alley, easement or public way. No person shall deposit, or cause to be deposited, in any wastewater main or pipe of the Public Works Department, or do anything which might interfere with the public wastewater system.

(b) Any person and/or company responsible for tampering, interfering with or damaging Public Works Department property shall be guilty of a violation of this Code pursuant to Chapter 2, Title 1 of this Code.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.507. Right of entry.**

(a) Authorized inspectors, agents and employees of the Public Works Department shall have the right of entry and access, at all reasonable times, in, to and upon any and all customers' buildings, grounds, or premises, or any part thereof (including any and all plumbing, fixtures, or connections located, used, maintained, or operated therein or thereon), for the purpose of:

(1) Determining the existence, operation, maintenance and/or use in, on or about such buildings, grounds or premises of any plumbing which may now or hereafter cause or create other conditions affecting, or likely to affect, the operation of the wastewater system;

(2) Facilitating the enforcement, from time to time, of any and all of the Public Works Department's applicable laws, rules and regulations and policies.

(b) Such authorized representatives of the City shall be furnished with, and upon the request of any occupant or property owner, shall display, appropriate evidence of identification.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.508. Easements.**

The property owner shall be responsible for maintaining easements within their property such that the City has access at all times. No permanent structures or improvements such as, but not limited to, buildings, block walls, iron fences, large trees and shrubs and the like shall be placed over the easement without prior written approval from the Public Works Department. Where the Public Works Department must perform maintenance, operation and/or construction activity within the easement, it shall not be responsible for removal, replacement of, or damage to, said permanent facilities or other structures prohibited by this section.

(Ord. 1515-NS, eff. June 5, 2009)

### **Article 6. Industrial Waste Regulations**

#### **Sec. 10-1.601. Non-Domestic Wastewater - General.**

This article presents regulations pertinent to the discharge of non-domestic wastes into the wastewater system. The term "industrial" does not exclude these regulations from pertaining to any commercial or residential discharger where the discharge is covered by this article.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.602. Definitions.**

(a) "Act" or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

(b) "Authorized or Duly Authorized Representative of the User".

(1) If the User is a corporation:

- (A) 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
- (B) The manager of one or more manufacturing, production, or operating facilities, provided 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, 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 individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (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.
- (4) The individuals described in paragraphs 1 through 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 City].
- (c) "Categorical Pretreatment Standard or Categorical Standard". Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (d) "Compliance determination" means the sampling and analysis conducted on specific industrial wastes to ascertain compliance with this article.
- (e) "Compliance schedule" means the time period allowed by the City in which an industry shall comply with permit conditions or discharge requirements.
- (f) "Composite samples" means a combination of individual samples of wastewater taken at hourly or selected intervals, to minimize the variability of the individual sample.
- (g) "Demand monitoring" means any flow measurement, sampling and analyses required as a result of accidental, toxic or shock loads on the wastewater system.
- (h) "Director" means the Public Works Director, City of Thousand Oaks, for purposes of this article.
- (i) "Domestic wastewater" means the liquid or water-borne wastes derived from or equivalent to that of ordinary residential living processes. These wastes may be disposed of without special treatment into the service lateral.
- (j) "Grab sample" means a single sample of wastewater taken irrespective of set time or flow.
- (k) "Indirect Discharge or Discharge". The introduction of pollutants into the POTW, as defined below, from any nondomestic source.

- (l) "Industrial discharger" or "industrial user" means any person or entity discharging more than ten thousand (10,000) gallons per day of industrial wastes or those subject to regulation under the Clean Water Act, no matter what the volume.
- (m) "Industrial wastes" means all wastewater of a community excluding domestic and pollutant free wastewater and shall include all such wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operation which contains characteristics unlike that of domestic wastewater.
- (n) "Interceptor or trap" means a gravity separation device or receptacle of 750 gallons or greater capacity which is designed, constructed and operated for the purpose of retaining sand, silt, grit, oil and grease while permitting the wastewater to be discharged to the public wastewater system. Any interceptor or trap shall have a minimum capacity of 750 gallons, unless approved in writing by the Public Works Director.
- (o) "Interference". A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's HCTP-NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (p) "Mass emission rate" means the weight of material discharged to the wastewater system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.
- (q) "Mg/l" means milligrams per liter.
- (r) "New source" means 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 which will be applicable to the source; provided, that the building, structure, facility or installation is constructed at a site at which no other source is located, or totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or is substantially independent of an existing source at the same site.
- (s) "Pass Through". A discharge which exits the POTW into 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 City's HCTP-NPDES permit, including an increase in the magnitude or duration of a violation.
- (t) "Pretreatment" means 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 wastewater system.
- (u) "Pretreatment standard" means any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with the Clean Water Act, which applies to industrial users. These include "categorical standards" which establish specific concentration limits for certain pollutants and total prohibitions of other pollutants as specified in applicable sections of the Code of Federal Regulations.

(v) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

(w) "Publicly Owned Treatment Works or POTW". A treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the City. 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 a treatment plant.

(x) "Sampling and evaluation program" means the determination of applicable pollutant concentrations or mass emissions in an industrial waste stream, or other conditions specified in the discharger's permit over a period of not more than ten (10) normal consecutive working days.

(y) "Sampling well" means an approved opening to a building service lateral for the purpose of sampling and flow measurement.

(z) "Standard Industrial Classification (S.I.C. )" means a system of classifying industries as identified in the S.I.C. Manual, 1972, Office of Management and Budget and as may be subsequently amended.

(aa) "User" means any person who discharges or causes a discharge of wastewater directly or indirectly to the service lateral or public wastewater line.

(bb) "Wastewater system" refers to the public system owned and operated by the City of Thousand Oaks.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.603. Specific wastewater discharge limitations.**

In addition to the general discharge prohibitions and limitations presented elsewhere in this chapter the following shall pertain:

(a) No person shall discharge or allow to be discharged into the wastewater system any wastewater containing constituent concentrations in excess of those limits set forth by Council action or as deemed necessary by the Public Works Director.

(b) Limitations on other constituents shall be set by the Public Works Director as needed, or as required pursuant to the Clean Water Act.

