

ORDINANCE NO. 4450

AN ORDINANCE OF THE VENTURA COUNTY BOARD OF SUPERVISORS AMENDING DIVISION 6, CHAPTER 9, ARTICLES 1 THROUGH 9 TO THE VENTURA COUNTY ORDINANCE CODE RELATING TO STORMWATER QUALITY MANAGEMENT FOR UNINCORPORATED AREAS

The BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA does ordain as follows:

"Division 6, Chapter 9" entitled "Stormwater Quality Management" of the Ventura County Ordinance Code is hereby repealed and reenacted as follows:

ARTICLE 1 -GENERAL PROVISIONS

Sec. 6910 - PURPOSE AND INTENT - The purpose of this Chapter is to prescribe regulations as mandated by the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), codified at 33 U.S.C. §§ 1251 et seq., as amended, and the Porter-Cologne Water Quality Control Act, California Water Code §§ 13000 et seq., to effectively prohibit Non-Stormwater Discharges into the County Storm Drain System, and to reduce the Discharge of Pollutants in Stormwater to the maximum extent practicable. The intent of this Chapter is to ensure the health, safety, and general welfare of County residents, and protect and enhance water quality by controlling the contribution of urban Pollutants to runoff which enters the County Storm Drain System and Receiving Waters of the County of Ventura.

Sec. 6911 - DEFINITIONS - Unless otherwise defined, each capitalized term in this Chapter has the meaning given in this Section 6911.

a. "Authorized Inspector" shall mean the Director, and Persons designated by and acting under the instruction and supervision of the Director.

b. "Basin Plan" shall mean the Water Quality Control Plan for Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Board on June 13, 1994, as the same may be amended from time to time (see the LA Regional Water Quality Control Board website).

c. "Best Management Practices (BMPs)" shall mean activities, practices, and procedures to prevent or reduce, to the maximum extent that is technologically and economically feasible, the Discharge of Pollutants to the County Storm Drain System and Receiving Waters. Best Management Practices include, but are not limited to: public education and outreach; planning of development projects; treatment facilities to remove Pollutants from Stormwater; operation and maintenance procedures; and the prohibition of specific activities, practices, and procedures.

d. "Construction Activity" shall mean any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in a land disturbance. Construction Activity does not include routine maintenance as defined in the Municipal Stormwater Permit, nor does it include emergency construction activities required to protect public health and safety.

e. "County" shall mean the County of Ventura.

f. "County Discharge Permit" shall mean an authorization, license or equivalent control document issued by the Director for a Non-Stormwater Discharge for projects that are not otherwise subject to the requirements of a State General Permit and that is not prohibited by the Municipal Stormwater Permit (see Section 6920) or any other applicable order of the Regional Board, the State Board, or the EPA.

g. "County Storm Drain System" shall mean a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, as defined in 40 CFR 122.26(b)(8):

- (1) Owned or operated by the County;
- (2) Designed or used for collecting or conveying stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a Publicly Owned Treatment Works, as defined in 40 CFR 122.2.

h. "Co-permittee" shall mean any of the following entities: the Ventura County Watershed Protection District (VCWPD), the County, or the Cities of Camarillo, Fillmore, Moorpark, Ojai, Oxnard, Port Hueneme, San Buenaventura, Santa Paula, Simi Valley, or Thousand Oaks. Each Co-permittee is responsible for compliance with the terms of the Municipal Stormwater Permit.

i. "Dechlorinated/Debrominated Swimming Pool Discharge" shall mean any swimming pool discharge with a residual chlorine or bromine level of 0.1 mg/L or less; and that does not contain any detergents, wastes, algaecides, or cyanuric acid in excess of 50 ppm, or any other chemicals including salts from pools commonly referred to as "salt water pools." The term does not include swimming pool filter backwash or swimming pool water containing bacteria.

j. "Development" shall mean any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other non-residential projects, including public agency projects; or mass grading for future construction, for which either discretionary land use approval or ministerial permit is required.

k. "Director" shall mean the Director of Public Works of the County and Person(s) designated by and acting under the instruction and supervision of the Director.

l. "Discharge" shall mean any addition, release, spill, leak, pump, flow, escape, leaching (including subsurface migration to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

m. "Discharge Permit" shall mean an authorization, license or equivalent control document issued by the EPA, the State Board or the Regional Board, and includes NPDES general or individual permits; the Municipal Stormwater Permit; and any permit issued by the County pursuant to Section 6980.

n. "Discharger" shall mean any Person causing a Discharge.

o. "EPA" shall mean the Environmental Protection Agency of the United States of America.

p. "General Plan" shall mean the General Plan of the County of Ventura.

q. "Hearing Officer" shall mean the Director or the Director's designee, who shall preside at the administrative hearings authorized by this Chapter and issue final decisions on matters raised therein.

r. "Illicit Connection" shall mean any conveyance or drainage system pipeline, conduit, inlet, or outlet that is connected to the County Storm Drain System without a permit or County authorization. It also means any engineered conveyance through which the Discharge of any Pollutant or Illicit Discharge to the County Storm Drain System occurs or may occur. The term Illicit Connection shall not include connections to the County Storm Drain System that are authorized by a Co-permittee with jurisdiction over the system at the location at which the connection is made.

s. "Illicit Discharge" shall mean any Discharge to the County Storm Drain System that is prohibited under local, state, or federal statute, ordinance, code, or regulation, and includes all Non-Stormwater Discharges except discharges pursuant to a Municipal Stormwater Permit and discharges that are identified in Section 6920 of this Chapter, or authorized by the Regional Board Executive Officer.

