



*Providing Outstanding Service Since 1963*

**Board of Directors**

Janna Orkney, Chair

Susan Pan, Vice Chair

Leon Shapiro, Director

Raymond Tjulander, Director

James Wall, Director

November 25, 2019

Board of Directors  
Triunfo Water & Sanitation District  
Ventura County, California

**DISTRICT ORDINANCES (TWSD-200, TWSD-202, TWSD-250) – REVISIONS FOR POLICIES AND PROCEDURES AND RULES AND REGULATIONS FOR THE DISTRICT’S SEWER SYSTEM**

**Summary**

As a result of changing regulations for wastewater treatment and conveyance systems and their customers, staff recently reviewed and identified several areas within the Triunfo Water & Sanitation District’s (District) Ordinances and Policies in need of revisions. Given the fact that the wastewater facility’s operating permit is under the Joint Powers Authority via Las Virgenes Municipal Water District (LVMWD), it is important that where necessary, the District’s Ordinances and Policies are compatible with LVMWD’s. In addition, staff determined that ordinance revisions were required in order to fully implement the updated Rules and Regulations for the Pretreatment and Fats, Oils, and Grease (FOG) program. Staff recommends the Board review and discuss the revised ordinances and direct staff to schedule a public hearing for the December 16, 2019, Board Meeting to consider adoption of the revised ordinances included herein.

**Background**

The District’s ordinances are living documents that require ongoing review and timely updating. In November 2018, your Board approved revisions to all the District ordinances. The primary focus of the District’s ordinance updating effort included the following:

- Provide for legal review/statute update
- Separate fees from policy/procedural ordinances
- Delete sections that are no longer applicable and/or reside in other documents
- Implement a new, non-sequential numbering system
- Eliminate redundancy and ensure consistency between ordinances
- Ensure consistent formatting (i.e., structure, title, footers, font, margins, definitions)

This updating effort was part of a process to create and ensure consistent and accurate policies and to routinely review and update as conditions or regulations warrant. With recent changes in monitoring and reporting to the State of California, several of the

District's policies and procedures were identified by staff to be deficient in fully addressing revised pretreatment standards adopted by LVMWD. Although the District is not the NPDES permit holder for the Tapia Treatment Plant (TTP), as it is under LVMWD, the District must adhere to the same regulations and conditions prescribed within the permit.

The District's requirements for the public's utilization of the TWSD WW conveyance system was historically contained in the "Rules and Regulations for the Sewage Collection System" (RRSCS), dated 4/24/89 and amended by TSD Resolution T95-1 dated 6/26/95. The RRSCS includes the provisions for administering and operating the wastewater collection system, construction of public/private sewerage systems, and the rules to conform to discharge regulations. As part of the ongoing review process, staff determined that developing a cohesive policy and set of monitoring guidelines would better serve the public by consolidating updated information into a new ordinance. The consolidation would merge the RRSCS with existing ordinances TSD-200 and TSD-250. This consolidation and transfiguration effort has resulted in the creation of Ordinance No. TWSD-202 "Pretreatment Program For The Sewer System Owned And Operated By Triunfo Water & Sanitation District". In addition, staff added more stringent monitoring procedures and compliance programs within the existing Pretreatment and FOG programs.

The following summaries highlight the key areas addressed in the revisions to TWSD-200 and TWSD-250 and the new policies in TWSD-202:

#### TWSD-200 – Sanitary Sewer Policy

Ordinance TWSD-200 is the District's sewer policy and covers the areas of sewer connection and construction requirements, District approvals, fee policies, violations, and owner responsibility. Primary revisions and sections added from the RRSCS include:

- Adds clarification on connection points and the inspection/approval process for connecting
- Adds processes for public/private sewer system construction and revises inspection and approval of said systems. Adds easement and dedication information
- Updates the Will Serve process

#### TWSD-202 – Pretreatment Program

Ordinance TSD-202 is the District's new ordinance that establishes a single policy document for the Pretreatment and FOG programs. It covers the areas of annual permits, source control, constituent limits, inspections, monitoring, and other related activities and guidelines. The following are the major areas incorporated and revised from the RRSCS:

- Revises the Pretreatment Program to match that of LVMWD's program
- Revises the FOG Program to expand permit categories and monitoring standards
- Adds a Dental Rule
- Clarifies and amends the inspection and sampling requirements of the programs

**TWSD-250 – Sanitary Sewer Fees**

Ordinance TWSD-250 covers the District’s sewer and administrative fees (ADU, plan check fee, inspection fee, etc.) related to the wastewater system. The primary revision to TWSD-250 was the addition of the Method for Fee Computation section.

Please contact me by e-mail at marknorris@trionfowsd.com or by phone at 805-658-4621 if you have any questions.

**Fiscal Impact**

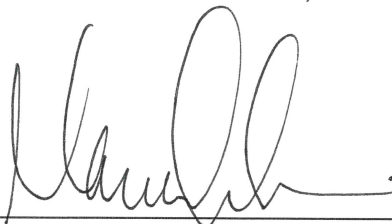
Revenue for the District should increase with the new policies to recover costs for various requests and staff workload. The exact amount cannot be determined given the uncertainty of the anticipated effort.

**Recommendation**

It is recommended the Board:

- A. Conduct the first reading, by title only, of proposed revisions to Ordinance Nos. TWSD-200 and TWSD-250, and the implementation of TWSD-202 (Pretreatment), prescribing the policies, fees, and provisions for sewer service and the pretreatment program for the sewer system; and
- B. Schedule a public hearing and Board action on December 16, 2019, at the Oak Park Library, 899 N. Kanan Road, Oak Park, to conduct the second reading, by title only, and consider adoption of Ordinance Nos. TWSD-200, TWSD-202, and TWSD-250; and
- C. Direct staff to publish on December 9, 2019, a notice in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a December 16, 2019, public hearing to consider adoption of these Ordinances; or
- D. Provide staff with direction.

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
Mark Norris - General Manager

- Attachments: 1. TWSD Ordinance No. TWSD-200 (Adopt 12/16/19)  
2. TWSD Ordinance No. TWSD-202 (Adopt 12/16/19)  
3. TWSD Ordinance No. TWSD-250 (Adopt 12/16/19)

**TRIUNFO WATER & SANITATION DISTRICT**  
**ORDINANCE NO. TWSD-200 (Adopted 12/16/19)**  
**ESTABLISHING POLICIES AND PROCEDURES FOR**  
**SEWER SERVICE**  
**OWNED AND OPERATED BY TRIUNFO WATER & SANITATION DISTRICT**

**WHEREAS**, the Triunfo Water & Sanitation District (“District”) is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the “County Sanitation District Act” (“Act”); and

**WHEREAS**, Section 4741 of the Act authorizes the District to acquire, construct, and complete sewage collection, treatment and disposal works, and property or structures necessary or convenient for sewage collection, treatment, and disposal; and

**WHEREAS**, the District provides sewer services to certain users of such services (“Customers”) and, in accordance with applicable law, charges those Customers certain fees designed to cover the District’s operating and maintenance expenses associated with the District’s provision of sewer service; and

**WHEREAS**, Health and Safety Code Section 4766 authorizes the District to adopt ordinances for the purpose of exercise and effect of any to its powers, or for the purposes for which it is formed, including, without limitation, an ordinance establishing policies and procedures for the District’s sewer service; and

**WHEREAS**, the District Board of Directors desires to establish policies and procedures for the District’s sewer service and to repeal all prior ordinances or portions of ordinances that may be in conflict with those newly established policies and procedures; and

**WHEREAS**, this Ordinance No. TWSD-200 (“Ordinance”) was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

**WHEREAS**, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District and those customers served by the District; and

**WHEREAS**, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act (“CEQA”) (Public Resource Code Section 21000 et seq.); and

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

**NOW, THEREFORE,** the Board hereby ordains as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the TWSD Sewer Service Policy Ordinance.

**SECTION 2. DEFINITIONS**

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Apartment" means a suite or set of rooms outfitted with housekeeping facilities and intended for occupancy as a dwelling unit.
- b. "Board of Directors" or "Board" means the TWSD Board of Directors.
- c. "Building" means any structure used for human habitation, business, recreation, or other uses requiring sanitary facilities.
- d. "Building sewer" means that portion of any sewer which begins at the plumbing or drainage outlet of a building or industrial facility and runs to the property line or a private sewage disposal system.
- e. "Commercial" means a site or building used for the exchange or buying and selling of material goods or services and shall also mean a hotel or motel.
- f. "Condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property. Such estate, with respect to the duration of its enjoyment, may be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or a subleasehold.
- g. "Contractor" means any individual, firm, partnership, association, or corporation currently licensed by the State of California to perform the type of work required by permit.
- h. "District" or "TWSD" means the Triunfo Water & Sanitation District.
- i. "Domestic sewage" means the waterborne wastes derived from ordinary living processes, free from commercial, institutional or industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.
- j. "Equivalent Residential Unit" or "ERU" shall mean a unit of measurement for the quantity and quality of sewage which is equivalent to domestic sewage originating in a single residential unit. One ERU is less than or equal to an average of 250 gallons per day per year of domestic sewage discharge. One ERU is also equal to 25 fixture units or less based on the number of fixture units as assigned to various plumbing fixtures in the Uniform Plumbing Code as published by the International Association of

Plumbing and Mechanical Officials (IAPMO). Should a conflict arise between the flow and fixture unit definitions, the most restrictive definition shall apply.