(c) If the limits promulgated pursuant to the Clean Water Act are more stringent than those set by Council action, the more stringent limits will be enforced for those industries regulated by federal pretreatment standards.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.604. Control of regulated wastes.**

(a) Regulatory actions. If wastewater containing excess concentrations of a regulated substance is discharged or proposed to be discharged to the City's wastewater system, the Public Works Director may:

(1) Prohibit the discharge;

(2) Require the discharger to demonstrate that on-site modifications would reduce or eliminate the discharge to conform with applicable discharge standards;

(3) Require on-site pretreatment to reduce, eliminate or alter the nature of pollutants to comply with this article;

(4) Implement any other remedial action deemed necessary in achieving the purpose and requirements of this section.

(b) Pretreatment facilities and operation. An industrial wastewater pretreatment system or device may be required by the Public Works Director to treat industrial flows prior to discharge to the public wastewater system. Pretreatment may be necessary to restrict or prevent the discharge of certain waste constituents, to distribute peak discharges of industrial wastewaters more equally over a longer time period or to accomplish any pretreatment result required by this Title. Pretreatment may also require a gravity separation interceptor, equalizing tank, neutralization chamber, as well as other means of mitigation as determined necessary by the Public Works Director. Such pretreatment facilities shall be maintained in good working order and installed, maintained and operated at the expense of the discharger, subject to the requirements of this Title and all other applicable codes and laws.

(1) Where pretreatment is required, plans, specifications, and other pertinent data or information relating to such pretreatment shall first be submitted by a professional engineer registered with the State of California to the Public Works Director for approval. Such approval shall not exempt the discharger or said facilities from compliance with any applicable rule or ordinance of any governmental authority. Any alterations or additions to such pretreatment facilities shall not be made without written notice to the Public Works Director for prior review and approval.

(2) All applicable federal pretreatment standards which specify quantities or concentrations of pollutants discharged by a specific industrial subcategory will be enforced by the City as required by the federal Clean Water Act. Compliance by existing industrial users with categorical pretreatment standards shall be achieved within three (3) years of the date the standard is promulgated unless a shorter time is specified by the Environmental Protection Agency or other governmental agency.

(c) Notification by industrial users of changed discharge. All industrial users shall notify the Public Works Director in advance of any substantial change in the volume or character of pollutants in their discharge.

(d) Protection from accidental discharge. Each industrial user shall provide protection from accidental discharge of prohibited materials or other regulated wastes. Each floor drain or floor sink located in an area where regulated chemicals are stored or used shall be protected in a manner approved by the Public Works Director to prevent uncontrolled or accidental discharges of these regulated constituents from directly entering the wastewater system. Facilities to prevent accidental discharge shall be provided and maintained at the owner's and/or operator's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Public Works Director 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 article.

Any person that causes or discovers a discharge of hazardous waste or an uncontrolled or accidental discharge or slug load of regulated waste into a wastewater line shall immediately notify the Public Works Department by telephone in order that corrective action may be taken to protect the wastewater system. In addition, the person responsible for the discharge shall file a written report to the Public Works Department detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the

discharge and corrective action taken to prevent future discharges. The report shall be filed within five (5) days of the discharge occurrence.

(e) Septic tank and cesspool cleaning. No person shall discharge the cleanings from septic tanks or cesspools to the wastewater system.

(f) Interceptors/traps for sand, grease and oil.

(1) Restaurants. A restaurant or other establishment discharging a wastewater containing grease shall install and regularly maintain an interceptor to prevent excessive discharges of grease into the waste-water system. The type and size shall be as regulated by the building provisions of the Municipal Code or as required by the Public Works Director.

(2) Vehicle service stations or garages. Service stations or garages with non-domestic fixtures or drains (i.e. mop sinks, floor drains) connected to the wastewater system shall be required to install and regularly maintain an interceptor designed to prevent the discharge of sand, silt, grease and oil to the wastewater system. The type and size shall be as regulated by the building provisions of the Municipal Code or as required by the Public Works Director.

(3) Approved designs. The Public Works Director may maintain an information file, available for public use, of acceptable designs of sand, grease and oil interceptors. The provision of such information relative to design or size requirements shall not impute any liability to the City for the adequacy of the interceptor under the actual conditions of use. The owner or proprietor shall meet all discharge limitations as set forth by Council action including alteration of the interceptor as required.

(4) Maintenance of interceptors/traps. Any required sand and/or grease interceptor or trap shall be readily accessible for inspection and properly maintained by the property owner and/or occupant to assure that the accumulations of sand, grease and oil do not impair the efficiency of the interceptor or exit the interceptor in concentrations exceeding discharge limitations. All required interceptors/traps shall have a record of every time the interceptor is cleaned. This record shall include the date and name of the pumper or person who cleaned it and the signature of the person in responsible charge and shall be reviewed by the Public Works Department during each inspection. Persons hauling liquid wastes removed from these interceptors or traps shall be registered to do so by the State of California. An interceptor shall not be considered properly maintained if sand and/or grease accumulations total more than twenty-five (25%) percent of the operating fluid capacity. If it is found that an interceptor or trap is improperly maintained or adequate records are not being kept, a warning will be issued to the owner and/or user of the property. If on subsequent inspections, it is found that one of the above conditions continues to exist, a fine to be set by Council action will be levied against the owner and/or user of the property.

(5) Existing interceptors/traps. An interceptor legally and properly installed at a vehicle service station, car wash establishment or restaurant shall be acceptable provided such interceptor is capable of removing sand, grease and oil so that the discharge from the interceptor does not exceed the limitations as set forth by Council action and is installed such that it can be inspected and properly maintained.

(6) Limitations on the use of garbage grinders. On all new permits issued, the waste from garbage grinders shall not be discharged into the City's wastewater system except when generated in preparation of food in a residence.

If an interceptor is incapable of retaining adequately the sand and oil in the wastewater flow from a service station or a car wash establishment, or grease emissions from a restaurant, the owner shall receive a written notice requiring that an adequate interceptor be installed within sixty (60) days.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.605. Industrial wastewater monitoring and reporting.**

(a) Records and monitoring.

(1) All industrial users requiring an industrial waste permit shall maintain records of the regulated process, effluent flows, pollutant concentrations and related factors. These records shall demonstrate compliance with the requirements of this article. These records shall be retained for a minimum of three (3) years.

(2) All records relating to compliance with pretreatment standards shall be made available, upon request, to officials of the U.S. Environmental Protection Agency, California State Water Resources Control Board and/or California Regional Water Quality Control Board.

(3) The owner and/or user of any premises or facility discharging industrial wastes into the wastewater system shall install, at his own expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of regulated constituents. Such equipment shall be maintained in safe, proper working order and be accessible at all times.