t. "Invoice for Costs" shall mean an invoice for the actual costs and expenses of the County, including, but not limited to, administrative overhead, salaries and other expenses recoverable under state law, incurred during any inspection or investigation conducted pursuant to Section 6960 of this Chapter, where a Notice of Violation or other enforcement option under Article 7 of this Chapter is utilized to obtain compliance with this Chapter.

u. "Municipal Stormwater Permit" shall mean the National Pollutant Discharge Elimination System (NPDES) Permit No. CAS004002 Waste Discharge Requirements For Stormwater (Wet Weather) and Non-Stormwater (Dry Weather) Discharges From the Municipal Separate Storm Sewer Systems Within the Ventura County Watershed Protection District, County of Ventura, and the Incorporated Cities Therein, Order No. R4-2010-0108, as amended from time to time.

v. **"National Pollutant Discharge Elimination System (NPDES) Permit"** shall mean the permit authorized by the Clean Water Act and issued by EPA, State Board, or Regional Board. The NPDES Permit can be issued as an individual NPDES Permit tailored for a specific discharge or a general NPDES Permit developed to cover multiple facilities within a specific category.

w. **"Non-Stormwater Discharge"** shall mean any Discharge to the County Storm Drain System that is not composed entirely of Stormwater.

x. **"New Development"** shall mean projects as identified in the Municipal Stormwater Permit.

y. **"Occupant"** shall mean any Person who dwells, resides or works at the property.

z. **"Owner"** shall mean the Person shown on the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the County.

aa. **"Owner's Agent"** shall mean any Person authorized to apply for, sign and file documents necessary to obtain a Development discretionary land use approval or permit on behalf of the Owner.

bb. **"Person"** shall mean any individual, firm, association, corporation, partnership, government entity or subdivision, trust, estate, cooperative association, joint venture, business entity, or other similar entity, or the agent, employee or representative of any of them.

cc. **"Pollutant"** shall mean any liquid, solid or semi-solid substances, or combination thereof, including, but not limited to:

- (1) Artificial materials, chips or pieces of natural or man-made materials (including but not limited to floatable plastics, wood or metal shavings);
- (2) Household waste (including but not limited to trash, paper, plastics, lawn clippings and yard wastes; animal fecal materials; pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);
- (3) Metals (including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium) and non-metals (including but not limited to phosphorus and arsenic);
- (4) Petroleum hydrocarbons (including but not limited to fuels, lubricants, hydraulic fluids, surfactants, waste oils, solvents, coolants and grease);
- (5) Soil, sediment and particulate materials;
- (6) Animal waste (including but not limited to discharge from confinement facilities, kennels, pens, recreational facilities, stables, show facilities, and polo fields);
- (7) Substances having a pH less than 6.5 or greater than 8.5 or unusual coloration, or turbidity, or containing fecal coliform, Escherichia coli, fecal streptococcus, enterococcus, or other pathogens;
- (8) Waste materials and wastewater generated on construction sites and by construction activities (including but not limited to painting, staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers,

paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cutting slurry wastes, and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and superchlorinated water generated by potable water line flushing);

(9) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;

(10) Materials which contain base/neutral or acid extractable organic compounds; or

(11) Pollutants as defined in § 502 (6) of the Clean Water Act, codified at 33 U.S.C. 1362(6) and incorporated by California Water Code § 13373.

dd. "Post-Construction Stormwater Management Plan (PCSMP)" shall mean a plan that defines the strategy and describes the design, placement and implementation of stormwater retention and stormwater Treatment BMPs to effectively prevent Non-Stormwater Discharges and reduce Pollutants in Stormwater Discharges to the maximum extent practicable, for post-construction urban runoff to the County Storm Drain System.

ee. "Receiving Waters" shall mean all surface water bodies identified in the Basin Plan (see b. definition of Basin Plan).

ff. "Redevelopment" shall mean land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site as defined in the Municipal Stormwater Permit, or as amended. For an existing single-family dwelling and accessory structures, Redevelopment shall mean projects that create, add, or replace 10,000 square feet of impervious area. Redevelopment does not include routine maintenance as defined in the Municipal Stormwater Permit, nor does it include emergency construction activities required to protect public health and safety (see Section 6951).

gg. "Regional Board" shall mean the California Regional Water Quality Control Board, Los Angeles Region.

hh. "Responsible Party" shall mean the Person(s) identified in and responsible for compliance with the provisions of a Stormwater Pollution Prevention Plan, Stormwater Pollution Control Plan, or Post-Construction Stormwater Management Plan.

ii. "State Board" shall mean the California State Water Resources Control Board.

jj. "State General Permit" shall mean a permit issued by the State Board or the Regional Board pursuant to 40 CFR § 122 and 123 to regulate a category of point sources. The term State General Permit includes, but is not limited to, the General Permit for Stormwater Discharges Associated with Construction Activity and the General Industrial Activities Stormwater Permit and the terms and requirements of both. In the event the EPA revokes the in-lieu permitting authority of the State Board, then the term State General Permit shall also refer to any EPA

administered stormwater control program for industrial, construction, and any other category of activities.

kk. "Stormwater" shall mean any surface flow, runoff, and/or drainage associated with rain storm events and/or snow melt, as defined in 40 CFR 122.26(b)(13).

ll. "Stormwater Pollution Control Plan (SWPCP)" shall mean a plan or equivalent form, as required by the Municipal Stormwater Permit or by the Director, identifying potential pollutant sources from a construction site with less than one acre of soil disturbance and describing proposed design, placement and implementation of BMPs, to effectively prevent Non-Stormwater Discharges and reduce Pollutants in Stormwater Discharges to the County Storm Drain System, to the maximum extent practicable, during Construction Activities.

mm. "Stormwater Pollution Prevention Plan (SWPPP)" shall mean a plan, as required by a State General Permit, identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent Non-Stormwater Discharges and reduce Pollutants in Stormwater Discharges during activities covered by the State General Permit.

nn. "Treatment" shall mean the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation, and UV radiation.

oo. "Unincorporated Urban Areas" shall mean areas designated in the General Plan land use map as urban or existing community.

pp. "Ventura County Technical Guidance Manual for Stormwater Quality Control Measures" shall mean the County technical guidance manual for stormwater quality measures required by the Municipal Stormwater Permit, as amended from time to time.