- k. "Industrial" means any site, structure, building or works which is, or which is designed to be, used for the manufacture, processing, or distribution of materials, equipment, supplies, food or commodities of any description; or which is used or designed to be used as a sanitarium, hospital, penal institution, or charitable institution; together with all appurtenances thereto and the surrounding premises under the same ownership or control.
- l. "Industrial waste" means any and all commercial, institutional or industrial waste substances, liquid or solid, except domestic sewage and including, but not limited to, radioactive wastes and explosives, noxious, toxic or corrosive gases or liquids when present in the sewerage system.
- m. "Institutional" means any educational institution supported by state or local taxes.
- n. "Lateral sewer" means the sewer line which begins at the foundation wall of a building and terminates at the main sewer.
- o. "Main sewer" means a public sewer which is designed to accommodate more than one lateral sewer.
- p. "Mobile Dwelling Unit" means a dwelling unit intended to be moved from site to site on wheels that are part of the unit and having dimensions longer than forty (40) feet and wider than eight and one-half (8.5) feet.
- q. "Multiple residential sewer connection" means a sewer to serve more than one single family residence.
- r. "Permit" means any written authorization required pursuant to this Ordinance or any other rules or regulations of the District for the installation or connection of any sewage works or source control permits.
- s. "Person" means any human being; individual corporation, public or private entity, governmental agency or institution or any other user of the sewer service provided by the District.
- t. "Private sewer" means a sewer serving an independent sewage disposal system not connected with a public sewer; for example, a septic tank system.
- u. "Public sewer" means a sewer lying within a public right of way or assessment under the jurisdiction of the District.
- v. "Sanitary sewer" means a sewer to which storm, surface, and ground waters are not intentionally admitted.
- w. "Sewage" means any combination of water-carried wastes from a residence, a business, or an institutional or industrial establishment.
- x. "Sewage works" mean all facilities for the collection, transportation, storage, pumping, treatment, reclamation, and disposal of sewage.

- y. "Sewer" means any pipe or conduit for the transportation of sewage.
- z. "Sewer Connection Fee" means a fee to obtain permission to connect to the District sewer, to have flow capacity rights, and to use the trunk sewer, sewage treatment facilities and appurtenances, provided that the District's prevailing service charges have been paid.
- aa. "Sewer Service Charge" means a charge which is assessed to each property or entity with the ability to discharge wastes to the District's wastewater system. This charge covers the costs of operating and maintaining the District'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.
- bb. "Single residential sewer connection" means a sewer to serve a single family residence.
- cc. "Street" means any public highway, road, street, avenue, alley, way, public place, public easement, or right-of-way.

### **SECTION 3. GENERAL PROVISIONS**

#### **A. Application of Ordinance**

This Ordinance is intended to provide for the use, maintenance, installation and construction of all sanitary sewer facilities hereinafter installed, altered, or repaired within the District. This Ordinance shall have no retroactive effect.

#### **B. Unlawful Connection & Use**

It is unlawful for any person to connect to, construct, install or provide, maintain and/or use any other means of sewage disposal from any building in said District, except by connection to a public sewer in the manner provided by this Ordinance. Where the cost of providing sewer service to any lot, parcel or building within the District would cause an undue hardship on the District, the District reserves the right to delay sewer service to said lot, parcel or building until such time as the District is financially able to provide such service.

#### **C. Relief on Application**

When any person, due to special circumstances, considers any provision of this Ordinance to be unjust or inequitable as applied to his premises, he may make a written application to the Board requesting a variance of the provision in this Ordinance. Such application shall state the special circumstances and the pertinent provision shall be cited. The Board may make a motion to grant a variance or modification to the provision complained of, said suspension or modification to be effective as to the date of the application, and to be continued during the period of such special circumstances.

#### **D. Relief on Own Motion**

The District, on its own motion, may find, due to special circumstances, that a provision of this Ordinance should be suspended or modified as applied to particular premises. It may make a motion to order suspension or modification to all or part of such premises during the period of such special circumstances.

**E. District Inspector**

The District may employ a qualified person or persons to inspect the installation, connection, maintenance and use of all, public and private sewers, and all facilities in connection with said District.

**SECTION 4. PUBLIC SEWER USE**

**A. Waste Disposal**

It shall be unlawful for any person to place, deposit, or permit the deposit in an unsanitary manner upon public or private property within the District, or in any area within the jurisdiction of the District, any human excrement or other objectionable waste. Chemical toilets on construction sites, however, may be used during the construction period.

**B. Treatment of Waste**

It shall be unlawful to discharge into any drainage conduit, stream or watercourse any sewage, industrial waste, or other polluted waters.

**C. Unlawful Disposal**

Except as provided herein, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, sewage pit or other facility intended for the disposal of sewage.

**D. Occupancy Prohibited**

No building, structure or other facility shall be occupied until the owner of the premises has complied with the provisions of this Ordinance.

**E. Sewer Required**

Any building or structure located on property which abuts any easement or right-of-way in which there is a present or planned public sewer of the District shall, at the expense of the owner of said building or structure, and in accordance with the provisions of this Ordinance, be connected to the public sewer, provided that said public sewer is within two hundred (200) feet of the property line of the building site or structure; and that said building or structure is not in excess of four hundred (400) feet from the District sewer. Said sewer connection shall be completed within sixty (60) days following receipt of official notification to proceed.

**SECTION 5. PRIVATE SEWER DISPOSAL**

Where a public sewer is unavailable under Section 4E (Sewer Required), the building sewer shall connect to a private sewage disposal system complying with the provisions of the Ventura County, or appropriate city, Building & Safety Department, as well as the appropriate Public Health Official or any rules & regulations of the District and shall not serve more than one parcel of land.



## **SECTION 6. SEWER SERVICE CHARGE**

### **A. Sewer Service Charge**

A sewer service charge shall be paid to the District in accordance with the District's fee ordinance or resolution. The District has determined that the most efficient method of collecting the sewer fees is to have the fees placed on the tax rolls. Nontaxable entities (i.e., schools, parks, fire departments) are not included in the tax rolls. These entities shall be billed annually.

### **B. Method of Collection**

#### **1. Initial Connection to the Public Sewer**

When sewer connections have been installed and approved in accordance with the District Ordinances, the sewer service charges for the connections covered shall be as follows:

- a. If said connections are completed after the first Monday of May and prior to the first day of July of the current calendar year, the sewer service charges shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed and for the next succeeding fiscal year. Such sewer service charge for the remainder of the fiscal year in which connections are completed shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- b. If said connections are completed on or after the first day of July of the current calendar year, the sewer service charge shall become owing, due and payable in advance for the remainder of the fiscal year in which said connections are completed. Such sewer service charge shall be computed by prorating the annual charge from the first day of the calendar month following the date of such completion to the end of the fiscal year.
- c. The previous sections (a) and (b) shall not apply to connections to serve nontaxable entities. The sewer service charges for these accounts shall be collected on an annual basis.
- d. If said connections are to serve "Outside-of-District" accounts or accounts on which the charges are based on unusual flow and/or waste characteristics, the previous sections (a) and (b) may be waived, at the option of the District. If these sections are waived, the sewer service charges shall be collected on an annual basis.
- e. Any unpaid portion of the said sewer service charges, except for accounts exempted from this method of collection, shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.

#### **2. Sewer Connections Existing on the First Monday of May of the Calendar Year**

- a. Pursuant to Section 5473 of the Health & Safety Code of the State of California, the sewer service charge for any sewer service connections existing on the first Monday of May of the calendar year for any lot, building or parcel of land shall

be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with, and not separately from, the general taxes.

- b. Any unpaid sewer service charge shall become delinquent at the same time as all other taxes and shall constitute a lien against the respective property on which is located the residence, building or facility for which said sewer service charge was imposed.
- c. Sewer service charges for nontaxable entities are exempted from this method of collection. Charges for “Outside-of-District” accounts and for accounts on which the charges are based on unusual flow and/or waste characteristics may be exempted from this method of collection at the option of the District. Sewer service charges for any accounts exempted from this method of collection shall be collected on an annual basis.
- d. The method of collecting sewer service charges on the tax roll is an alternative to other methods of collection specified elsewhere in this Ordinance.

**3. Sewer Connections on New Apartment Occupied Units**

A new apartment unit’s occupancy-factor shall be calculated for the first year, in accordance with prior district experience, on a scale from zero to full occupancy over a one year period, per the table below. As the factor is calculated and set, the precise charge for the time from first occupancy until the next June 30 shall be direct billed and subject to normal penalties for nonpayment. The balance of the initial one year occupancy period shall be calculated and placed on the next year’s tax rolls, along with an amount equal to full occupancy, prorated for the balance of the tax year. After the initial one year period, apartment complexes will be calculated the same as single family residential properties, and shall be charged for full occupancy, even if there is less than full occupancy. There shall be no further credits for vacancies after the initial one year period.

Occupancy Factor for New Apartment

Month	1	2	3	4	5	6	7	8	9	10	11	12
Factor	8%	17%	25%	33%	42%	50%	58%	67%	75%	83%	92%	100%

**C. Direct Billing Penalties for Nonpayment and Collection**

All fees and charges made or assessed under the provisions of this Ordinance are due and payable 30 days from the mailing date of the billing document and shall become delinquent thereafter. Delinquent amounts shall be subject to a penalty.

**1. Penalty Application**

The penalties described herein shall be applied to accounts with direct billing only. The usual penalty applied by the Auditor-Controller/Tax Collector’s office shall be applied to unpaid property tax bills, where the fees and charges have been placed on the tax rolls for collection. The extraordinary penalties described herein shall not be applied to unpaid property tax bills.

## **2. Penalty Initial Amount**

For apartment complexes, commercial and industrial accounts with direct billing, there shall be a basic penalty charge equal to 10% of the unpaid balance. Single family residential accounts with direct billing will incur a basic penalty charge of 1.5%.

## **3. Penalty Ongoing Amount**

Balances of all accounts plus any basic penalty charge which remains unpaid at the end of the next regular billing period shall incur additional penalty charges of one and one-half percent (1.5%) per month on the unpaid balance until paid. Continued nonpayment will result in the unpaid amounts, plus any collection costs to the district, being added to the tax rolls for collection during the next tax year.

# **SECTION 7. BUILDING SEWERS, LATERALS AND CONNECTIONS**

## **A. Design and Construction Standard**

All construction of sanitary sewer facilities within the District's service area will be subject to the design and construction standards in the latest version of the County of Ventura Public Works Agency Sewerage Manual and this Ordinance.