(4) All industrial users required to periodically sample and analyze their wastewater shall use sampling methods and locations approved by the Public Works Director. For each sample, the user shall maintain a record of:

- (i) The date, exact place, method and time of sampling and the names of the persons taking samples;
- (ii) The date, analytical methods, results and person performing the analyses.

(5) All domestic wastewaters from restrooms, drinking fountains, etc., shall be kept separate from all industrial wastes until the industrial wastes have passed through any required pretreatment system or monitoring device.

(6) It shall be prohibited to by-pass or disable any required pretreatment system or monitoring device for any reason, including maintenance, without first obtaining the approval of the Public Works Director.

(7) A sampling well of a design approved by the Public Works Director shall be installed to facilitate inspections, sampling and flow measurements of industrial wastewater by the Public Works Department. The sampling well shall be installed in all facilities discharging industrial wastes and in all new construction of industrial sites or as designated by the Public Works Director. It shall be located in an area with unrestricted access to Public Works Department personnel.

(8) Whether constructed on public or private property, the sampling well shall be constructed in accordance with the City of Thousand Oaks Wastewater Design and Construction Standards, as amended.

(b) Inspection.

(1) The Public Works Department shall conduct periodic compliance inspections, including the review of industrial self-monitoring reports, subsequent filed inspections and verification and retention of all necessary records.

(2) Whenever it shall be necessary for the purpose of these rules and regulations, Public Works Department personnel, upon presentation of credentials, may enter any premises or property connected to the wastewater system for the purpose of:

(i) Copying any records required to be kept under the provisions of this section;

(ii) Inspecting any monitoring equipment or method; and

(iii) Sampling any discharge of wastewater to the wastewater system. In addition, Public Works Department personnel may enter the property at any hour under emergency circumstances involving the wastewater system and during normal business hours in a non-emergency situation. No person shall interfere with, delay, resist or refuse entrance to an authorized inspector attempting to inspect any waste generation, conveyance or treatment facility connected to the wastewater system.

(c) Sampling and analysis.

(1) Compliance determinations shall be made by the Public Works Director on the basis of either instantaneous grab or composite samples of wastewater.

(2) All analyses shall be performed in accordance with the United States Environmental Protection Agency's Guidelines Establishing Test Procedures Under the Clean Water Act (40 CFR Part 136), as amended.

(3) Sampling of industrial wastes shall be done at intervals by the Public Works Department. Sampling shall be conducted for all industrial users at least once per year. Compliance sampling will consist of a grab or composite sample analyzed for those constituents in the user's permit. Any compliance sampling conducted on behalf of the discharger shall be in compliance with 40 CFR 403.12.

(4) The permitted industrial discharger shall assume the cost of follow-up compliance determination as a result of initial noncompliance and sampling and analysis for the constituents set forth in the industrial waste discharge permit, or as determined by the Public Works Director. In addition, the cost of any demand monitoring and sampling as a result of accidental toxic or shock loads upon the wastewater system shall also be paid by the industrial user.

(d) Discharge reports.

(1) All permitted industrial users shall monitor and report on the quantity and quality of their industrial wastewater discharge. The items to be contained in the report and submittal frequency will be detailed in the user's industrial waste discharge permit.

(2) Self-monitoring reports providing laboratory analyses of regulated discharges plus other information as required in the user's permit shall be sent to the Public Works Director at a minimum of twice per year. If required, a more frequent reporting schedule will be established in the user's industrial waste discharge permit.

(3) If a permitted industrial user monitors any pollutant more frequently than required by the user's permit, using approved sampling and analytical procedures, the results of this monitoring shall be included in the periodic self-monitoring report.

(4) If analysis of the industrial discharge indicates a violation of one or more discharge limits, the user shall notify the Public Works Director of the violation within twenty-four (24) hours. The industrial user shall also repeat the sampling and analysis and submit the results of the analysis to the Public Works Director within thirty (30) days after becoming aware of the violation.

(5) All reports submitted by the permitted industrial user shall be signed by an authorized industrial representative as defined by the Federal Clean Water Act.

These reports shall be subject to the provisions of the Federal Code relating to false statements and fraud and the provisions of the Clean Water Act governing false statements.

(6) Each self-monitoring report shall contain the following declaration:

"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."

(7) The following reports are required pursuant to the promulgation by the EPA of any regulations implementing the establishment of any pretreatment standards and regulations.

(i) One hundred and eighty (180) days after the promulgation of a pretreatment standard, all industries subject to the standards shall submit to the City a report containing:

(aa) The name and address of the user, and the location of the discharge;

(ab) The nature, average production rate and standard industrial classification of the operations carried out by such user;

(ac) The average and maximum flow of the discharge in million gallons per day;

(ad) The nature and concentration of pollutants in the discharge from each regulated process and the identification of applicable pretreatment standards. The concentration shall be reported as required by the standard;

(ae) A statement certified to by a qualified professional, indicating whether the pretreatment standards are being met on a consistent basis and, if not, whether operation and maintenance improvements or additional pretreatment is required for compliance; in such cases, the shortest schedule by which such operation or maintenance improvements or additional pretreatment will be completed must be included. The completion date shall precede the pretreatment standard compliance date.

New sources shall submit to the City the information listed in (aa)-(ad) above.

(ii) Within ninety (90) days following the date of compliance with a pretreatment standard, the industrial user subject to pretreatment standards and requirements shall submit a report to the City indicating the nature and concentration of all pollutants regulated by the pretreatment standard and the average and maximum daily flow for the industrial process units. The report shall also state whether pretreatment standards are being met and, if not, what operation and maintenance and/or pretreatment are necessary to bring the discharge into compliance.

(iii) After the compliance date of a pretreatment standard, the subject user shall submit on a schedule as required a report to the City indicating the nature and concentrations of pollutants in the effluent which are limited by the pretreatment standards.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.606. Industrial discharge permit system.**

(a) Industrial waste discharge permits required. All persons proposing to connect and/or discharge industrial wastes into any part of the wastewater system must first apply for and, if required by the Public Works Director, obtain an industrial waste discharge permit. Those users proposing to discharge outside the City limits but within the area serviced by the City's wastewater system must file an industrial waste permit application prior to being issued a "will-serve" letter from the City for wastewater service.