ARTICLE 2 - PROHIBITION OF NON-STORMWATER DISCHARGES

Sec. 6920 - PROHIBITION

a. No Person shall cause, commit, allow, or contribute to a Non-Stormwater Discharge to the County Storm Drain System or to Receiving Waters, unless: (i) in compliance with a Discharge Permit or (ii) the Discharge is listed below and has not been determined to cause or contribute to a Municipal Stormwater Permit violation:

- (1) Dechlorinated water line flushing;
- (2) Landscape irrigation;

- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration [as defined at 40 CFR 35.2005(20)];
- (6) Uncontaminated pumped groundwater;
- (7) Discharges from potable water sources;
- (8) Discharges from foundation or footing drains;
- (9) Air conditioning condensation;
- (10) Irrigation water;
- (11) Natural springs;
- (12) Water from crawl space pumps;
- (13) Lawn watering;
- (14) Non-commercial car washing by residents or non-profit organizations;
- (15) Flows from riparian habitats and wetlands;
- (16) Dechlorinated/Debrominated Swimming Pool Discharges;
- (17) Discharges from emergency fire fighting activities;
- (18) Discharges which are not a source of any Pollutant to the County Storm Drain System or Receiving Waters and which have been given a written exemption by the Director with concurrence by the Regional Board.

b. No Person shall cause, commit, allow, or contribute to a Non-Stormwater Discharge to the County Storm Drain System from the following:

- (1) Washing or cleaning of gas stations, auto repair garages, or other types of automotive service facilities unless in compliance with a Discharge Permit;
- (2) Mobile auto washing, carpet cleaning, steam cleaning, sandblasting and other such mobile commercial and industrial operations unless in compliance with a Discharge Permit;
- (3) Areas where repair of machinery and equipment which are visibly leaking oil, fluid or antifreeze is undertaken unless in compliance with a Discharge Permit;
- (4) Storage areas for materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials;
- (5) Swimming pools that exceed 0.1 mg/L for chlorine/bromine and 250 mg/L for chloride;
- (6) Swimming pool filter backwash;
- (7) Decorative fountains and ponds;
- (8) Industrial/commercial areas, including restaurant mats, unless in compliance with a Discharge Permit;
- (9) Concrete truck cement, pumps, tools, and equipment washout;
- (10) Spills, dumping, or disposal of other materials, such as:
 - (a) Litter, landscape and construction debris, garbage, food, animal waste, fuel or chemical wastes, batteries, and any other materials which have the potential to adversely impact water quality;
 - (b) Any pesticide, fungicide or herbicide;
- (11) Stationary and mobile pet grooming facilities;

(12) Trash container leachate.

Sec. 6921 - PERMIT FOR EXEMPTIONS - A County Discharge Permit may be required prior to an exempt Non-Stormwater Discharge to ensure compliance with the required conditions for Non-Stormwater Discharges listed in the Municipal Stormwater Permit.

Sec. 6922 - TERMINATION OF NON-STORMWATER DISCHARGE – In addition to any other remedy provided by this Chapter, the Director may, by written notice, require Persons responsible for a non-exempt Non-Stormwater Discharge to immediately, or by a specified date, discontinue the Discharge and, if necessary, take measures to eliminate the source of the Discharge to prevent the occurrence of future Illicit Discharges.

ARTICLE 3 - PROHIBITION OF ILLICIT CONNECTIONS

Sec. 6930 - PROHIBITION –

No Person shall, unless in compliance with a Discharge Permit:

- a. Construct, use, maintain, operate and/or continue to utilize an Illicit Connection.
- b. Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize an Illicit Connection.

Sec. 6931 - TERMINATION OF ILLICIT CONNECTIONS

- a. In addition to any other remedy provided by law, the Director may, by written notice, require Persons responsible for an Illicit Connection to immediately, or by a specified date, remove the Illicit Connection.
- b. The Director may, by written notice, require a Person responsible for an Illicit Connection to the County Storm Drain System to eliminate or to secure approval for the connection within 90 days.

ARTICLE 4 - REDUCTION OF POLLUTANTS IN STORMWATER

Sec. 6940 - PROHIBITION

No Person shall Discharge Stormwater containing Pollutants which have not been reduced to the maximum extent practicable by application of Best Management Practices (BMPs).

Sec. 6941 - REDUCTION OF BACTERIA AND NUTRIENT CONTAMINATION

- a. Manure Management. Manure shall be stored or stockpiled in a location where natural forces do not cause it to enter the County Storm Drain System or Receiving Waters.
- b. Fertilizer Handling and Application. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed.
- c. Yard Waste Management. Any yard waste stored at the curb or along the street shall be placed in a container.