## **B. Separate Sewers**

No two adjacent lots fronting on the same street shall be permitted to join in the use of the same lateral sewer, and every building or industrial facility shall be separately connected. However, one or more buildings located on property belonging to the same owner may be served with the same lateral sewer during the period of said ownership. The District shall render a single bill to the property owner, or applicant of record, which shall include the sewer service charge for the entire property. Upon subsequent subdivision and sale of the portion of a lot, that portion not directly connected with a public sewer shall be separately connected with the public sewer. It shall be unlawful for the owner to continue to use or to maintain such indirect connection.

## **C. Where To Connect**

The connection of the building sewer to the public sewer shall be made at the lateral or tee branch, if such lateral or tee branch is available at the suitable location. Where no properly located tee branch is available, a neat hole may be cut into the public sewer and a tee saddle or a sewer wye saddle installed to receive the lateral sewer. In no case shall the pipe protrude beyond the inside diameter of the main sewer. The invert of the building or lateral sewer at the point of connection to the sewer main shall be at a higher elevation than the invert of the sewer main and shall be made in the presence of the Inspector. In addition, the material removed by the neat hole cutting shall be removed from the sewer. Any damage to the public sewer shall be repaired at the cost of the applicant and to the satisfaction of the Inspector.

## **D. Condominium Projects**

In condominium projects, two or more units of the condominium may, at the option of the District, be permitted to join in the use of the same lateral sewer. The responsibility for maintenance of such lateral sewer shall be as defined in Section 12D (Owner's Responsibility).

## **SECTION 8. PUBLIC SEWER CONSTRUCTION**

### **A. Application and Approval**

The application for a Will Serve Letter for public sewer construction shall be accompanied by an electronic copy of complete plans, profiles and specifications, complying with all applicable regulations and ordinances, and signed by a Registered Civil Engineer showing all details of the proposed work based on an accurate survey of the ground. At completion of the project, the applicant shall submit approved "As Builts" to the District.

The application, together with the plans, profiles and specifications shall be examined by the District who shall approve them as filed or require them to be modified as necessary for proper installation.

If approved, the District may issue a Will Serve Letter predicated upon the payment of all connection fees and the furnishing of the agreements and bonds as required by the District. The Will Serve Letter shall prescribe terms and conditions as the District finds necessary.

### **B. Subdivisions**

Prior to the Approval by the District of any final subdivision map, the requirements in Section 10 (Approval and Fees) of this Ordinance shall be fully complied with. Said map shall provide for dedication for public use of all streets, easements or rights-of-way in which public sewer lines are to be constructed. The developer shall construct the sewers in the subdivision or tract in accordance with District standards, and shall thereupon offer to dedicate said public sewers to the District. Developers, property owners, and/or other applicants for service may be required to oversize sewerage facilities to serve adjacent areas.

### **C. Incomplete Construction**

If the map as provided for in Section 8A (Subdivisions) of this Ordinance is recorded, and the sewer construction of the tract is not completed within the time limit granted by Approval as defined below, the District may extend the time limit, or may complete the work and take appropriate action to enforce the provisions of the bond furnished by the subdivider.

### **D. Easements or Rights-of-Way**

Where an easement is required for the extension of the public sewer or a connection thereof, an acceptable easement or right-of-way shall be procured by the applicant and shall be dedicated to the District. Such easement or right-of-way shall be legally sufficient in form, and approved by the District prior to the laying and maintenance of such extension or connection.

- 1. Sewer Location in Easements:** The sanitary sewer shall be located off the center line of the easement to preclude an authorized property line fence, etc., being built over the manholes. Unless specifically otherwise approved, the line shall be straight without horizontal bends or deflections.

Laterals should not be connected to a main line within an easement unless specifically approved. This is to avoid root intrusion into the main line via the lateral. Specifically, laterals should not be connected into the main line where such a tie-in would be between or adjacent to a structure.

2. **Avoid Easements:** Easement should be avoided where a reasonable alternate solution exists. Unless there are either physical limitations or extreme economic penalties, sewer lines should be installed within streets. When easements are required, there shall be careful considerations of how the line is to be maintained and/or replaced. Where easements are necessary and where side slope exists, then the plans shall clearly indicate appropriate contours within the easement.

In general, all manholes within easement shall be accessible by conventional maintenance vehicles traveling over paved roads or driveways, unless otherwise approved. Thus, manholes within private property are discouraged and subject to special approval, unless the above can be met. All manholes within easements will be extended 18 inches above the finished grade.

3. **Easement Location:** Where the easement follows common lot lines, the full easement width shall be on one lot or property in such a manner that access to manholes will not be obstructed by walls, trees or permanent improvements. Where this requirements cannot be met without interfering with existing buildings, the easement may straddle lot lines providing approval is received and the sewer facilities (mainline and appurtenances), is not located on the lot lines. Pipeline must be placed in the center of easement.
4. **Oversizing of Line:** If a sewer line within an easement is 15 feet deep, the District may require the oversizing (such as from 8" to 10") to facilitate future slip lining.
5. **Deeds:** Deeds for easements shall provide for restrictions of permanent construction within the easement to provide ingress and egress for maintenance.
6. **Easement Width:** The minimum width of sanitary sewer easement shall be equal to or greater than the width shown in the following table.

Minimum Easement Width (feet)

Sewer Size (in)	Trench Width (ft)	Depth to Sewer Invert (0-15 ft)	Depth to Sewer Invert (15-20 ft)	Depth to Sewer Invert (20-25 ft)	Depth to Sewer Invert (25-30 ft)	Depth to Sewer Invert (>30 ft)
6	2.3	12	-	-	-	-
8	2.3	12	15	20	25	-
10	2.3	12	15	20	25	-
12	2.5	15	15	20	25	-
15	2.9	15	20	20	25	30
18	3.0	20	20	20	25	30
21	3.5	20	20	20	25	30
24	3.8	20	20	20	25	30
27	4.2	20	20	25	30	35
30	4.5	20	20	25	30	35
33	4.8	20	20	25	30	35
36	5.0	20	20	25	30	35

7. **Dedication of Easements:** Easements shall be provided as follows:

The owners of land included within the subdivision shall offer to dedicate for public use the sanitary sewer easements so designated on the final map. The form of dedication

shall be as follows: "We also grant to the Triunfo Water & Sanitation District all sanitary sewer easements delineated and designated on the map." The form accepting the sanitary sewer easements shall be provided on the map as follows:

"The Triunfo Water & Sanitation District hereby accepts for public use all sanitary sewer easements delineated and designated on the map, when said map is approved and recorded."

#### **E. Authorized Contractors**

Public sewer construction within the District shall be performed by authorized contractors, currently licensed by the State of California or by the District. All terms and conditions of the District Approval shall be binding on the contractor. The requirements of this section shall also apply to lateral sewers installed concurrently with public sewer construction.

#### **F. Contract and Bonds – Public Sewage Works Construction**

1. **Contract.** A written contract satisfactory to the District shall be submitted prior to Approval to construct any public sewer or connection thereof.
2. **Bonds.** A faithful performance bond and materials and labor bond or cash, each in the amount equivalent to the total estimated cost of the work, shall be furnished by the applicant to the District, prior to Approval for public sewer construction. Such bond shall be secured by a surety bond or sureties satisfactory to the District. The Faithful Performance Bond, or cash deposit, shall be conditioned upon the full performance of all the terms and conditions of the Approval. It shall guarantee correction of faulty workmanship and replacement of defective materials for a period of one (1) year after date of acceptance of the work by the District.
3. **Declaration of Restrictions.** If any dwelling unit requires a backflow prevention device, it will be necessary for the developer to record a "Declaration of Restrictions" absolving the District of any liability arising out of damage resulting from the failure of that backflow prevention device. A "Will Serve" letter will not be issued for a property requiring a backflow prevention device until this document has been recorded against the property.
4. **Developer's Agreement.** If a developer presents apartment unit development plans for District Approval which conform with existing city or county requirements for condominiums or townhouses and requests reduced apartment fee sewer connection rates, a "Developer's Agreement" must be signed regarding payment of additional sewer connection fees at the time of the conversion of apartment units to either condominiums or townhouses. Any conversion of existing apartment units to condominium or townhouse units will be subject to the increased connection fees if at the time connection fees were calculated any discounted connection fee was granted based on the fact the units were designed as apartments.

#### **G. Field Acceptance**

Field preliminary approval is made by the District Inspector. However, the one-year guarantee period for all work shall begin as of the District's approval. Any defective work discovered during this period shall be repaired or replaced. Major repairs or replacement, however, may affect exoneration of the bonds and acceptance by the District.

## **H. Public Relations**

The contractor shall conduct its affairs in a manner which will lessen the disturbance to residents in the vicinity of the work. In this regard, standard work hours are currently 7:00 a.m. to 4:00 p.m. The job site shall be maintained in a condition which shall bring no discredit to the District, and all effected private improvements shall be restored to at least their original condition.

## **I. Closed Circuit Television Inspection**

In general, unless waived, the District will perform closed circuit television (CCTV) inspection of the installed sewer lines to determine acceptability. Such testing will not replace other standard tests such as air testing. The CCTV inspection will be performed initially at no additional cost to the developer after the line has been air tested and cleaned, but before field acceptance. If defects are noted through this or other testing, then the costs of subsequent CCTV inspection will be charged to the developer in accordance with TWSD-250. The developer is responsible for cleaning all lines of debris before inspection. If this is not done, the developer will be charged for the additional District expenses.

## **J. Protection from Damage**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which constitutes a part of the District sewerage works. Any person in violation of this provision shall be subject to the penalties provided by law.

## **K. Authority of Inspectors**

The General Manager, officers, inspectors, or any other duly authorized employee of the District, shall wear or carry an official badge of office, or other evidence, which establishes his position as such. Upon the exhibition of proper credentials and identification, he shall be permitted to enter into residential, commercial, institutional and industrial facilities for the purposes of inspection, observation, measurement, sampling, testing, or otherwise performing the necessary duties pursuant to the enforcement of the provisions of this or any other Ordinance or Rules & Regulations of the District.