(b) Permit application. The user seeking an industrial waste discharge permit shall complete an application form provided by the Public Works Department and pay the required fee as set by Council action. The Discharger shall include: a list of any environmental control permits held by or for the facility, information showing the measured or proposed average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(c) Trade secrets and Confidential Information. When requested by the person furnishing a report and as permitted by laws, those portions which may disclose trade secrets or secret processes shall not be made available for public inspection. Wastewater constituents and characteristics shall not be recognized as confidential information. Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from inspection and sampling activities, shall be available to the public without restriction, unless the Discharger specifically requests, and is able to demonstrate to the satisfaction of the Public Works Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the Discharger furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the HCTP-NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. If City withholds such information and suit is filed to obtain such information, User shall defend City in any litigation. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

(d) Permit conditions. The permit shall constitute the performance specification to which each discharger must conform in order to maintain authorization to use the wastewater system. Permits shall be expressly subject to all provisions of this section, Federal pretreatment standards and regulations pursuant to the Clean Water Act, and all other regulations, user charges, and fees established by the City. Permit conditions shall be uniformly enforced in accordance with this section and applicable State and Federal regulations. Permit conditions shall include the following as applicable:

- (1) Limits on the average and/or maximum wastewater constituent concentrations and other relevant qualitative characteristics;
- (2) Mass emission discharge rates or any more stringent Federal pretreatment standards based on the user's average daily wastewater discharge for the past three (3) years. When not available, data for a year or that which is mutually acceptable to the user and the City will be used;
- (3) Limits on rate and time of discharge or requirements for flow regulation and equalization;

- (4) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs;
  - (5) Requirements for maintaining and submitting technical self-monitoring reports and plant records relating to industrial waste discharges;
  - (6) Compliance schedules including any requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (7) Applicable Federal pretreatment standards which are more stringent than local limitations;
  - (8) Self monitoring, sampling, reporting, notification, resampling and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
  - (9) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
  - (10) Other conditions to ensure compliance with this section.
  - (11) Proposed new, increased or additional contributions may be conditioned or denied by the Public Works Director.
- (e) Compliance schedules.

(1) A compliance schedule included in the industrial waste discharge permit for those industries regulated by Federal pretreatment standards shall be based on the following conditions;

- (i) A list of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial user to meet Federal pretreatment standards or local discharge limits as applicable. The time period between events shall not exceed nine (9) months.
- (ii) Not later than fourteen (14) days following each date in the schedule and final date for compliance, the industrial user shall submit a progress report to the City stating whether or not it complied with the expected progress and steps which are being taken to correct any delays.
- (iii) Within ninety (90) days following the date of final compliance with applicable Federal pretreatment standards, or in the case of a new discharge, following the commencement of the introduction of wastewater to the wastewater system, any industrial user subject to Federal pretreatment standards shall submit to the City a report indicating the nature and concentration of Federally limited pollutants and the estimated average and maximum daily flow for the processes which are subject to such Federal standards. A statement shall be included which indicates whether the industrial user is meeting the Federal pretreatment standard on a consistent basis and, if not, which steps will be taken to bring the discharge into compliance. Such a statement must be signed by an authorized representative of the industrial user and certified to by a qualified professional.

(2) A compliance schedule included in the industrial waste discharge permit for all industrial users not regulated by Federal pretreatment standards shall contain the following conditions:

- (i) An expected date of compliance, which, if it is permitted to exceed six (6) months from the date of permit, must be supplemented by increments of progress such as acquisition of funds, equipment, etc.;
- (ii) Within ninety (90) days following the date of final compliance with the applicable discharge limits or in the case of a new discharge, following commencement of the introduction of wastewater to the wastewater system, the industrial user shall submit to the City a report indicating the nature and concentration of those pollutants regulated by the industrial user's industrial waste discharge permit. The report shall include the results of a minimum of three self-monitoring analyses of the user's discharge, collected and analyzed within the allowable ninety (90) day period. The report must be signed by an authorized representative of the industrial user and certified by a qualified professional.
- (f) Duration of permits. Permits are issued for no more than (3) three years, and may be issued for a period of less than one year or may be stated to expire on a certain date. The terms and conditions upon which the permit is issued may be modified during the period for which the permit is in effect. The user shall be informed of the permit changes thirty (30) days prior to the effective date of the change. Any new conditions in the permit shall include a reasonable compliance schedule proposed by the industrial user and approved by the Public Works Director.
- (g) Transfer of a permit. Permits are issued to a specific user for a specific operation. It shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operations. Any attempted transfer, assignment or other alteration shall render the permit null and void as to the transferor or transferee.
- (h) Revocation of a permit. Any user who violates the conditions of his permit, this article or applicable State and Federal regulations is subject to permit revocation. Violations include, but are not limited to, the following:
- (1) Failure of a user to accurately report their wastewater constituent concentrations and characteristics or to comply with their self-monitoring requirements.
  - (2) Failure of the user to report significant changes in operations.
  - (3) Refusal of access to the user's premises for the purpose of inspection or monitoring.
  - (4) Violation of permit conditions.
- (i) Preliminary determination of and penalties for noncompliance with permit requirements. For those industrial users not regulated by Federal pretreatment standards, pollutant discharge limits enforced as concentration limits (mg/l) will be modified when user consistently attempts to use dilution of the waste stream as a means of meeting the concentration limits. In such a case and/or at the discretion of the Public Works Director, said user will be required to meet a maximum mass emission rate, based on the user's average water usage for the past three years and the applicable pollutant concentration discharge limits.
- For all industrial users, initial noncompliance with permit requirements may be determined by an analysis of a grab or composite sample of the effluent of a discharger for any constituent or condition specified in the user's permit. If the effluent of a user contains prohibited substances or is found to be in excess of the required concentration or conditions of this article, then a sampling and evaluation program shall be initiated by the City. The industry shall be required by the Public Works Director to implement any changes necessary to achieve compliance within a time limit proposed by the user and approved by the Public Works Director. Any user that

refuses to cooperate in this effort, shall pay penalty charges based on the results of the sampling and evaluation program, as established by Council action.

(j) Public notification will be by publication annually, in the largest daily local newspaper, listing all local industries regulated by pretreatment standards or requirements who, during the previous twelve (12) months, were found to be in significant noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six (66%) percent or more of all the measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits as defined in 40 CFR 403.3(l) (as may be amended), the daily maximum limit or the average limit for the same pollutant parameter.