Sec. 6942 - REDUCTION OF LITTER/TRASH

- a. Prohibition. No Person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, maintained, or kept, in or upon any public or private driveway, parking area, street, alley, sidewalk, trail, or component of the County Storm Drain System or any Receiving Waters, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations, and/or Pollutant so that the same may enter the County Storm Drain System or Receiving Waters.

ARTICLE 5 - REQUIREMENTS FOR THE CONTROL OF URBAN RUNOFF

Sec. 6950 - CONSTRUCTION - Any Construction Activity that requires a grading, building, or discretionary permit shall be undertaken in accordance with:

- a. Any conditions and requirements established by the Municipal Stormwater Permit or other State General Permits which are reasonably related to the reduction or elimination of Pollutants in Stormwater runoff from the construction site.
- b. Any condition and/or requirements established by the Director to protect specific watersheds or drainage basins.

Sec. 6951 - DEVELOPMENT

a. All Development within the County Unincorporated Urban Areas shall be undertaken in accordance with:

(1) Any conditions and requirements established for New Development and Redevelopment by the Municipal Stormwater Permit or other permits which are reasonably related to the reduction or elimination of Pollutants in Stormwater from the project site.

(2) Any condition and/or requirements established by the Director to protect specific watersheds or drainage basins.

b. A Post-Construction Stormwater Management Plan (PCSMP) shall be submitted by the Owner or Owner's Agent for New Development and Redevelopment subject to Municipal Stormwater Permit requirements.

c. Each PCSMP shall:

- (1) Name an Owner, Owner's Agent, or Responsible Party for the project;
- (2) Illustrate the location of proposed post-construction stormwater controls on the site plan;
- (3) Document engineering calculations and analysis in accordance with the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures to demonstrate that the post-construction stormwater controls will function appropriately;
- (4) Include a maintenance plan in accordance with requirements of the Ventura County Technical Guidance Manual for Stormwater Quality Control Measures. The maintenance plan shall specify a required schedule and requirements for maintenance and monitoring.

d. The Owner of a New Development or Redevelopment project, the Owner's successors and assigns, and each named Responsible Party, shall implement and adhere to the terms, conditions and requirements of the approved PCSMP. Each failure by the Owner, the Owner's successors or assigns, or a named Responsible Party, to implement and adhere to the terms, conditions and requirements shall constitute a violation of this Chapter.

e. The Director may require that the PCSMP maintenance agreement or covenant for maintenance of post-construction stormwater management control system be recorded with the County Recorder's office by the Owner. The signature of the Owner, any successive Owner or the named Responsible Party shall be sufficient for the plan or any revised plan and a signature on behalf of the County shall not be required for recordation.

f. The Owner or Responsible Party of the applicable New Development or Redevelopment project shall submit an annual report to the County to verify that the maintenance plan is executed as required and all post-construction stormwater controls function as designed and are properly maintained.

g. The costs and expenses of the County incurred in the review, approval, or revision of a PCSMP or other Development requirements (or in the approval or revision of any such requirement) shall be charged to the Owner, Owner's Agent or Responsible Party and shall be due and payable to the County. The Director may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the Owner, Owner's Agent or Responsible Party.

h. Compliance with the conditions and requirements of a PCSMP shall not exempt any Person from the requirement to comply independently with each provision of this Chapter.

Sec. 6952 - STATE GENERAL PERMIT COMPLIANCE - Each Discharger, subject to any State General Permit addressing such Discharges, as may be issued by the EPA, the State Board, or the Regional Board, shall provide verification of notices, plans or reports required by the Permit and comply with and undertake all other activities required by such Permit applicable to

such Discharges. Copies of such required documentation of notices, plans or reports shall be provided to the County upon request. Proof of compliance with any State General Permit may be required in a form acceptable to the County:

- (1) Prior to or as a condition of approval of a subdivision map, site plan, discretionary permit, building permit, or Development or improvement plan;
- (2) Prior to issuance by the County of any permit authorizing grading or Construction Activity;
- (3) Upon inspection of the facility or site if determined subject to the State General Permit;
- (4) During any enforcement proceeding or action; or
- (5) For any other reasonable cause.

Sec. 6953 - BEST MANAGEMENT PRACTICES

a. The Director may adopt requirements identifying appropriate BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of the County Storm Drain System, and every Person undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements.

b. Notwithstanding the presence or absence of requirements promulgated pursuant to the foregoing subsection a., any Person engaged in activities or operations, or owning facilities or property, which will or may result in Pollutants entering the County Storm Drain System, or any Receiving Waters, shall implement BMPs to the extent they are technologically and economically achievable to prevent and reduce such Pollutants.

c. When the Director discovers the Owner or operator of a facility or Responsible Party named in a Stormwater Pollution Prevention Plan (SWPPP), Stormwater Pollution Control Plan (SWPCP), or PCSMP has failed to adequately implement all necessary BMPs, a Notice of Violation may be issued stating the actions that shall be taken to achieve compliance and the due date for actions to be implemented. A follow-up inspection may be conducted as required by the Municipal Stormwater Permit or as conditioned or required by the Director to protect specific watersheds or drainage basins. If the follow-up inspection reveals the necessary BMPs or PCSMP controls are still not adequately implemented or maintained, the Director may follow the enforcement actions specified in Article 7 of this Chapter.

