

**AN ORDINANCE RELATING TO
STORMWATER QUALITY MANAGEMENT
DIVISION 6 - POLICE REGULATIONS
CHAPTER 9 - STORMWATER QUALITY MANAGEMENT**

The BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA does ordain as follows:
“Division 6, Chapter 9” entitled “Stormwater Quality Management” is hereby adopted and added to the Ventura County Ordinance code to read 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 (referred to as the Clean Water Act), 33 U.S.C. §§ 1251 et seq., as amended, and the California Water Code, to effectively prohibit non-stormwater Discharges into the Storm Drain System, flood control channels, and debris and detention basins, and to reduce the Discharge of Pollutants in Stormwater to the maximum extent practicable. Stormwater runoff is one step in the natural cycle of water. However, human activities, such as construction and the operation and maintenance of an urban infrastructure, may result in undesirable discharges of Pollutants, which may accumulate in local drainage facilities and eventually may be deposited in the waters of the United States. The intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance water quality by controlling the contribution of urban Pollutants to runoff which enters the Storm Drain System and Watercourses of the County of Ventura.

Sec. 6911 - DEFINITIONS - For the purposes of this Chapter, the following words and phrases shall have the meanings respectively given to them by this Article. Words and phrases not given a meaning by this Article shall have the meanings as defined in the NPDES Permit, if defined therein, and if not, the meanings given by the regulations complementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, and Division 7 of the California Water Code, as they may be amended from time to time. 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 under the Director’s instruction and supervision, who are assigned to investigate compliance and detect violation of this Chapter.
- b. **“Basin Plan”** shall mean the Water Quality Control Plan for the Santa Clara River Basin as adopted by the State Water Resources Control Board on June 3, 1991, as the same may be amended from time to time.
- 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 Storm Drain System. 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. **“County”** shall mean the County of Ventura.
- e. **“County Discharge Permit”** shall mean an authorization, license or equivalent control document issued by the Director for a non-stormwater Discharge that is not prohibited by the NPDES Permit (see Section 6920) or any other applicable order of the Regional Board, State Water Resources Control Board, or the EPA.
- f. **“Co-permittee”** shall mean any of the following public entities; the Ventura County Flood Control District (VCFCD), the County, or the City 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 NPDES Permit
- g. **“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 any permit is required.
- h. **“Director”** shall mean the Director of Public Works of the County and Person(s) designated by and under the Director’s instruction and supervision.
- i. **“Discharge”** shall mean any release, spill, leak, pump, flow, escape, leaching (including subsurface migration to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.
- j. **“Discharge Permit”** shall mean an authorization, license or equivalent control document issued by the EPA, the State Water Resources Control Board or the Regional Board, and includes NPDES general permits; the NPDES Permit; and any permits issued by a Co-permittee pursuant to Section 6980.
- k. **“Discharger”** shall mean any Person causing a Discharge.
- l. **“EPA”** shall mean the Environmental Protection Agency of the United States of America.
- m. **“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.
- n. **“Illicit Connection”** shall mean any man-made conveyance or drainage system pipeline, conduit, inlet or outlet, or condition of property whether on the surface or subsurface through which the Discharge of any Pollutant to the Storm Drain System occurs or may occur. The term Illicit Connection shall not include connections to the Storm Drain System that are authorized by a Co-permittee with jurisdiction over the system at the location at which the connection is made.
- o. **“Illicit Discharge”** shall mean any Discharge to the Storm Drain System or an upstream flow, which is tributary to the Storm Drain System that is not composed entirely of Stormwater except Discharges pursuant to a Discharge Permit and Discharges that are exempt in accordance with any applicable order of the Regional Board. The term Illicit Discharge shall not include the following types of non-stormwater Discharges, unless the Regional Board determines that these Discharges cause specific Receiving Water Limitation violations:
 - (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)] to separate storm sewers;

 - (6) Uncontaminated pumped ground water;
 - (7) Discharges from potable water sources;
 - (8) Foundation drains;
 - (9) Air conditioning condensation;
 - (10) Irrigation water;
 - (11) Natural springs;
 - (12) Water from crawl space pumps;
 - (13) Footing drains;
 - (14) Lawn watering;
 - (15) Individual residential car washing;
 - (16) Flows from riparian habitats and wetlands;
 - (17) Dechlorinated swimming pool discharges;
 - (18) Discharges or flows from emergency fire fighting activities;
 - (19) Other types of discharge identified and recommended in annual reports by the Co-permittees, as approved by the Executive Officer of the Regional Board.
- p. **“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, Administrative Compliance Order or other enforcement option under Article 7 of this Chapter is utilized to obtain compliance with this Chapter.
- q. **“National Pollutant Discharge Elimination System (NPDES) Permit”** shall mean the municipal discharge permit(s) issued by the Regional Board and entitled Waste Discharge Requirements for Stormwater Management/Urban Runoff Discharges for VCFCO, County of Ventura, and the cities of Ventura County, Order No. 94-082, NPDES Permit No. CAS 063339, as amended from time to time.
- r. **“Occupant”** shall mean Person who dwells, resides or works at the property.
- s. **“Ocean Plan”** shall mean the Water Quality Control Plan for Ocean Waters of California as adopted by the State Water Resources Control Board on March 22, 1990, as the same may be amended from time to time.
- t. **“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.
- u. **“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.