## **L. Original Connection on Commencement of Operation of Sewage System**

Notwithstanding any statement to the contrary herein, the owner of any building situated within the District, and under the terms of this Ordinance is required to connect such building to the proper public sewer, shall have sixty (60) days after such date as the Board shall proclaim that the District is ready to receive sewage into the District sewage system, to connect such building directly with the proper public sewer. Costs of such connection are to be at the expense of the owner.

## **SECTION 9. TYPES OF WASTES PROHIBITED**

No person shall knowingly discharge or deposit or allow the discharge or deposit into District sewers, solids or fluids which create nuisances, such as odors; are a menace to public health; or are detrimental to the functioning of said sewers or to the treatment processes and/or disposal facilities of the District. Ordinance TWSD-202 sets limitations on certain wastes and discharges into the District sewers and provide for a system of industrial permits, wastewater monitoring and self-reporting.

## **SECTION 10. APPROVALS AND FEES**

### **A. Approval Required**

No unauthorized person shall uncover, connect with, or open into, use, alter, or disturb any public sewer or appurtenance, or perform work on any drainage system without first obtaining written approval ("Approval") from the District. Such Approval shall be posted at the work site and shall be shown upon demand of any District authorized representative.

The Will Serve letter is the permit issued to the individual homeowner or the developer that allows them to connect to the District sewer system. No person shall connect any private property in the District to any District sewer or other facility of the District's sewerage system without first obtaining a Will Serve letter from the District. No construction shall occur before a Will Serve letter is issued for sewer connections or improvements.

### **B. Application for Approval**

Any person legally entitled to apply for and receive an Approval may make application to the District. The location, ownership, occupancy and use of the premises, and a description of the proposed nature of the work to be performed shall be provided by the applicant. Specifications, plans, drawings and other information shall be supplied to the District as deemed necessary.

An application fee shall be paid to the District for the administrative costs associated with making a determination and processing the paperwork required for providing clearance to the County of Ventura and the City of Thousand Oaks for tenant improvement and sewer connection projects ("Application Fee"). This fee shall be per the District's fee ordinance or resolution, except for those applications requiring minimal processing as determined by the District (i.e., administrative staff review only), which shall incur no charge.

### **C. Compliance**

Approval of the application is evidenced by the issuance of the Approval. Thereafter, no change shall be made in the location of the sewer, the grade, materials or other details described in the application or as shown on the approved plans and specifications, unless prior written permission is obtained from the District, or other authorized representatives. Until the connections covered by the issued Approval have been installed and approved in accordance with District Ordinances and Rules & Regulations, no residence, building or facility to be served by said connections shall be allowed to discharge sewage to the public sewer.

### **D. Agreement**

The signature of the applicant on the application shall constitute an agreement to comply with all provisions, terms and requirements of this Ordinance. The signature shall constitute an agreement to comply with the approved plans and specifications and any further corrections or modifications as may be required by the District. Such agreements shall be binding upon the applicant and may be modified by the District after the receipt and consideration of a written request for modification submitted by the applicant.

### **E. Annexation Fees**

The owner or owners of lands within areas to be annexed to the District shall, upon annexation to the District, pay a reasonable fee which will be determined by the Board upon application by the



owner or owners. Upon annexation, this Ordinance and all Rules & Regulations of the District shall apply and be complied with in the manner provided.

**F. Sewer Connection Fee**

Sewer connection fees shall be paid in full prior to final approval of any Subdivision, Planned Development, Special Use Permit, Building Permit, and/or prior to the commencement of any work necessary to furnish sewer service to any residence, building or parcel.

However, in a case where an individual owns a parcel of land larger than ten acres in size, but desires sewer service for only a small portion thereof, and if the District is financially able to do so, it may, at its sole option, collect sewer connection fees for only that portion of the parcel that is to be developed as shown on Subdivision, Planned Development, or Special Use Permit improvement plans. At such time as further development of the parcel occurs, the then applicable sewer connection fees shall be paid for the remainder.

Said sewer connection fee shall be in accordance with the rate effective on the date of the most recent final Approval and/or the commencement of the necessary work, whichever is later.

Sewer connection fees paid shall be considered paid in full for 18 months following the date of payment. Following the expiration of the 18 month period, the entire amount of the current sewer connection fee (and all other fees associated with the project) shall be paid in full, with credit being given for any amount previously paid.

**G. Amount of Sewer Connection Fee**

The following names are established for the purpose of identifying service areas for use in establishing and collecting connection charges:

1. "Bell Canyon Original Assessment" shall mean all areas within the general area known as Bell Canyon and also identified in the Engineer's Report for Bell Canyon Sewer Assessment District No. 85-1 as benefiting unimproved lots.
2. "Joint Venture" shall mean all areas within the District which do not qualify under subsection (1) above.

The fee for connecting each ERU to the facilities of the District shall be per the District's fee ordinance or resolution.

**H. Sewer Plan Check Fee**

When sewer plans are first submitted, a fee shall be paid to the District for all public sewer construction plan checking. Plan check fees shall be per the District's fee ordinance or resolution.

**I. Sewer Construction Inspection Fee**

A fee shall be paid to the District for all public sewer construction inspection. Sewer construction inspection fees shall be per the District's fee ordinance or resolution.

Overtime inspection is defined as an inspection occurring outside regular business hours (i.e., public holidays observed by District, weekends, and workdays before 8:00 am or after 4:00 pm). The overtime inspection rate will be per the District's fee ordinance or resolution.

**J. Industrial Waste Permit Fee**

A fee shall be paid to the District for the issuance of an Industrial Waste Permit. All persons requiring an industrial waste discharge permit shall pay to the District an annual permit fee per the District's fee ordinance or resolution. The General Manager or designated representative shall be empowered to set forth in the Industrial Waste Permit, any additional testing, sampling, analysis, flow measures, or other activities as determined at the discretion of the District. Should the District or its agents perform required industrial wastewater sampling, analysis, review, flow measurements or other activities for an industrial user in excess of the conditions presented at the time of permit issuance or if such activity is necessary to ensure compliance with the conditions of the permit, said user shall be held responsible for all accrued costs.

**K. Project Completion Deposit**

A deposit shall be paid to the District for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff ("PC Deposit"). The PC Deposit shall be per the District's fee ordinance or resolution. The deposit shall be refunded upon final completion, final inspection, and/or final audit of the project, less any additional unanticipated costs (i.e., additional plan review and/or inspections, pro-rated service fees, etc.) incurred during the project.

**L. Sewer Availability Fee**

A fee shall be paid to the District for issuance of a letter verifying that the District has capacity to serve the requested residential property address ("Sewer Availability Fee"). This letter is not intended to be an Approval for a sewer connection process. An Approval will be issued after fees (i.e., connection, extension, etc.) and other District requirements have been met. The Sewer Availability Fee shall be per the District's fee ordinance or resolution. If an Approval process for the property is initiated within 18 months following issuance of the Sewer Availability letter, the Sewer Availability fee will be credited against the fees required for the Approval process.

**M. Initial Deposit**

A deposit shall be paid at the time of application for either sewer connection projects or tenant improvement projects that require a final audit or inspection by District staff ("Initial Deposit"). The Initial Deposit shall include the Application Fee, PC Deposit, Sewer Plan Check Fee, Sewer Construction Inspection Fee, Sewer Connection Fee (if applicable), Sewer Extension Fee (if applicable), and miscellaneous fees (if applicable) related to the project. If it is determined that the Initial Deposit is insufficient to recover actual costs, District staff will scope the work remaining on the project and calculate an additional subsequent deposit. At the completion of the project (after District's final audit), or if the application is withdrawn or not approved, the difference between the deposited amount and the actual costs shall be refunded to the applicant within 180 days.

**N. Accessory Dwelling Units (ADUs)**

ADU legislation (effective January 1, 2018 for special districts), allows the District to charge a connection or capacity fee for new ADU construction. However the fees must be proportional (based upon either its size or number of plumbing fixtures) relative to the primary single family resident on the property. For ADUs constructed within the existing space of a single family residence or accessory structure (i.e., adds no new square footage), no new connection or capacity fees will be imposed.

Per the ADU legislation, ADUs constructed within the District service area will be charged both connection and user fees that are proportional to the fixture counts relative to the primary resident. For ADUs constructed within the existing space of the primary resident or accessory structure (i.e., garage, workshop, etc.), no new connection or capacity fees will be charged.

**O. Commercial Tenant Improvement**

Customers making any change in operation on their premises requiring increases or decreases in the sewage flow through the District's facilities, shall immediately give the District written notice of the nature of the change. The change in sewage flow shall be subject to increased or decreased sewer service charges.

**P. Disposition of Fees**

All fees collected or received by the District shall be deposited promptly with the proper authority as provided by the District to receive such funds.

**Q. All Costs Paid by Owner**

All costs and expenses incident to or arising out of the installation and connection of any sewer or other work for which an Approval is required, shall be at the expense of the owner.

**R. Owner to Indemnify District**

The owner of any property shall indemnify the District from loss or damage directly or indirectly caused by the installation and connection of any sewer or other work for which an Approval is required.

**S. Outside Sewers**

Permission to connect any lot or parcel of land outside the District to any public sewer under the jurisdiction of the District shall only be granted by Approval. The applicant shall enter into a written contract satisfactory to the District whereby he shall bind himself, his heirs, successors, and assigns to abide by all Ordinances and Rules & Regulations regarding the use of such sewer, the connection, and the draining therewith. The applicant shall pay all fees and a monthly service charge set by the District for the use of such sewer. The granting of permission for sewer service for property outside the District shall be optional with the Board. Where special conditions exist relating to property located outside the District, a special contract as approved by the District shall be consummated between the applicant and the District.