Sec. 6954 - COUNTY STORM DRAIN SYSTEM PROTECTION

a. Every Occupant or Owner of a property through which a County Storm Drain System or Receiving Waters passes shall keep and maintain the property reasonably free of trash, debris, yard waste, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the County Storm Drain System or Receiving Waters.

b. Every Occupant or Owner of a property shall maintain existing private structures within or adjacent to the County Storm Drain System or Receiving Waters, so that such structures will not become a hazard to the use, function, or physical integrity of the County Storm Drain System or Receiving Waters; and, consistent with other laws regarding riparian habitat protection, shall not

remove healthy bank vegetation beyond that required to remove obstacles, nor remove said vegetation in such a manner as to increase the vulnerability of the County Storm Drain System or Receiving Waters to erosion. An Owner or Occupant will not be found in violation of this section, if it can be shown that a good faith effort was made to obtain an applicable California Department of Fish and Game 1603 Streambed Alteration Agreement, a US Army Corps of Engineers Section 404 Permit, a State Board 401 Water Quality Certification or any other required permit and the Owner was not able to obtain such permit or, despite good faith effort, comply with conditions of a permit obtained from the appropriate regulatory agency.

ARTICLE 6 - INSPECTIONS

Sec. 6960 - SCOPE OF INSPECTIONS

a. Right to Inspect. Prior to commencing any inspection as herein below authorized, the Authorized Inspector shall obtain either the consent of the Owner or Occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

b. Entry to Inspect.

(1) The Authorized Inspector may enter public or private property to investigate the source or potential source of a Discharge to the County Storm Drain System or Receiving Waters located within the unincorporated area of the County at all reasonable times to inspect the same and inspect and copy records related to compliance with this Chapter.

(2) If such entry is refused or cannot be obtained because the Owner, Occupant or other person having charge or control of the property cannot be found after due diligence, the Authorized Inspector shall have recourse to every legal remedy to secure lawful entry and inspect the property.

(3) If the property requires special security clearances to accommodate inspections, it shall be the responsibility of the Discharger to obtain all necessary clearances on behalf of the County so that County inspections are not encumbered. Requirements and provisions for special security clearances shall be included in the SWPCP, SWPPP, PCSMP, or PCSMP control maintenance agreement prior to approval.

c. Compliance Assessments. An Authorized Inspector may inspect public or private property for the purpose of verifying compliance with this Chapter or applicable law:

(1) To identify products produced, processes conducted, chemicals used and materials stored on or contained within the property;

(2) To identify point(s) of Discharge of all wastewater, process water systems and Pollutants;

(3) To investigate the natural slope at the location, including drainage patterns and conveyance systems (including roads with drainage systems, catch basins, curbs, gutters, channels and storm drains);

- (4) To establish the location of all points of Discharge from the property, whether by surface runoff or through a County Storm Drain System;
- (5) To locate any Illicit Connection or the source of any Illicit Discharge;
- (6) To evaluate compliance with Sections 6950 and 6951.

d. Mobile and Portable Equipment. An Authorized Inspector may inspect any vehicle, truck, trailer, tank truck or other mobile or portable equipment as is necessary to determine compliance with this Chapter.

e. Records Review. An Authorized Inspector may inspect records of the Owner or Occupant, or person in charge of day-to-day operations of private property during operating hours, to determine compliance with the provisions of this Chapter.

f. Sample and Test. An Authorized Inspector may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or Treatment system Discharge for the purpose of determining the potential for contribution of Pollutants to the County Storm Drain System. An Authorized Inspector may investigate the integrity of all storm drain and sanitary sewer systems or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. An Authorized Inspector may take photographs or videotape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

g. Monitoring. An Authorized Inspector may undertake monitoring and analysis including both the construction and maintenance of devices, or require the Owner or Occupant to undertake construction and maintenance of devices, at the Owner's or Occupant's expense, for the purpose of monitoring any Discharge to the County Storm Drain System.

h. Test Results. The Owner or Occupant of the property subject to inspection shall provide copies of test results to the County and, on submission of a written request to the Director, be entitled to copy test results conducted by the Authorized Inspector.

ARTICLE 7 –ENFORCEMENT

Sec. 6970 - GENERAL PROVISIONS

The Director or the Director's designee is hereby designated as the enforcing agent of this Chapter. Pursuant to the authority vested in the Board of Supervisors of the County of Ventura by California Penal Code Section 836.5, the Director or the Director's designee shall have the power of arrest without warrant whenever he or she has reasonable cause to believe that the

person to be arrested has committed in their presence a misdemeanor, misdemeanor/infraction, or infraction, consisting of a violation of the provisions of this Chapter.

In any case in which a person is arrested pursuant to this article and the person arrested does not demand to be taken before a magistrate, the arresting officer shall prepare a written notice to appear and release the person on the person's promise to appear as prescribed by Chapter 5C (commencing with Section 853.6) of the California Penal Code. The provisions of that Chapter shall thereafter apply with reference to any proceedings based upon the issuance of a written notice to appear pursuant to this article.

Any Person acting in violation of this Chapter also may be acting in violation of the federal Clean Water Act, the state Porter-Cologne Water Quality Control Act or other laws and also may be subject to sanctions under these laws, including civil and criminal penalties. Any condition caused or permitted to exist in violation of any of the provisions of this Chapter and the enforcement processes herein provided may result in the filing of a citizen suit by the County pursuant to federal Clean Water Act Section 505(a), seeking penalties, damages, and orders compelling compliance, and other appropriate relief. The County may also notify EPA, the Regional Board, or any other appropriate state or local agency, of any alleged violation of this Chapter.