(2) Technical Review Criteria (TRC) violations, defined as those in which thirty-three (33%) percent or more of all of the measurements for the same pollutant parameter taken during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits as defined in 40 CFR 403.3(l) (as may be amended), daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, Suspended Solids, and Oil and Grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement including instantaneous limits as defined in 40 CFR 403.3(l) (as may be amended), that, as determined by the Public Works Director, has caused, alone or with other discharges, interference with treatment processes, pass-through (including endangering the health of POTW personnel or the general public) or violations of the City's National Pollutant Discharge Elimination System Permit.

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment, or which has resulted in the City's use of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone for starting construction, completing construction or achieving final compliance.

(6) Failure to provide required reports within thirty (30) days after the due date.

(7) Failure to accurately report noncompliance.

(8) Any other violation of group of violations which, as determined by the Public Works Director, has adversely affected the operation of the pretreatment program.

(k) The penalties for noncompliance shall continue to accumulate on a daily basis until the industrial user can show corrective action has been taken or compliance achieved. If the period of noncompliance continues for more than ten (10) consecutive working days, or if the Public Works Director determines that the violation presents or may present imminent or substantial danger to the health or welfare of persons, to the environment or causes interference with the operation of the treatment plant, the City may proceed with the following:

(1) Amend the existing permit only when the discharger has shown good faith in trying to comply and requires additional time for construction and/or acquiring equipment. The permit may be amended for a period not to exceed one hundred eighty (180) days.

(2) Proceed with enforcement action.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.607. Enforcement.**

(a) Declaration of a public nuisance. Wastewater discharge in violation of this article is hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director.

(b) Enforcement provisions. The City can require compliance with permit conditions or limitations by issuing administrative orders that shall be enforceable in a court or by direct court action.

(c) Administrative order.

(1) Cease and desist orders. When the City finds that the wastewater discharge is in violation of this article or the provisions of a wastewater discharge permit, the Public Works Director may issue a cease and desist order and direct that the user not in compliance:

(i) Comply immediately; or

(ii) Comply in accordance with time schedule set forth by the City.

(2) Termination of service. The City may revoke any industrial waste discharge permit or physically terminate wastewater or water service to any non-complying industry. Twenty-four (24) hours prior to taking any action to terminate water or wastewater service, the subject user will receive written notification of the proposed termination. All City costs for terminating service and for reinstating service shall be paid by the user before any reconnection is made.

(d) Civil action.

(1) Injunction. Whenever a wastewater discharger is in violation, the City may petition the Superior Court for the issuance of a temporary restraining order or a preliminary injunction or permanent injunction or any or all of these, as may be appropriate to restrict or discontinue the discharge.

(2) Civil penalties. Any person who violates any pretreatment standards and/or requirements or who, due to a hazardous or toxic discharge, causes damage to the wastewater system or its operation shall be liable civilly for a penalty not to exceed Ten Thousand and no/100ths (\$10,000.00) Dollars for each day in which such violation occurs. The legal counsel of the City, upon order of the City Council, shall petition the Superior Court to impose, assess and recover such penalties.

(3) Criminal penalties. Any person who violates any provision of this article, or a permit condition, or who violates any administrative cease and desist order, prohibition or effluent limitation shall be guilty of a violation of this article and may be punished pursuant to Title 1, Chapter 2 of this Code.

(e) Unlawful discharges, damages, liability. If the Public Works Director finds that any person has discharged any liquid or solid wastes into the wastewater system of the City in violation of the provisions of this article and that such discharge caused damage to the wastewater system of the City, or caused increased operating costs, or diminished the efficiency of the treatment processes, the Public

Works Director shall estimate the value of the damage and either add that sum to that person's next regular wastewater service billing or directly bill the responsible party. The bill shall represent a civil debt to the City and shall include the following:

- (1) The wastewater system repair cost;
- (2) System depreciation due to damages not repaired;
- (3) Additional operating costs;
- (4) The value of the loss of wastewater treatment plant operating efficiency, based upon the City's normal operating costs and the extent to which the performance of the plant was reduced below normal as a result of such improper discharge.

All charges made pursuant to this subsection are due and payable upon receipt of notice and become delinquent thirty (30) days after mailing such notice.

(f) Falsifying information. No person shall knowingly make any false statements, representation, record, report, plan or other document filed with the City or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this article.

(g) Appeals. Any user, permit applicant or permit holder affected by any decision, action or determination, including cease and desist orders, made by the Public Works Director in interpreting or implementing the provisions of this article or any permit issued herein, may file with the City Manager a written request for reconsideration, within not more than ten (10) days after the date of the decision, action or determination or sooner if the decision, action or determination is to be implemented, summarily setting forth in detail the facts and reasons supporting the user's request for reconsideration. The City Manager shall render a decision on the request in writing, within fifteen (15) days after receipt of the request. If the ruling is contested, the person requesting reconsideration may, within ten (10) days after notification of the City Manager's decision, file a written appeal with the City Council which sets forth in full the facts, reasons and grounds for the appeal. The written appeal shall be heard by the City Council within thirty (30) days from the date of filing. The City Council shall make the final ruling on the appeal within sixty (60) days from the date of filing.

(h) The remedies found in this article are cumulative and are in addition to any other procedures found in this section or any other applicable law.

(Ord. 1515-NS, eff. June 5, 2009)

## **Article 7. Charges**

### **Sec. 10-1.701. Wastewater connection charge.**

(a) Charge basis. Prior to receiving wastewater service for any residence, building or parcel of land, a connection charge shall be paid. The connection charge shall be in addition to the requirements for construction of or payments towards wastewater main pipeline systems. The owner of the property shall be responsible for payment of all unpaid charges not collected, or collectable from the developer, user or occupant.

(b) Connection charge rate. The amount of the wastewater connection charge shall be as set by Council action.

(c) Calculation of connection charge. A plumbing fixture unit shall be as defined in the current edition of the Plumbing Code. Only those fixtures that contribute wastes to the wastewater system shall be counted and charged. Any fixture not listed in the applicable section of the Plumbing Code to be installed shall be given a unit count by the Public Works Director. The total plumbing fixture unit count for each application/location shall not be less than that of a single family residence. Private plumbing fixtures are those plumbing fixtures enclosed within the area of a single business, company or organization intended for the use of employees only. Public plumbing fixtures are those plumbing fixtures that are provided for use by employees, customers, guests and/or the general public, including those fixtures intended for use by two or more tenants in a multi-tenant building. The charges set forth in this section shall apply, except for those buildings with a total floor area equal to or greater than twenty-five thousand (25,000) square feet where the provisions of subsection (e) of this section may apply as determined by the Public Works Director. Motels, hotels and any other buildings on a parcel of land with a common ownership that cannot at some future date be divided shall be considered on an overall basis, and the minimum charge shall not apply to each individual building.