**T. Liability**

The applicant shall be solely liable for any defects or failure during performance of the work or any failure which may develop therein. The District, its officers, agents and employees, shall not be answerable for any liability, death or injury to persons, or property damage due to, or arising out of, the performance of the work by the applicant. The applicant shall answer for and save the District, its officers, agents and employees from all liabilities imposed by law, including all costs, expenses, fees and interest incurred in seeking to enforce this provision.

**U. Owner's Responsibility**

The owner shall be responsible for installing, maintaining, and replacement of the lateral sewer from the building connection to the public sewer main, including the wye connection. It is further

understood that the owner shall be responsible for the installment, maintenance and operation of backflow preventers and clean-outs.

## **SECTION 11. ENFORCEMENT**

### **A. Time Limit – Approvals**

If the work granted by District Approval is not commenced within 18 months from date of issuance, or is discontinued for a period of ninety (90) days after partial completion, the Approval shall be void. No further work shall be undertaken until a new Approval has been secured by proper application. The work shall be completed within the calendar days for completion as specified by the new Approval.

### **B. Violation**

Any person found to be in violation of any provision of this or other Ordinance of the District, shall be served with written notice by the General Manager or other authorized representative. Such written notice shall state the nature of the violation and provide reasonable time limit for correction thereof. Said time limit shall not be less than two (2) nor more than seven (7) working days. Within the time period stated in the notice, all violations shall permanently cease. All persons shall be strictly liable for the acts of their agents and employees performed under the provisions of this or any other Ordinance or Rules & Regulations of the District. Upon notification by the District of any defect arising in any sewer, or notification of any violation of this Ordinance, corrections shall immediately be effected by the person or persons in charge of said work.

### **C. Public Nuisance**

Continued habitation of any building, or continued operation of any industrial facility in violation of the provisions of this or any other Ordinance or Rules & Regulations, is hereby declared a public nuisance. Proceedings may be brought by the District to abate such nuisance during the period of violation.

### **D. Means of Enforcement**

The District declares the foregoing procedures are established as a means of enforcing the provisions of this and any other Ordinance or Rules & Regulations of the District, and not as a penalty.

### **E. Misdemeanor**

The violation of any Ordinance or Rules & Regulations of the District by any person shall be punishable in accordance with the laws of the State of California.

### **F. Liability for Violation**

The violation of any provision of this Ordinance, or Rules & Regulations of the District, by any person shall cause him to be liable to the District for any expense, loss or damage caused the District by reason of the violation.

## **SECTION 12. SEVERABILITY**

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed

this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

**SECTION 13. REPEAL OF PRIOR INCONSISTENT ORDINANCES**

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TSD-200 (adopted 5/21/18).

**SECTION 14. EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2020.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of December 2019 by the following vote:

AYES:

NOES:

ABSENT:

**TRIUNFO WATER & SANITATION DISTRICT**

\_\_\_\_\_  
Janna Orkney, Chair

**ATTESTED:**

\_\_\_\_\_  
Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Mathews, General Counsel

**TRIUNFO WATER & SANITATION DISTRICT**

**ORDINANCE NO. TWSD-202 (Adopted 12/16/19)  
PRETREATMENT PROGRAM FOR THE SEWER SYSTEM  
OWNED AND OPERATED BY TRIUNFO WATER & SANITATION DISTRICT**

**WHEREAS**, the Triunfo Water & Sanitation District (“District”) is duly organized and established under California Health and Safety Code Section 4700 et seq., known and cited as the “County Sanitation District Act” (“Act”); and

**WHEREAS**, the District has previously established a pretreatment program to govern the discharge of wastewaters to sewage collection systems; and

**WHEREAS**, the Tapia Treatment Plant is owned and operated under a Joint Powers Authority between Las Virgenes Municipal Water District (LVMWD) and the District; and

**WHEREAS**, District staff has updated the pretreatment program incorporating changes to conform with limits adopted by the LVMWD for the Tapia Treatment Plant; and

**WHEREAS**, this Ordinance No. TWSD-202 (“Ordinance”) was available for public inspection and review ten (10) days prior to a public hearing and notice of the public hearing was given in compliance with applicable law; and

**WHEREAS**, after hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the Board of Directors concludes that the policies and procedures should be adopted in the best interest of the District and those customers served by the District; and

**WHEREAS**, this action to adopt this Ordinance is a project subject to review under the California Environmental Quality Act (“CEQA”) (Public Resource Code Section 21000 et seq.); and

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

**NOW, THEREFORE**, the Board hereby ordains as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the TWSD Pretreatment Ordinance.

## **SECTION 2. DEFINITIONS**

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Board of Directors" or "Board" means the TWSD Board of Directors.
- b. "District" or "TWSD" means the Triunfo Water & Sanitation District.
- c. "Fats, Oils, and Grease" means Organic compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical testing procedures established in the United States Code of Federal Regulations 40 CFR 136, and may be amended from time to time. Fats, Oils, and Grease may be referred to herein as "Grease" or "Greases".
- d. "Food Service Establishment" means a business that prepares or serve food for consumption by the public. Some examples include but are not limited to restaurants, commercial kitchens, hotels, and schools. These establishments use one or more of the following preparation methods: frying, baking, grilling, sautéing, rotisserie cooking, broiling, boiling, blanching, roasting, toasting, poaching, infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot food product in or on a receptacle that requires washing.
- e. "Grease Interceptor" means a plumbing fixture that is designed to separate and retain waterborne Fats, Oils, and Grease prior to the wastewater entering the sanitary sewer collection and treatment system. These fixtures are significantly larger than Grease Traps and are traditionally installed below grade in outside areas and are built as two or three chamber baffled tanks.
- f. "Grease Trap" means a plumbing fixture that is designed to separate and retain waterborne greases prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas.
- g. "Sanitary Sewer" means a sewer to which storm, surface, and ground waters are not intentionally admitted.
- h. "User" means any person who contributes, causes, or permits the discharge of wastewater into sewers within the District boundaries, including persons who contribute wastewater from mobile sources.

## **SECTION 3. PRETREATMENT PROGRAM**

The District maintains a Pretreatment Program to prevent the introduction of pollutants into its sanitary sewer facilities that will interfere with the operation of its collection, treatment and disposal facilities. All users connected to the District's sanitary sewer will be subject to the conditions of this program.

**A. General**

No connections shall be made to the sanitary sewer which will admit wastes that does not comply with the discharge and waste requirements of this Ordinance. No person shall knowingly discharge into the sanitary sewer any solids or fluids which will create nuisances, are a menace to public health, or are detrimental to the functioning of the District's collection, treatment and disposal facilities. The District shall be consulted prior to the discharge or deposit of wastes other than those of a sanitary nature derived from the ordinary living processes, or of such character so as to permit satisfactory disposal without special treatment.

**B. Prohibited Discharges and Wastes**

The following discharges and wastes are prohibited from introduction into the District's sanitary sewer:

1. Brines, including brines produced in the regeneration of water softeners shall not be discharged into the sewers without a permit from the District.
2. Cooling water shall not be discharged into the sewers.
3. Rainwater, stormwater, groundwater, street drainage, subsurface drainage, yard drainage, including evaporative type air cooler discharge water, and to any sewage facility which is directly or indirectly connected to the sewage facilities of the District.

**C. Discharges Requiring Permits**

The following discharges and wastes are prohibited from introduction into the District's sanitary sewer unless the discharger first obtains an Industrial Waste Permit from the District:

1. Cesspool or septic tank pump trucks discharging into District facilities are subject to the limitations contained in such permit. The contents of cesspools or septic tanks located outside the boundaries of the District shall not be accepted for discharge into District facilities.
2. A person discharging, or proposing to discharge industrial wastes to the sanitary sewer shall first obtain a permit from the District.

**D. Industrial Waste Limitations**

A permit is required to discharge industrial wastes into the District's sanitary sewer system. The following general limitations shall apply to industrial wastes discharged to the sewers:

1. Material which will settle out in the sewers, such as sand or metal filings, shall not be discharged to the sewers. Waste waters containing such materials must be passed through sand traps or other suitable structures, properly designed and maintained by the permittee, before discharge to the sewer.
2. Oils and greases shall not be discharged to the sewer system in concentrations greater than 100 mg/L.
3. Unreasonable or unnecessarily large amounts of suspended solids shall not be discharged into the sewer.



4. Pollutants, including oxygen demanding pollutants (BOD etc.) shall not be discharged into the sewer at flow rates or concentrations that will cause interference with the Water Reclamation Facility or enhance the formation of excessive sulfides in the collection system.
5. Wastes of strong odors, such as mercaptans, shall not be discharged into the sewer.
6. Dissolved sulfides in wastes discharged into the sewer shall not exceed a concentration of 0.1 m/L.
7. Acids shall not be discharged into the sewer unless neutralized to a pH value of 6 or above (maximum of 12.5). Highly alkaline wastes will usually be accepted, except where they may cause incrustation of sewers. Nitric acid will require District approval.
8. Pollutants which result in the presence of toxic gases, vapors or fumes in quantities that could endanger worker health and safety in the collection system or Water Reclamation system shall not be discharged.
9. Contaminated cooling water blow down, or bleed, from cooling towers or other evaporative coolers and when cooling is done by using only heat exchange, without utilizing evaporative cooling, the waste water shall not be discharged to the sewer.
10. Industries shall segregate sewage and industrial wastes from roof and yard run-off. Roof and yard run-off shall not be discharged to the sewer.
11. The temperatures of discharges shall not exceed 140 degrees Fahrenheit (60 degrees Celsius). Where the quantity of discharge represents a significant portion of the flow in a particular sewer, it may be necessary to lower the temperature further.
12. Chemical solutions containing nitric acid or salts thereof in concentrations above 5% by weight, and volumes in excess of 300 gallons shall not be discharged into the sewer.
13. Wastes containing boron, fluorides, chlorides and sodium or potassium or other dissolved solids which will cause the effluent of the District's treatment facilities to exceed the requirements of the Regional Water Quality Control Board (RWQCB) shall not be discharged into the District's sewers.
14. Pollutants that could create a fire or explosion hazard in the sewers or treatment facility shall not be discharged. This includes, but is not limited to, discharges with a closed cup flash point of less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR261.21.