Sec. 6971 - NOTICE OF VIOLATION

a. Whenever an Authorized Inspector determines that the Owner or Occupant of any public or private property or any other Person is responsible for an Illicit Connection or Illicit Discharge, or responsible for violating any provision(s) of this Chapter, or that any requirement of any SWPPP, SWPCP, or PCSMP or permit issued pursuant to Section 6980 is not being implemented or adhered to, the Authorized Inspector shall send the Owner, Occupant and/or Person a Notice of Violation. The Notice of Violation shall be delivered in accordance with Section 6975.

b. The Notice of Violation shall:

- (1) Identify the provision(s) of this Chapter, or the applicable SWPPP, SWPCP, PCSMP, or permit which has been violated;
- (2) State how the violation(s) may be corrected;
- (3) Advise that if the violation(s) is not corrected by a deadline to be specified in the Notice of Violation, a Notice of Noncompliance may be recorded against the property in the Office of the County Recorder;
- (4) Advise that continued noncompliance may result in additional enforcement actions against the Owner, Occupant and/or Person;
- (5) Advise that administrative fines may be imposed pursuant to Section 6973;
- (6) Advise that all enforcement costs are recoverable pursuant to Section 6974;
- (7) Advise that the determination that a violation exists may be appealed, but that the appeal must be filed in accordance with Section 6976.

c. If the violation is not corrected pursuant to the Notice of Violation as determined by the Director within the time allotted or if the violation is upheld after an appeal pursuant to Section 6976, a Notice of Noncompliance may be recorded in the Office of the County Recorder. The Notice of Noncompliance shall describe the property and specify the Ordinance section(s), SWPPP, SWPCP, PCSMP or permit terms or conditions violated. The Director shall record a Release of Notice of Noncompliance with the Office of the County Recorder only if and after the violations have been fully corrected to the satisfaction of the Director and all County enforcement costs and fees and administrative fines have been paid. The violator must pay a fee for recordation of the Release of Notice of Noncompliance as determined in the adopted schedule of fees.

d. If a Notice of Noncompliance is recorded in the Office of the County Recorder, a Notice of Imposition of Administrative Fines shall be served upon the violator. The Notice of Imposition of Administrative Fines shall describe the property and state the following for each violation:

- (1) The amount of the fine that will accrue per violation pursuant to Section 6973 of this article;
- (2) The date the fine will begin accruing, which may be the same date the notice is served;
- (3) That the additional fine may accrue until the violation is corrected as determined by the Director;
- (4) That the amount of the fine may be increased in the future if the violation is not corrected;
- (5) That the accrued fines are immediately due and owing and that the Notice of Imposition of Administrative Fines may be recorded as a lien against the property for all unpaid fines;
- (6) That the amount of the fines may be administratively appealed in accordance with Section 6976 of this article within thirty (30) days of the date of service of the Notice of Imposition of Administrative Fines.

Sec. 6972 - CEASE AND DESIST ORDERS

a. Whenever an Authorized Inspector determines that a violation of this Chapter requires immediate action, the Authorized Inspector may issue a Cease and Desist Order. A Cease and Desist Order shall be delivered in accordance with Section 6975. A Cease and Desist Order may direct the Owner or Occupant of any public or private property and/or other Person responsible for a violation of this Chapter to:

- (1) Immediately discontinue any Illicit Connection or Illicit Discharge to the County Storm Drain System;
- (2) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this Chapter;
- (3) Immediately discontinue any other violation of this Chapter; and
- (4) Clean up the area affected by the violation.

b. The Cease and Desist Order may direct that the Owner or Occupant of any property, including the Responsible Party subject to the terms and conditions of this Chapter, any SWPPP, SWPCP, PCSMP, or any permittee under any permit issued pursuant to Section 6980 of this Chapter,

immediately cease any activity not in compliance with the terms, conditions and requirements of the applicable plan, permit, or this Chapter.

c. If the Authorized Inspector issues a Cease and Desist Order directing any person who has violated or is in violation of any provisions of this Chapter to take corrective action respecting such violation, and if such person does not take such corrective action, the County may take or contract for the taking of such corrective action. If such corrective action is taken by the County or by the County's designated contractor, the person to whom the order was directed shall be liable to the County for the cost incurred by it in taking or contracting for such corrective action. If such corrective action is taken by the person to whom the order is directed or by such person's agent, the person to whom the order is directed shall be liable to the County for the County's cost of supervising such corrective action or otherwise verifying compliance with the order. The costs referred to in this Section 6972 shall include, in addition to the County's direct out-of-pocket expenses, the cost of all County personnel engaged in such work computed in accordance with the County's standard accounting procedures for computing the hourly cost of services by such personnel.

Sec. 6973 - ADMINISTRATIVE FINES - The following Administrative Fines may be imposed by the Authorized Inspector or Hearing Officer where a Notice of Violation is not appealed in accordance with Section 6976 or, if properly appealed, the appeal process is complete and the Notice of Violation is upheld: \$500 for a first violation, \$1,000 for a second violation, and a fine not exceeding \$5,000 for each additional violation occurring within one year. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, a Notice of Violation, a Cease and Desist Order, an applicable SWPPP, SWPCP, PCSMP or a permit issued pursuant to this Chapter, shall constitute a separate violation of this Chapter.

Sec. 6974 - RECOVERY OF COSTS - An Authorized Inspector may deliver an Invoice for Costs to the Owner or Occupant of any public or private property, any permittee or any Responsible Party, or any other Person who becomes subject to a Notice of Violation or Cease and Desist Order for the actual costs incurred by the County, including legal fees, in issuing and enforcing any notice or order. An Invoice for Costs shall be delivered in accordance with Section 6975. An Invoice for Costs shall be immediately due and payable to the County. If any Owner or Occupant, permittee or Responsible Party, or any other Person fails to either pay the Invoice for Costs or appeal successfully the Invoice for Costs in accordance with this article, then the amount of such costs for which liability is imposed pursuant to this article shall be recoverable in a civil action by the County and shall be in addition to any other fees or penalties authorized by law. The recovery of costs incurred by the County shall be in addition to any administrative fines levied. The costs referred to in this Section 6974 shall include, in addition to the County's direct out-of-pocket expenses, the cost of all County personnel engaged in such work computed in accordance with the County's standard accounting procedures for computing the hourly cost of services by such personnel.