(d) Escalation. On December 1 of each year, all wastewater connection charges shall be increased by Council action by a factor based upon the increase in the Engineering News Record (ENR) Construction Cost Index for Los Angeles based upon the change from the preceding July-to-July period.

(e) Special situations. For special situations such as combined use buildings, multiple occupant developments, or any other facilities where the computed connection charge does not, in the opinion of the Public Works Director, result in an equitable connection charge, the actual charge shall be determined based on criteria such as, but not limited to: environmental impact; National Pollution Discharge Elimination System requirements, water consumption; peak loading; residential equivalency; treatment plant capacity and capital costs. However, in no event shall the minimum rates be altered.

(f) Submittals. Commercial and industrial projects shall submit building and/or plumbing plans for the Public Works Department's permanent records in sufficient detail to allow the determination of the number of fixture units and the appropriate connection charge.

(g) Time of Payment. No parcel of property shall be connected to the wastewater system and receive permanent wastewater service from the City until a the appropriate wastewater connection charge has been paid. The connection charge shall be paid prior to, or concurrent with, the issuance of a building permit.

Payment of connection fees cannot be made earlier than the following:

(1) For tract/subdivision projects, no sooner than recordation of the tract or parcel map;

(2) For other projects, no sooner than:

(i) Approval of wastewater system drawings,

(ii) At the time of application for a wastewater permit, which should coincide with finalization of documents necessary for a building permit for approved projects, which must be accepted for plan check by the Department.

For affordable housing projects, payment of connection charges may be delayed until such time as the applicant makes a request to the Public Works Department for occupancy clearance. All charges must be paid in full prior to issuance of an occupancy permit by the Public Works Department. The amount paid shall be based on the charges in effect at the time the wastewater permit for construction of the project was issued.

(h) Installment payments. Where an individual property owner has been required to connect an existing housing unit to the public wastewater system, and where payment of the wastewater connection fee would present an undue hardship to the property owner, and where the City's interest is best served by the properties being connected to the public wastewater system, the Public Works Director may approve payments of the wastewater connection fee on an installment basis. Payments shall be subject to a written and recorded agreement between the City and the property owner, and shall include, in addition to the principal connection fee amount, payment of interest charges as determined by the Finance Department. The agreed-to-payment amounts shall be billed separately from the property owner's regular wastewater billing and are subject to interest and penalties as allowed by Council action. The agreement shall be recorded at the Office of the Ventura County Recorder to provide beneficial notice to any future purchaser of the property. If full payment of the wastewater billing becomes more than sixty days delinquent, the City, at its option, may require payment in full of the entire amount still owing on the connection fee.

(i) Credits for prior payment of wastewater connection fee. A parcel or other division of property having paid a connection charge shall be credited with current value service units paid. The credit may not be transferred or conveyed to another parcel, except to transfer to another public agency, where the facilities previously using the credit were removed and/or destroyed and cannot be reused again the future, subject to the approval of the Public Works Director. In the case of non-residential condominiums, the Property Owner Association shall have managing authority upon fixture credits as specified in Section 10-1.303.

(j) Termination of service and impact on connection charges. A property which terminates service will be credited with a charge as determined herein. If the property is then reconnected at a later date, then the then-current connection charge shall be due and payable, less the credit amount.

(k) Changed uses: Additional charges. If a building or the use of a parcel of property is enlarged, altered or changed, including the addition of an accessory dwelling unit, a new connection charge is greater than that credited to the parcel of property, the difference (based on fixture units or equivalent service units) shall be paid to the City. The payment is due before the issuance of a plumbing permit or building permit, as appropriate. The provisions of this subsection shall not apply, however, to the enlargement of a single family dwelling.

(l) Reduced uses. If a building or the use of a parcel of property is diminished, altered or changed in any way that would reduce the connection charge, no refund shall be made; but the credit given shall remain a credit to that property against any future facilities.

(m) Subdivision of parcels. If a parcel of property having a connection charge credit is divided, that connection charge credit may be divided also in any way that the owner instructs the City in writing; provided, however, the credit remaining with any parcel connected to the wastewater system shall not be less than the amount that would be required as a connection charge for that parcel using current rates. In the absence of written instructions, the Public Works Director may divide the credit.

(n) Non-residential Condominium.

Each detached building shall pay for a minimum of twenty (20) fixture units at the time of building permit issuance or prior to condominium map recordation. Each condominium unit shall pay connection fees as specified in the current User Fee Ordinance.

Wastewater fixture units paid for shall be attached to the parent property and may be transferred between buildings or separate ownerships within the parent property at the discretion of the Property Owners Association. Pursuant to Section 10-1.701 (k) and (l), all fixture units within the parent property shall be assigned to common area fixtures or assigned to member condominiums prior to

purchasing additional fixture units for the property. Purchases of additional fixture units shall be made solely by the Property Owners Association. The City reserves the right to, at its sole discretion, redistribute the fixture units in a manner it determines to be in the best interest of the City.

It is the intent of this provision to ensure that a minimum of twenty (20) fixture units remain permanently assigned to each building. Fixture units in excess of the minimum of twenty (20) may be transferred by the Property Owners Association, upon approval of the Public Works Department, to another building which is lacking an adequate fixture unit count for the proposed use.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 8, Ord. 1631-NS, eff. July 14, 2017)

#### **Sec. 10-1.702. Additional charges for capital improvements.**

The City may charge an additional amount under the following circumstances providing that an area of benefit or benefiting properties are identified along with the capital improvement cost:

- (a) Where a specific wastewater pipeline project benefits an identifiable area by providing needed capacity or correcting a substandard condition.
- (b) Where the costs associated with a specific City improvement project such as a major pipeline project exceed that which normally could be collected via the wastewater connection charge.
- (c) Where the city has entered into a reimbursement agreement with a developer or landowner for a capital improvement project installed by the latter.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.703. Wastewater service charges.**

(a) General policy. No part of the wastewater system of the City shall be used or taken advantage of free of charge by any person, persons, association, firm or public agency, including the United States of America, the State or any public corporation, political subdivision, including City, County and district agencies. If the wastewater service is provided outside the City limits, the service charge shall be further increased over and above the in-City charge in an amount set by Council action. All properties with buildings, houses, etc., wherein there is a capability of generating and discharging wastewater to the public wastewater system shall pay a wastewater service charge irrespective of the occupancy/vacancy status of the property.