#### **E. Local Limits**

The following instantaneous maximum allowable discharge limits will apply to wastewater discharged into the sewer system:

<b>Constituent</b>	<b>Limit (mg/L)</b>
Arsenic (As)	0.05
Beryllium (Be)	0.005
Boron (B)	1.5
Cadmium (Cd)	0.02
Chloride (Cl-)	175
Chromium (Cr)	0.07
Copper (Cu)	0.30
Cyanide (Cn)	0.02
Fluoride (F)	1.2
Lead (Pb)	0.20
Mercury (Hg)	0.002
Nickel (Ni)	0.50
Oil and grease	100
Selenium (Se)	0.02
Silver (Ag)	0.08
Sulfate (SO4)	325
Sulfide (H2S)	0.1
Total Dissolved Solids	1000
Zinc (Zn)	0.50
Temperature	140 deg. F

The discharge concentration of any pollutant not specifically listed shall not exceed the Maximum Contaminant Level (MCL) for the pollutant as established by the State Water Resources Control Board for drinking water.

**F. National Categorical Pretreatment Standards**

Upon promulgation of the Categorical Pre-treatment Standards for a particular industry sub-category, the Federal Standard, if more stringent than the limitations imposed under this Ordinance for sources in that sub-category, shall immediately supersede the limitations imposed under this Ordinance. The District shall notify all effected Users of the applicable requirements under the General Pretreatment Regulations.

**G. Pretreatment Compliance Schedule**

If additional pretreatment and/or operation and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment shall be utilized. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to the schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and so forth.
2. No increment referred to in Paragraph 1 shall exceed nine (9) months.

3. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the District including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the District.

## **H. Reporting Requirements for Permittee**

### **1. Compliance, Date of Report**

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of waste water into the sanitary sewer, any user subject to Pretreatment Standards and Requirements shall submit to the District a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and minimum daily flow for those process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user, and certified to by a qualified professional.

### **2. Periodic Compliance Reports**

- a. Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a new source, after commencement of the discharge into the sanitary sewer, shall submit to the District during the month of June and December, unless required more frequently in the Pretreatment Standard or by the District, the report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a report of all daily flows which during the reported period exceeded the average daily flow reported in the paragraph above. At the discretion of the District and in consideration of such factors as local high or low flow rates, holidays, budget cycles and so forth, the District may agree to alter the monitoring which the above reports are to be submitted.
- b. The District may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent by the users. These reports shall contain the results of sampling and analysis of the discharge, including the flow and nature and concentration, or production and, where requested by the District, mass of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. All analysis shall be performed in accordance with the procedures established by the RWQCB pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR, Part 136 amendments thereto or with any other test procedures approved by the

RWQCB. Samplings shall be performed in accordance with the techniques approved by the RWQCB.

**I. Public Notification of Violations**

The District shall annually publish, in the daily newspaper of general circulation within the jurisdiction, a list of users which are not in compliance with any Pretreatment Standards or Requirements at least once during the twelve (12) previous months. The notification shall also summarize any enforcement action taken against the user during the same twelve (12) months.

**J. State Requirements**

State requirements and limitations on discharges apply in any case where they are more stringent than this Ordinance provided such requirements are adopted as set forth herein.

**K. More Stringent Limitations**

The District may establish more stringent limitations or requirements on discharges to the waste water disposal system if necessary to comply with the objectives as set forth in this Ordinance.

**SECTION 4. FATS, OIL AND GREASE CONTROL PROGRAM**

The District maintains a Fats, Oils, and Grease (FOG) Control Program to aid in the prevention of sanitary sewer blockages and overflows from food service establishments. All food service establishments connected to the District's sanitary sewer will be subject to the conditions of this program.

**A. Food Service Establishment Requirements**

All permitted food service establishments discharging wastewater to the District's sanitary sewer collection system are subject to the following requirements:

1. **Permit:** All food service establishments that discharge fats, oils, and greases into the sanitary sewer system must apply and obtain a FOG permit from the District. The fee shall be per the District's fee ordinance or resolution.
2. **Grease Interceptor Requirements:** All permitted food service establishments are required to install, operate, and maintain an approved grease interceptor and must maintain compliance with the objectives of this Ordinance.
3. **Implementation:** New food service establishment facilities are subject to grease interceptor requirements. All facilities must obtain prior approval from the General Manager (or designee) for grease interceptor sizing prior to submitting plans for a building permit. All grease interceptors shall be readily and easily accessible for cleanings and inspections. Existing food service establishments that the District determines to have a reasonable potential to adversely impact the sewer system will be notified of their obligation to install a grease interceptor within the specified period set forth in the notification letter.
4. **Variance from Grease Interceptor Requirements:** Grease interceptors required under this Ordinance shall be installed unless the District determines that the installation of a grease interceptor would not be feasible and authorizes the installation of an indoor grease trap or other alternative pretreatment technology. The food service

establishment bears the burden of demonstrating that the installation of a grease interceptor is not feasible. The District may authorize the installation of an indoor grease trap where the installation of a grease interceptor is not feasible due to space constraints or other considerations. If an establishment believes the installation of a grease interceptor is not feasible due to space constraints, a request for an alternate grease removal device shall contain the following information:

- a. Location of sewer main and easement in relation to available exterior space outside of the building.
- b. Existing plumbing at or in a location that uses common plumbing for all services.

Alternative pretreatment technology includes, but is not limited to, devices that are used to trap, separate and hold grease from wastewater and prevent it from being discharged into the sanitary sewer collection system. All alternative pretreatment technology must be appropriately sized and approved by the Ventura County Public Works Director/ City Engineer.

5. **Compliance:** If a grease interceptor does not pass an inspection, the District inspector will notify the designated person that they have 7 days to correct any issues. After 7 days, the inspector will re-inspect and re-sample the grease management device. If the grease interceptor still does not meet the District's requirements, the facility must take immediate action to comply. Re-inspections will be assessed fees per the District's fee ordinance or resolution.
6. **Used Cooking Oil:** Used cooking oil shall not be disposed of down the drain and into the sanitary sewer system. Used cooking oil shall be collected and stored in containers and placed in a designated area where a recycling company can pick it up.
7. **Best Management Practices (BMPs):** All food service establishments shall implement BMPs into their operations to minimize the discharge of FOG into the District's sanitary sewer.

## **B. Wastewater Discharge Limitations**

Wastewater discharge from grease interceptors, grease traps or alternative pretreatment technology shall not exceed 100 milligrams per liter for oil and grease, as defined by method EPA test method 1664.

## **C. Grease Interceptor Requirements**

1. Grease interceptor sizing and installation shall conform to the current edition of the California Plumbing Code.
2. Grease interceptors shall be constructed in accordance with the design that has been approved by the District.
3. Grease interceptors shall be installed at a location where it shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The grease interceptor may not be installed in any part of the building where food is handled. The location of the grease interceptor must meet the approval of General Manager (or designee).

4. Grease interceptors shall be completely cleaned out by a professional when the total accumulation of FOG and solids reaches 25% of the hydraulic depth. Grease interceptors should be cleaned out a minimum of every 3 months. However, some food service establishments may require it more frequently. These devices should also be visually inspected at least once a month. Grease interceptors shall be kept free of solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into pockets and reducing the effective volume of the device.
5. The food service establishments shall maintain a written record of inspections and maintenance history for 2 years. All such records will be made available for on-site inspections by District representatives during operating hours.
6. Sanitary wastes are not permitted to connect to lines that lead into the grease interceptor.
7. Access maintenance holes, with a minimum diameter of 24 inches, shall be provided over each grease interceptor chamber and sanitary tee. The access maintenance holes shall extend to finished grade at a minimum and be designed and maintained to prevent water inflow or infiltration. The maintenance holes shall also have readily removable covers to facilitate inspection, grease removal, and wastewater sampling activities.
8. Additives that go in or pass through the grease interceptor are strictly prohibited. This includes products that contain solvents, emulsifiers, surfactants, caustics, acids, enzymes, or bacteria.

**D. Grease Trap Requirements**

1. Upon approval by the District, a grease interceptor complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in where grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal.
2. Grease traps sizing and installation shall conform to the California Plumbing Code.
3. No grease trap shall be installed which has a stated rate flow of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, unless previously approved by the District.
4. Grease traps shall be maintained in efficient operating conditions by periodic removal of the accumulated grease. No such collected grease shall be introduced into any drainage piping or public or private sewer.
5. No food waste disposal unit or dishwasher shall be connected to or discharge into any grease trap.
6. Wastewater in excess of one hundred-forty (140°F/ (60°C) shall not be discharged into a grease interceptor or grease trap.
7. The FOG inside of a grease trap must not exceed 25% of the hydraulic depth capacity.

## **SECTION 5.            PRETREATMENT FACILITIES AND OPERATION**

A wastewater pretreatment device or system may be required by the District to pretreat industrial wastewater flows prior to discharge to the District's sewerage system. Pretreatment may be necessary to restrict or prevent the discharge of certain waste constituents, to distribute more equally over a longer time period any peak discharges of industrial wastewaters, or to accomplish any pretreatment results required by these rules and regulations. Where pretreatment or flow equalization prior to discharge into the District's sewerage system is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow control shall first be submitted to the District for approval. Such approval shall not exempt the discharger of said facilities from compliance with any applicable rule or ordinance of any other governmental authority. Any alterations or additions to such pretreatment facilities shall not be made without due notice to the District for prior review and approval.

Pretreatment facilities as required by the District, shall be maintained in good working order and operated as efficiently as possible at the expense of the discharger, and are subject to the requirement of these rules and regulations and all other applicable codes and laws.