Sec. 6975 - DELIVERY OF NOTICE - Any Notice of Violation, Cease and Desist Order, Notice of Imposition of Administrative Fines, or Invoice for Costs to be delivered pursuant to the requirements of this Chapter shall be subject to the following:

(1) The notice shall state that the recipient has a right to appeal the matter as set forth in Section 6976.

(2) Delivery shall be deemed complete upon:

(a) Personal service to the recipient; or

(b) Deposit in the US mail, postage pre-paid for first class delivery; or

(c) Facsimile service with confirmation of receipt.

(3) If the recipient of notice is the Owner, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the County.

(4) If the Owner or Occupant of any private property cannot be located after the reasonable efforts of the Authorized Inspector, a Notice of Violation, Cease and Desist Order, Notice of Imposition of Administrative Fines, or Invoice for Costs shall be deemed delivered ten (10) calendar days after posting on the property.

Sec. 6976 - ADMINISTRATIVE APPEALS - Any Person receiving a Notice of Violation, Cease and Desist Order, Notice of Imposition of Administrative Fines, or Invoice for Costs or who is otherwise subject to any adverse administrative determination made pursuant to this Chapter may appeal the matter by requesting an administrative hearing.

a. Request for Administrative Hearing. Any Person appealing a Notice of Violation, Cease and Desist Order, Administrative Fine, Notice of Imposition of Administrative Fines, an Invoice for Costs or an adverse administrative determination made pursuant to this Chapter shall, within thirty (30) calendar days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolution, with the Clerk of the Board of the County, with a copy of the request for administrative hearing mailed on the date of filing to the Director. Thereafter, a hearing on the matter shall be held before the Hearing Officer within forty-five (45) calendar days of the date of filing of the written request unless, in the reasonable discretion of the Hearing Officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

b. Administrative Hearing for Cease and Desist Orders. An administrative hearing on the issuance of a Cease and Desist Order shall be held within five (5) calendar days following the issuance of the order, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the Cease and Desist Order. A request for an administrative hearing shall not be required from the Person subject to the Cease and Desist Order.

c. Hearing Proceedings. The Authorized Inspector shall appear in support of the Notice of Violation, Cease and Desist Order, Administrative Fine, Notice of Imposition of Administrative Fines, Invoice for Costs, or other adverse administrative determination, and the appealing party shall appear in support of withdrawal of the notice, order, fine, determination, or invoice. The

County shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

d. Final Decision and Appeal. The final decision of the Hearing Officer shall be issued by mail within ten (10) calendar days of the conclusion of the hearing except for final decisions on Cease and Desist Orders which shall be mailed within five (5) calendar days following conclusion of the hearing. The final decision shall be delivered by first-class mail, postage prepaid, to the appealing party. Pursuant to Government Code section 53069.4, subdivision (b)(1), if the final decision is contested, review must be sought in the Superior Court as a limited civil case within twenty (20) days after the date of service of the final decision. A copy of the Notice of Appeal must be served on the Director either in person or by first class mail. If no notice of appeal is timely filed with the Superior Court, the final decision issued by the Hearing Officer shall be deemed confirmed and final.

e. County Abatement. In the event the Owner, Occupant, or a Responsible Party or any other Person fails to comply with any provision of a compliance schedule issued pursuant to this Chapter, an Authorized Inspector may request the County to obtain appropriate judicial authorization to enter the property, abate the condition and restore the area to its pre-violation condition. Any costs incurred by the County in obtaining and carrying out the judicial authorization may be recovered pursuant to Division 13 of the Ventura County Ordinance Code.

Sec. 6977 - NUISANCE - In addition to the enforcement processes herein before provided, any condition caused or permitted to exist in violation of any provision of this Chapter, including but not limited to the maintenance or use of any Illicit Connection or the occurrence of any Illicit Discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Division 13 of the Ventura County Ordinance Code and shall be subject to abatement as set forth therein.

Sec. 6978 - MISDEMEANOR - Any Person who violates any provision or fails to comply with any of the requirements of this Chapter or of any term or condition of, or applicable to, any permit, SWPPP, SWPCP, PCSMP, or amendment thereto is guilty of a misdemeanor/infraction as specified in Section 13-1 of the Ventura County Ordinance Code and, upon conviction thereof, shall be punishable in accordance with Section 13-2 of the Ventura County Ordinance Code. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Chapter is committed, continued, or permitted by such person, and shall be punishable therefore as provided in Section 13-2 of the Ventura County Ordinance Code.

Sec. 6979 - NON-EXCLUSIVE REMEDIES, INJUNCTIONS, CIVIL REMEDIES –

a. Each and every administrative remedy available for the enforcement of this Chapter shall be non-exclusive and it is within the discretion of the Director or the County to seek cumulative

remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this Chapter.

b. The County may file, in a court of competent jurisdiction, a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this Chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the County of all costs incurred in enforcing this Chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the County, costs relating to restoration of the environment and all other expenses as authorized by law.

c. The County may file an action for civil damages in a court of competent jurisdiction seeking recovery of (1) all costs incurred in enforcement of this Chapter, including but not limited to costs relating to investigation, sampling, monitoring, inspection, administrative expenses, attorney fees, all other expenses as authorized by law, and consequential damages, (2) all costs incurred in mitigating harm to the environment or reducing the threat to human health, and (3) damages for irreparable harm to the environment.

d. The County may file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the County Storm Drain System from any violation of this Chapter where the same has caused damage, contamination or harm to the environment, public property or the County Storm Drain System.