Individual portions of a common property such as stalls, office spaces and others where it is determined by the Public Works Director that independent discharge to the wastewater system can be made, shall pay a wastewater service charge.

- (b) Charges. Monthly wastewater service charges shall be as set by Council action.
- (c) Combined water and wastewater charges. Where the City provides both wastewater and water service to properties and the wastewater service charges are not collected via direct assessment on the Ventura County property tax roll, a combined bill will be prepared. In all such cases, the City shall have the right to discontinue water service to any person or property whose combined water and wastewater bill/invoice is delinquent.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 2, Ord. 1684-NS, eff. May 28, 2021)

#### **Sec. 10-1.704. Unauthorized use of the wastewater system.**

Any person or organization using the City wastewater system without having received prior approval shall be charged for the estimated wastewater charges applicable for the period used. In addition, such use shall be terminated by said person or organization immediately and an application for service shall be submitted and approved prior to further use of the wastewater system.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.705. Miscellaneous repair and/or maintenance costs.**

When Public Works Department crews are involved in repairs or maintenance wherein such work is done for the protection of the Public Works Department's system or where the work is a result of damage to the Public Works Department's facilities by a private individual or company, then the City shall charge that individual or company. Such charges shall include materials, equipment, labor, all as determined by the Public Works Department and overhead at a rate set by Council action.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.706. Other fees and charges covered by Council action.**

In addition to those discussed above, various fees and charges shall be adopted by Council action including the following: administrative fees for plan check, inspection, easements and other legal documents, quitclaim and special agreements, reproduction charges, and industrial waste permit charges, interest, penalties, and other similar charges.

(Ord. 1515-NS, eff. June 5, 2009)

### **Article 8. Main Line Extension and Oversizing Agreements**

#### **Sec. 10-1.801. Reimbursement Agreement - General.**

A developer or owner may request reimbursement for a portion of the cost associated with the installation of a wastewater facility, typically a pipeline. Any reimbursement shall be by agreement and pursuant to the requirements outlined in this article.

The City may require, or a developer may elect to construct, an off-site wastewater main which may, in the opinion of the Public Works Director, qualify for reimbursement subject to payback through a reimbursement agreement. Where a wastewater line must be extended to serve a property, the wastewater line extension normally shall be constructed by the property owner requesting service. That portion of the project costs, as approved by the Public Works Director, which benefits other properties may be subject to payback through a reimbursement agreement. To qualify, there must be (1) benefiting properties which have agreed to participate or that can be required to participate through normal City procedures, and (2) improvements which provide a substantial benefit to those properties.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.802. Main line extension.**

(a) General. Each reimbursement agreement shall state the total dollar amount which is subject to reimbursement and shall identify the wastewater line(s) which are the subject of the agreement and the entire area benefitted by the extension or oversizing of such wastewater line(s). Preparation of and entering into a reimbursement agreement typically would occur at or near the conclusion of construction of the project so that costs can be compiled. Methods of determining the pro-rata shares may be: (1) by area of the benefiting properties; (2) by the number of benefiting properties, if that is judged by the City to be more equitable; (3) by the number of single family dwellings; or (4) any other method approved by the Public Works Director. The methodology used to determine benefit and the selection of the properties which are considered to benefit shall be at the sole discretion of the City.

(b) Eligible and Ineligible Project costs. The eligible project costs may consists of the construction contract price, including all labor and materials costs incurred for the construction of the wastewater line(s), engineering design and surveying costs, bond issuance costs, fees paid to the City, such as for plan check, inspection, encroachment permits, easement documents, and other costs approved to be eligible. Ineligible costs shall include attorney fees, interest paid on construction loan financing, and contract administration costs in excess of ten (10%) percent of total construction costs. Only that portion of the project cost which benefits other properties, as approved by the Public Works Director, shall be subject to payback through a reimbursement agreement. The reimbursement agreement shall be based upon actual constructed costs, not estimates. Documentation of costs shall be provided to the City in the form of signed, executed contracts, and certified payroll sheets showing the names of employees, their wages and all deductions for state and federal taxes, health benefits, workers' compensation, union dues (if applicable), social security and any other standard deductions. In a case where an applicant is personally involved in the construction of the improvements (such as operation of a backhoe or other equipment), the hourly charges for said person may not exceed the prevailing wage rate for operation of said piece of equipment, and shall be approved by the Public Works Director.

(c) Reimbursement payments. Each reimbursement agreement shall include provision for the amount and timing of payments to the developer, its successors or assigns as received by the City from benefiting properties. The maximum duration of the agreement shall be ten (10) years commencing on the date of City Council acceptance of the mainline extension or the date of approval of the reimbursement agreement by City Council, whichever comes first. The applicant shall be responsible for providing a current mailing address to the city over the life of the reimbursement agreement. The City's responsibility for making reimbursement payments to the applicant shall be limited to mailing such reimbursements to the last known address provided by the applicant. Where reimbursement payments are returned to the City as undeliverable, the City will disburse said monies to applicant upon notification by the applicant of a new mailing address without benefit of paying accrued interest of such monies. Notwithstanding the foregoing, in the event the City has retained any returned funds, those funds shall be returned to the participating property owner after six months, and the applicant shall have no recourse to said funds from the City after this time period. If collected monies are returned to the City as undeliverable from applicant and participating property owner, City may retain such funds for its own use. Any direct collection of funds/monies by the applicant from participating property owners shall nullify and void the agreement.

(Ord. 1515-NS, eff. June 5, 2009)

### **Sec. 10-1.803. Oversizing agreement.**

Notwithstanding any other provisions to the contrary, the City, by written agreement, may provide for a method of reimbursement or other paybacks to developers or private parties of the actual costs for the design and construction of special facilities such as transmission line(s) of twelve (12") inches or greater in diameter, pumping stations, and the like. The procedures contained in Section 10-1.802 shall apply to an oversizing agreement.