All Federal pretreatment standards applicable to local industry which specify quantities or concentrations of pollutants that may be discharged by a specific industrial subcategory will be enforced by the District as required in the Federal Clean Water Act. All domestic wastewaters including, but not limited to, those from restrooms, showers and drinking fountains shall be kept separate from industrial wastewaters until the industrial wastewaters have passed through any required pretreatment and/or monitoring device or system.

Compliance by existing industrial users with categorical pretreatment standards shall be within three (3) years of the date the standard is promulgated unless a shorter time is specified by the EPA.

## **SECTION 6.            DENTAL RULE**

The EPA promulgated pretreatment standards in 2017 to reduce discharges of mercury from dental offices into POTWs. The Dental Office regulation is codified in 40 CFR Part 441 (Dental Rule).

Dental offices discharge mercury that is present in amalgam used for fillings. This discharge is the primary source of mercury into the sewer system. The Dental Rule requires dental offices to use amalgam separators to capture mercury and other metals before they are discharged into the sewer system. Once captured by the separator, the dental amalgam can be recycled.

The Dental Rule requires all dental offices (those that remove amalgam as well as those that do not remove amalgam), to submit a one-time compliance report to the District.

## **SECTION 7.            PERMIT APPLICATION**

The user seeking an industrial wastewater discharge permit or FOG permit shall complete an application form provided by the District. The applicant shall supply the following information:

- 1) Name and address of applicant and Standard Industrial Classification (SIC) number of the operations to be carried out by user.
- 2) The location of the discharge.

- 3) Time and duration of discharge.
- 4) Estimated average and peak flow rates including any expected daily, monthly and seasonal variations.
- 5) Major constituents and characteristics including but not limited to those regulated by these rules and regulations and the applicable categorical standards as determined by a certified analytical laboratory.
- 6) Site plans, floor plans, plumbing plans and details to show all public sewers and appurtenances by size, location and elevation.
- 7) Description of toxic or hazardous materials stored/or used on the premises which are or could be discharged to the District's sewerage system.
- 8) Each product by type and production process.
- 9) Identification of applicable regulating pretreatment standards.
- 10) Number of employees and normal hours of operation of the facility.
- 11) Any other information which may be deemed necessary by the District Manager to evaluate the permit application.

#### **SECTION 8. INDUSTRIAL WASTE AND FOG PERMIT FEES**

An annual fee shall be paid to the District for the issuance of an Industrial Waste Permit or a FOG Permit per District Ordinance TWSD-250. All persons requiring an Industrial Waste or FOG permit shall pay to the District an annual permit fee per the District's fee ordinance or resolution. The General Manager or designated representative shall be empowered to set forth in the Industrial Waste or FOG Permit, any additional testing, sampling, analysis, flow measures, or other activities as determined at the discretion of the District. Should the District or its agents perform required wastewater sampling, analysis, review, flow measurements or other activities for a discharger in excess of the conditions presented at the time of permit issuance or if such activity is necessary to ensure compliance with the conditions of the permit, said discharger shall be held responsible for all accrued costs.

#### **SECTION 9. INSPECTION AND SAMPLING**

The District will ensure compliance with the provisions of these rules and regulations, through a program of inspection and sampling, the user's industrial wastewater discharge permit and all applicable Federal and State laws and regulations. The program shall include, but is not limited to, the review of self-monitoring reports, inspections, sampling, flow verification and the retention of all necessary records.

The District shall inspect the facilities of any person to ascertain whether the purpose of these rules and regulations is being met and all prohibitions, limitations and requirements are being complied with. Upon presentation of proper identification, persons or occupants of premises where waste or wastewater is created or discharged will allow inspectors ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, records examination, evidence gathering or in the performance of any of their other duties. In addition, the District may enter the property at any hour under emergency circumstances involving the



District's sewerage system. The District, shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

During the inspection and compliance-monitoring activities, the inspector shall observe all reasonable security, safety and sanitation measures. In addition, the inspector shall observe precautionary measures specified by the user. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District, will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. No persons shall interfere with, delay, resist, or refuse entrance to an authorized inspector attempting to inspect any raw material, waste or wastewater generation, conveyance, treatment or storage facility.

When obtaining samples, the inspector may allow the user to collect replicate samples for separate analysis. A report listing any deficiencies and/or violations found during the inspection may be prepared by the inspector and shall be kept on file at the District office. A copy of the report shall be provided to user. If corrections are needed, the user shall provide to the District an approved compliance schedule.

#### **SECTION 10. PERMIT VIOLATIONS**

When the District determines that a specific condition and/or discharge is in violation of any provision of these rules and regulations or in violation of any permit condition or limitation imposed, the industrial user shall be issued a Notice of Violation. The discharger shall submit the following to the District:

- 1) An explanation as to the cause of violation.
- 2) A compliance schedule which outlines the methods undertaken to remedy the violation and to assure a repetition of the violation does not occur.

#### **SECTION 11. SUSPENSION OF PERMIT**

The District may suspend a permit if the suspension is necessary to terminate a discharge which is in violation of any provision of these rules and regulations provided that a Notice of Violation has been served on the user and the time designated therein to correct the violation has transpired. The District Manager may suspend a permit, upon informal notice only, if suspension is necessary to terminate a discharge which presents an imminent hazard to the local environment and/or public health, to the District's sewerage system or to District personnel or the termination of which is reasonably required to preserve the public health, safety or welfare.

Any person notified of the suspension of the industrial wastewater discharge permit shall immediately stop or eliminate the discharge of the specified wastewater or other material into the District's sewerage system. In the event of a failure of the person to comply voluntarily with the suspension order, the District shall take such steps as deemed necessary, including, but not limited to, immediate severance of the sewer connection, to prevent or minimize damage to the District's sewerage system or endangerment of any individuals.

The District shall reinstate a permit suspended hereunder upon proof of the user's compliance with the Notice of Violation and with the requirements of these rules and regulations. A detailed written statement submitted by the user describing the causes of the harmful contribution and

the measures taken to prevent any future occurrence shall be submitted to the District within 15 days of the date of occurrence.

**SECTION 12. SEVERABILITY**

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

**SECTION 13. REPEAL OF PRIOR INCONSISTENT ORDINANCES**

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes the Rules & Regulations of the Triunfo County Sanitation District for the Sewage Collection System (adopted 4/24/89) and Resolution No. T95-1 - Revising Rules & Regulations for Sewage Discharge to the Triunfo Sanitation District Collection System (adopted 6/26/95).

**SECTION 14. EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2020.

**PASSED, APPROVED AND ADOPTED** this 16<sup>th</sup> day of December 2019 by the following vote:

AYES:

NOES:

ABSENT:

**TRIUNFO WATER & SANITATION DISTRICT**

\_\_\_\_\_  
Janna Orkney, Chair

**ATTESTED:**

\_\_\_\_\_  
Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Mathews, General Counsel

**TRIUNFO WATER & SANITATION DISTRICT**

**ORDINANCE NO. TWSD-250 (Adopted 12/16/19)  
PRESCRIBING FEES AND CHARGES FOR SEWER SERVICE  
OWNED AND OPERATED BY TRIUNFO WATER & SANITATION DISTRICT**

**WHEREAS**, the Triunfo Water & Sanitation District (“District”) is duly organized and established under the laws of the State of California, and as such is empowered to impose fees and charges relative to the District’s provision of services to its service area; and

**WHEREAS**, the District provides wastewater service to its customers within the District’s service area and charges these customers appropriate service fees designed to cover capital and operating and maintenance expenses associated with the provision of the services; and

**WHEREAS**, the District has estimated the costs of providing wastewater service to its customers based on financial information for the current year and the entire operating history of the enterprise; and

**WHEREAS**, this Ordinance No. TWSD-250 (“Ordinance”) prescribes fees and charges pertaining to the provision of wastewater service to the District’s customers within the service area; and

**WHEREAS**, in adopting this Ordinance, the District has complied with all applicable requirements set forth in Article XIII D of the California Constitution (enacted by Proposition 218, November 5, 1996 Statewide election); and

**WHEREAS**, on December 9, 2019, notice was published in the Ventura County Star, a newspaper of general circulation published and circulated in the District, providing a summary of this Ordinance and noticing a December 9, 2019, public hearing to consider adoption of this Ordinance; and

**WHEREAS**, all persons present at said hearing and interested in the matter were heard and given the opportunity to be heard on the enactment of the proposed fees and charges prescribed in this Ordinance; and

**WHEREAS**, after considering the financial information, hearing a staff presentation, considering the testimony received at the public hearing and discussion of the issues, the District’s Board of Directors concludes that the proposed fees and charges prescribed in this Ordinance are necessary for the District’s provision of services and do not exceed the cost of those services; and

**WHEREAS**, the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of regulations Section 15273(a).

**NOW, THEREFORE**, the Board hereby ordains as follows:

**SECTION 1. SHORT TITLE**

This Ordinance shall be known as the TWSD Sewer Service Fee and Charge Ordinance.

## **SECTION 2. DEFINITIONS**

The following words as used in this Ordinance shall have the meanings set forth below unless otherwise apparent in the context in which they are used:

- a. "Apartment" means a suite or set of rooms outfitted with housekeeping facilities and intended for occupancy as a dwelling unit.
- b. "Board of Directors" or "Board" means the TWSD Board of Directors.
- c. "Commercial" means a site or building used for the exchange or buying and selling of material goods or services and shall also mean a hotel or motel.
- d. "District" or "TWSD" means the Triunfo Water & Sanitation District.
- e. "Equivalent Residential Unit" means a unit of measurement for the quantity and quality of sewage which is equivalent to domestic sewage originating in a single residential unit. One ERU is less than or equal to an average of 250 gallons per day per year of domestic sewage discharge. One ERU is also equal to 25 fixture units or less based on the number of fixture units as assigned to various plumbing fixtures in the Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO). Should a conflict arise between the flow and fixture unit definitions, the most restrictive definition shall apply.
- f. "Industrial" means any site, structure, building or works which is, or which is designed to be, used for the manufacture, processing, or distribution of materials, equipment, supplies, food or commodities of any description; or which is used or designed to be used as a sanitarium, hospital, penal institution, or charitable institution; together with all appurtenances thereto and the surrounding premises under the same ownership or control.
- g. "Institutional" means any educational institution supported by state or local taxes.
- h. "Mobile Dwelling Unit" means a dwelling unit intended to be moved from site to site on wheels that are part of the unit and having dimensions longer than forty (40) feet and wider than eight and one-half (8.5) feet.
- i. "Multiple Residential" means a sewer to serve more than one single family residence.
- j. "Sewer Connection Fee" means a fee to obtain permission to connect to the District sewer, to have flow capacity rights, and to use the trunk sewer, sewage treatment facilities and appurtenances, provided that the District's prevailing service charges have been paid.