ARTICLE 8 –PERMITS

Sec. 6980 - PROCEDURE

a. County Discharge Permit Procedure.

(1) Permit. On application of the Owner or Occupant of any facility, which property or facility is not otherwise subject to the requirements of a State General Permit, the Director may issue a permit authorizing a Non-Stormwater Discharge to the County Storm Drain System if the discharge is not prohibited by the Municipal Stormwater Permit or any other applicable order of the Regional Board, State Board or the EPA, if the Discharge is reasonably necessary for the conduct of otherwise legal activities on the property and the Discharge complies with all provisions of this Chapter and state and federal law.

(2) Application. The applicant shall provide all information requested by the Director for review and consideration of the application, including but not limited to specific detail as to the activities to be conducted on the property, plans and specifications for facilities located on the property, identification of equipment or processes to be used on-site and other information as

may be requested in order to determine the constituents, and quantities thereof, which may be discharged if permission is granted.

(3) Duration of Permits. Permits shall be issued for a specific time period, not to exceed ten (10) years from the effective date of the permit. The Director may issue a permit for a period of less than ten years or the permit may be stated to expire on a certain date.

(4) Permit Conditions. The Permit may include terms, conditions and requirements to ensure compliance with the objectives of this Chapter, and as necessary to protect the Receiving Waters, including but not limited to:

(a) Identification of the Discharge location on the property and the location at which the Discharge will enter the County Storm Drain System; and

(b) Identification of the constituents and quantities thereof to be discharged into the County Storm Drain System; and

(c) Specification of pollution prevention techniques and structural or non-structural controls and requirements as reasonably necessary to prevent the occurrence of potential Discharges in violation of this Chapter; and

(d) Requirements for the installation of inspection and sampling facilities; and

(e) Requirements for self monitoring of any Discharge; and

(f) Requirements for the submission of documents and data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests; and

(g) Compliance schedules; and

(h) Other terms and conditions appropriate to ensure compliance with the provisions of this Chapter and the protection of Receiving Waters, including requirements for compliance with BMP guidance documents promulgated by any federal agency, the State of California or the County.

(5) Permit Fees. The permission to discharge shall be conditioned upon the applicant's payment of the County costs, in accordance with a fee schedule adopted by separate resolution or Ordinance.

b. Permit Suspension, Revocation or Modification.

(1) The Director may suspend or revoke any permit when it is determined that:

(a) The permittee has violated any term, condition or requirement of the permit or any applicable provision of this Chapter; or

(b) The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is no longer appropriate to exempt the Discharge from the prohibitions on Illicit Discharge contained within this Chapter; or

(c) The permittee fails to comply with any schedule for compliance issued pursuant to this Chapter; or

(d) Any regulatory agency, including the EPA, the State Board and the Regional Board, having jurisdiction over the Discharge, notifies the County that the Discharge should be terminated.

(2) The Director may modify any permit when it is determined that:

(a) Federal or state law requirements have changed in a manner that necessitates a change in the permit; or

- (b) The permittee's Discharge or the circumstances under which the Discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions or requirements; or
- (c) A change to the permit is necessary to ensure compliance with the objectives of this Chapter or to protect the quality of the Receiving Waters.
- (3) The permittee shall be informed of any change in the permit terms and conditions at least forty-five (45) calendar days prior to the effective date of the modified permit.
- (4) The determination that a permit shall be denied, suspended, revoked or modified may be appealed by a permittee pursuant to the procedures provided in Section 6976.

c. Permit Enforcement.

(1) Penalties. Any violations of the terms, conditions or requirements of any permit issued by the Director shall constitute a violation of this Chapter and subject the violator to the remedies available under this Chapter.

d. Compliance. Compliance with the terms, conditions and requirements of a permit issued pursuant to this Chapter shall not relieve the permittee from compliance with all federal, state and local laws, regulations and permit requirements, applicable to the activity for which the permit is issued.

(1) Limited Permittee Rights. Permits issued under this Chapter are for the Person identified therein as the "permittee" only, and authorize the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to Discharge.

(2) Transfer of Permits. No permit may be transferred to allow:

- (a) A Discharge to the County Storm Drain System at a location other than the location stated in the original permit; or
- (b) A Discharge by a Person other than the permittee named in the Permit, provided, however, that if written approval is obtained, in advance, the Director may approve a transfer.

ARTICLE 9 – MISCELLANEOUS

Sec. 6990 - GENERAL PROVISIONS

a. Compliance Disclaimer. Full compliance by any Person with the provisions of this Chapter shall not preclude the need to identify and to comply with all other local, state or federal statutory or regulatory requirements.

b. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that anyone or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

This Ordinance shall become effective thirty (30) calendar days after its passage and adoption by the Board.

PASSED AND ADOPTED this 17 day of July, 2012.

AYES: Supervisor: Bennett, Parks, and Zaragoza

NOES: Supervisor Foy

ABSENT: Supervisor Kohn

[Signature]
CHAIR, BOARD OF SUPERVISORS

ATTEST: MICHAEL POWERS,
Clerk of the Board of Supervisors,
County of Ventura, State of California

By [Signature]
Deputy Clerk of the Board