(Ord. 1515-NS, eff. June 5, 2009)

## Article 9. Billing and Payment

### Sec. 10-1.901. Billing - General.

The Public Works Director and Finance Director are primarily responsible for the issuance of wastewater bills and for direct assessments of single-family residential wastewater service charges via Ventura County's property tax roll. Within the City, the Finance Department provides customer service functions associated with the preparation, issuance, and receipt of wastewater bills and revenue.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 3, Ord. 1684-NS, eff. May 28, 2021)

### Sec. 10-1.902. Due dates.

Except for wastewater service charges collected via a direct assessment on the Ventura County property tax roll or those covered under "Miscellaneous Uses and Special Services," all wastewater service charges shall become due and payable upon presentation. Such bills shall become delinquent and subject to penalty charges in an amount set by Council action if not paid in full on or before forty (40) days after the billing date. Payment shall be made to the City of Thousand Oaks Finance Department.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 4, Ord. 1684-NS, eff. May 28, 2021)

### Sec. 10-1.903. Due dates for miscellaneous uses and special services.

All bills for miscellaneous wastewater system use and special services and treatment costs or expenses, and the like furnished during any calendar month shall be due and payable upon presentation and shall become delinquent thirty (30) days after the date the billing was prepared.

(Ord. 1515-NS, eff. June 5, 2009)

### Sec. 10-1.904. Overpayments.

In the event of payments in excess of the billed amount, the City shall credit the amount of overpayment thereof upon the next ensuing wastewater service charge bill issued to the same property.

(Ord. 1515-NS, eff. June 5, 2009)

### Sec. 10-1.905. Underpayments.

Any underpayment of a wastewater service charge bill shall be deemed as nonpayment. In all cases, the amount of nonpayment or underpayment shall be subject to a penalty. Any underpayment on a combined water and wastewater bill shall be subject to discontinuance of water service.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.906. Errors: Adjustments.**

(a) A recipient of wastewater service charge billing who has a complaint or question concerning his bill, shall have the opportunity to review the problem with the Customer Service section of the Finance Department during regular business hours. The Customer Service section shall have the authority to correct any errors on such bills.

(b) Adjustments may be made on wastewater service charge billings by the Public Works Director. Where adjustments are necessary, the City shall evaluate the adjustment using past data and other factors necessary to make an adjustment.

Adjustments due to an overcharge situation may also consider any undercharged periods within the past.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.907. Blockage in lateral: Adjustments.**

In the event there is a blockage in the lateral, no adjustment in billing will be made. It shall be the property owner's responsibility to maintain his own system.

(Ord. 1515-NS, eff. June 5, 2009)

**Sec. 10-1.908. Liability for payment.**

(a) The property owner shall be responsible for payment. The current owner of a property shall be responsible for payment of all unpaid fees and charges not collected, or collectable, from the applicant, user, or occupant on the parcel. If more than one occupant or tenant on a commercial, industrial, or multi-family parcel of property is served, then the City shall render a single bill to the property owner. In the event of nonpayment, the property owner shall be liable for payment.

(b) Non-residential and apartment property owners and/or occupants may, if they wish, make special arrangements with the Finance Department for the purpose of sending the bill to the occupant of the property rather than to the property owner. In such a case, the property owner shall be liable for any nonpayment.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 5, Ord. 1684-NS, eff. May 28, 2021)

**Sec. 10-1.909. Delinquencies: Penalties.**

Unless wastewater service charges are assessed on the Ventura County property tax roll, in the case of payments not received on or before thirty (30) days from billing date, a reminder notice shall be mailed. The amount due shall consist of the entire unpaid balance. Such bills shall be delinquent and subject to penalty charges, in an amount set by Council Action, if not paid in full on or before forty (40) days after the billing date.

(Ord. 1515-NS, eff. June 5, 2009, as amended by § 6, Ord. 1684-NS, eff. May 28, 2021)

**Sec. 10-1.910. Multiple-party applications: Liability.**

Two (2) or more parties who join in one application for service shall be jointly and severally liable thereunder and shall be billed by means of single periodic bills.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.911. City to use all necessary remedies.**

The City and its proper officers, agents or employees shall promptly, efficiently and economically take all steps, actions or remedies necessary for the collection of charges and the penalties thereon (including the enforcement of the lien of such charges and penalties) which are now or may hereafter be provided for in the Code or in the Revenue Bond Law, California Government Code, commencing with Section 54300. Such remedies for collecting and enforcing the rates and charges set forth in the Revenue Bond Law, California Government Code, commencing with Section 54300, shall be cumulative and may be pursued alternately. In any event, a list of delinquent charges shall be recorded at least every four (4) months. If any one remedy provided for in this section or in the Revenue Bond Law, California Government Code, commencing with Section 54300, is held to be invalid, all valid remedies shall remain effectual until the principal and interest on the outstanding charges and penalties are fully paid.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.912. Property liens for delinquencies.**

The City Treasurer shall record with the County Recorder a list of all delinquent charges, and the penalties thereon, and shall include in each such list the amount of each charge and the penalty thereon, a description of the real property upon which the same is a lien, and the name of the City, all as provided in the Revenue Bond Law, California Government Code, commencing with Section 54300, as the same now exists or as hereafter amended. All delinquent charges and penalties, when so recorded, shall constitute a lien upon the real property served by the enterprise (except that no such lien shall be created against any property owned by a public corporation or as the result of delinquent charges accrued by a tenant or lessee of the property), and each such lien shall have the force, effect, priority and duration, and any real property subject to any such lien may be discharged therefrom, and each such lien shall be enforced as provided in the Revenue Bond Law, California Government Code, commencing with Section 54300, as the same now exists or as hereafter amended. Payment of all charges and liens shall be the property owner's responsibility.

(Ord. 1515-NS, eff. June 5, 2009)

#### **Sec. 10-1.913. Termination of service.**

In the event all structures in which wastewater is produced are removed, abandoned or uninhabitable on a property served by the wastewater system, the Public Works Director may terminate service to the property after receiving a written request from the property owner. The termination shall not be effective until all charges and expenses are first paid.

A property for which service has been terminated shall not be inhabited by humans nor shall any wastewater be produced thereon until service has been restored and any applicable connection charge paid. If the property is inhabited by human beings or any wastewater is produced thereon before the service has been restored, the Public Works Director shall have authority to cap the service lateral of the property line and to disconnect the property without notice.

(Ord. 1515-NS, eff. June 5, 2009)