**SECTION 3. FEES AND CHARGES**

The following fees and charges are hereby prescribed:

**A. Monthly Service Charge**

Category	Use	July 1, 2019 (per ERU per month)
I	Single Residential, per each residential lot, or separate billing address, whichever is greater.	\$59.98
I	Multiple Residential, per each ERU or fraction thereof. <sup>(1)</sup>	\$59.98
I	Apartment, per each apartment unit where each apartment unit shall be charged 80 percent of one (1) ERU. <sup>(1)</sup>	\$47.97
I	Mobile Dwelling Unit, per each mobile dwelling unit where each mobile dwelling unit shall be charged 80 percent of one (1) ERU. <sup>(1)</sup>	\$47.97
I	Trailer, per each trailer where each trailer shall be charged 50 percent of one (1) ERU.	\$29.99
I	Commercial, hotels, and institutional, when computed per Method B (see following table) per ERU or fraction thereof.	\$59.98
II	Shopping centers, when computed per Method B (see following table), per ERU or fraction thereof.	\$106.51
III	Restaurants, markets and mortuaries, when computed per Method B (see following table), per ERU or fraction thereof.	\$137.98
IV	Special Cases, service charges shall be based on equivalent factors of flow, loading and cost of service (including an increment for costs of extraordinary service, if required) and implemented by a separate sewer use agreement between the user and District.  Examples of Special Case service include, but are not limited to, the following: (1) Service not defined in one of the preceding categories which are unique or require extraordinary service; (2) Service outside District boundaries; (3) Service to areas requiring special maintenance; (4) Service to areas requiring pumping with a lift greater than 200 feet; or, (5) Service to dischargers of wastewater of unusual strengths; (6) Service to areas where the ERU method per following table results in an inequity.	Individual Case
V	Industrial Waste Charge Permits. Any industrial waste discharge permit may provide special discharge requirements and charges, as determined by the District including, but not limited to, charges for constituents of the sewage discharge, special metering arrangements, including irrigation usage by industrial dischargers, and charges for excess flows or peak seasonal discharges by industrial users.	Individual Case

(1) The number of ERUs for recreational and/or other miscellaneous facilities within a multiple residential complex shall be computed per Method A or Method B (see following table). No monthly service charge shall be charged for laundry room facilities within a multiple residential complex, open to use only by residents of the complex.

Method For Fee Computation
<p>Method A - Based on water meter size</p> <p>Each ¾ inch meter shall equal (1) ERU.            Each 1 inch meter shall equal two (2) ERU.            Each 1-¼ inch or 1-½ inch meter shall equal four (4) ERU            Each 2 inch meter shall equal (7) ERU            Each 3 inch meter shall equal (15) ERU            Each 4 inch meter shall equal (30) ERU            Each 6 inch meter shall equal (60) ERU</p>
<p>Method B - Based on number of plumbing fixtures</p> <p>Each twenty-five (25) plumbing fixture units as defined in the Uniform Plumbing Code shall be considered equal to one (1) ERU.</p>
<p>Method C – Based on flow and waste characteristics</p> <p>Where flow and waste characteristics are of an unusual nature, the sewer connection and service fee shall be determined on the basis of strength of the five (5) day Biochemical Oxygen Demand (BOD), suspended solids, quantity of flow, and other factors of the waste discharge that affect the sewer collection, treatment and disposal systems. Determination of the strength of waste shall be conducted in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater,” as published by the American Public Health Association, except where wastes of unusual character make other procedures necessary.</p>
<p>Method D – Based on estimated fixture units</p> <p>A developer may want to construct a shell of a building before determining the final fixture unit count. A developer may obtain a Will Serve letter based upon the District’s estimate of the buildings fixture units or estimated flow. Once the building has been completed and all fixture units installed, the District shall then recalculate the sewer connection and service fee. If the fixture unit count is greater than the original estimate, additional connection fees will be assessed accordingly. If the original estimate for sewer connection fees is greater than the actual As-Built fixture unit count, a refund of excess connection fees will be made to the developer.</p>
<p>Method E – Based on estimated flow</p> <p>Any commercial or industrial building which creates fifteen percent (15) or greater sewage discharge than the original sewer connection fee paid for may be subject to an increased sewer connection fee. For example, an office building may have paid connection fees for 10 ERUs when a Will Serve letter was first issued. At a rate of 250 gallons per day allowed per ERU, the building may be subject to an increased sewer connection fee if its wastewater discharge as determined either by direct metering of the discharge or if the water consumption records indicate that the building is discharging in excess of 10 ERU x 250 gpd x 365 days/year x 1.15 or 1.049 million gallons per year.</p>

**B. Sewer Fees**

Item	Fee
Application Fee	<ol style="list-style-type: none"> <li>1. Projects that require only administrative review: \$0</li> <li>2. All other projects: \$150</li> </ol>
Project Completion Deposit	Projects that require a final audit or inspection: \$1,000
Sewer Plan Check Fee	<ol style="list-style-type: none"> <li>1. Plan check fee: \$100/sheet</li> <li>2. Plans resubmitted after change orders: \$100/sheet</li> <li>3. Subdivision Final Map or Parcel Map Sewer Improvement Plan: \$100/sheet</li> </ol>
Sewer Construction Inspection Fee	<ol style="list-style-type: none"> <li>1. Inspection Fee: \$125/hour (\$350 minimum)</li> <li>2. Overtime Inspection Fee: \$200/hour</li> <li>3. Closed Circuit Television Inspection: \$300/hour (\$1,000 minimum)</li> </ol>
Sewer Connection Fee (per ERU)	<ol style="list-style-type: none"> <li>1. Joint Venture Area: \$13,875</li> <li>2. Bell Canyon Original Assessment Area: \$3,025</li> </ol>
Bell Canyon Sewer Extension Fee	<ol style="list-style-type: none"> <li>1. Gravity Sewer Main: To Be Determined</li> <li>2. Grinder Pump System: \$12,000</li> </ol>
Sewer Availability Fee	\$300 (includes Application Fee)
Industrial Waste Permit Fee	<ol style="list-style-type: none"> <li>1. Annual Fee: \$1,000/year</li> <li>2. Supplemental Fee for work beyond basic level of services: \$100/hour</li> <li>3. Violations: \$300 (1<sup>st</sup>), \$500 (2<sup>nd</sup>), \$1000 (3<sup>rd</sup>)</li> </ol>
FOG Permit Fee	<ol style="list-style-type: none"> <li>1. Annual Fee: \$600/year</li> <li>2. Violations: \$0 (1<sup>st</sup>), \$300 (2<sup>nd</sup>), \$500 (3<sup>rd</sup>)</li> </ol>

Commencing on July 1, 1990 and continuing thereafter on each July 1, the sewer connection fee set forth above shall be adjusted by an increment based on the March to March average percentage change in the Construction Cost Index for the Los Angeles area published in the McGraw-Hill construction weekly magazine titled "ENR," and rounded to the nearest twenty-five dollars (\$25). However, the Board may at its sole option determine, by resolution adopted prior thereto, that such adjustment shall not be effective for the next succeeding years, or may determine other amounts as appropriate based upon the capital expenditure needs of the District.

**SECTION 4. FINDINGS**

The TWSD Board of Directors finds the foregoing fees and charges are for the purpose of: (1) meeting operating expenses, including but not limited to the District's operations, maintenance and management contract; (2) purchasing or leasing supplies, equipment and materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for constructing and maintaining sewer facilities necessary to maintain service within existing service areas; (5) improvements and repairs; and (6) debt service and refunds.

The TWSD Board of Directors further finds that the foregoing fees and charges: (1) do not exceed the funds required to provide the service; (2) are not used for any purpose other than that for which they are imposed; (3) as imposed upon any parcel or person as an incident of property ownership, do not exceed the proportional cost of the service attributable to the parcel; and, (4) are imposed only for service that is actually used by, or immediately available to, the owner of the property in question.

**SECTION 5. FEE REVIEW PERIOD**

On or about January 1 of each year, the General Manager is hereby empowered and shall review the estimated cost of providing the services described and the impact of any pending or anticipated changes in the service level. The General Manager shall report these findings to the Board of Directors at a duly noticed public hearing and recommend any adjustment to the fees and charges or other action that may be required.

**SECTION 6. SEVERABILITY**

This Ordinance, except for those portions that are found to be invalid, would remain in full force and effect and continue to be valid. The Board of Directors hereby declares it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

**SECTION 7. REPEAL OF PRIOR INCONSISTENT ORDINANCES**

Any prior ordinances or portions of ordinances previously adopted by the District Board of Directors that are in conflict with this Ordinance, are repealed as of the Effective Date of this Ordinance. This includes TWSD-250 (adopted 6/24/19).

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2020.



**PASSED, APPROVED AND ADOPTED** this 16th day of December 2019 by the following vote:

AYES:

NOES:

ABSENT:

**TRIUNFO WATER & SANITATION DISTRICT**

\_\_\_\_\_  
Janna Orkney, Chair

**ATTESTED:**

\_\_\_\_\_  
Juliet Rodriguez, Clerk of the Board

**APPROVED AS TO FORM:**

\_\_\_\_\_  
John Mathews, General Counsel

This page is intentionally blank