- v. **“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 characteristics such as a pH less than 6.5 or greater than 8.5 or unusual coloration, or turbidity, or containing fecal coliform, 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 super chlorinated 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.
 - (11) Pollutants as defined in § 502 (6) of the Clean Water Act, 33 U.S.C. 1362 (6) or incorporated into California Water Code § 13373.
- w. **“Receiving Water Limitations”** shall mean the following conditions, such conditions which are not allowed to create a condition of nuisance or to adversely affect beneficial uses of waters of the State:

Floating, suspended, or deposited macroscopic particulate matter, or foam; bottom deposits or aquatic growths; alteration of temperature, turbidity, or apparent color beyond present natural background levels; visible, floating, suspended or deposited oil or other products of petroleum origin; or toxic or deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these

unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration; or any other Discharge which causes a violation of any applicable water quality objective for receiving waters contained in the Ocean Plan or the Basin Plan or any other applicable water quality objectives adopted by the Regional Board.

- x. **“Regional Board”** shall mean the California Regional Water Quality Control Board, Los Angeles Region.
- y. **“Responsible Party”** shall mean the Person(s) identified in and responsible for compliance with the provisions of a Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan, or Stormwater Quality Master Plan.
- z. **“State General Permit”** shall mean a permit issued by the State Water Resources Control 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 Water Resources Control 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.
- aa. **“Stormwater”** shall mean any surface flow, runoff, and/or drainage associated with rain storm events and/or snow melt.
- bb. **“Storm Water”** shall mean “Stormwater”.
- cc. **“Storm Drain System”** shall mean a conveyance or system of conveyances including streets, gutters, channels, natural or artificial drains, lined diversion structures, wash areas, inlets, outlets or other facilities, which is a part of a tributary to a Watercourse or drains directly to the ocean, which is operated, maintained or controlled by the County, and used for the purpose of collecting, storing, conveying, or disposing of Stormwater to waters of the United States (as defined at 40 CFR § 122.2).
- dd. **“Stormwater Pollution Control Plan”** shall mean a plan identifying potential pollutant sources from a construction site and describing proposed design, placement and implementation of BMPs, to effectively prevent non-stormwater Discharges and reduce Pollutants in Stormwater Discharges to the Storm Drain System, to the maximum extent practicable, during construction activities.
- ee. **“Storm Water Pollution Prevention Plan”** 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 General Permit.
- ff. **“Stormwater Quality Master Plan”** shall mean a plan that defines the strategy and describes the design, placement and implementation of BMPs to effectively prevent non-stormwater Discharges and reduce Pollutants in Stormwater Discharges to the maximum extent practicable, for post-construction Discharges to the Storm Drain System.
- gg. **“Stormwater Quality Management Plan”** shall mean the Ventura Countywide Stormwater Quality Management Plan, which includes descriptions of programs, collectively developed by the Co-permittees in accordance with provisions of the NPDES Permit, to comply with applicable federal

and state law, as the same is amended from time to time.

- hh. **“Watercourse”** shall mean any natural or artificial channel for passage of water, including the VCFCD jurisdictional channels included in the List of Channels within the Comprehensive Plan of the VCFCD, as approved by the Board of Supervisors of the VCFCD on October 4, 1994, and any amendments thereto.

ARTICLE 2 - PROHIBITION OF NON-STORMWATER DISCHARGES

Sec. 6920 - PROHIBITION - No Person shall Discharge any material, other than Stormwater to the County Storm Drain System or any Watercourses, except in compliance with a Discharge Permit or if listed below (unless the Regional Board determines that any of the below Discharges cause specific Receiving Water Limitation violations):

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)] to separate storm sewers;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Natural springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool Discharges;
18. Discharges or flows from emergency fire fighting activities;
19. Other types of Discharge identified and recommended in annual reports by the Co-permittees, as approved by the Executive Officer of the Regional Board.

Sec. 6921 - PERMIT FOR EXEMPTIONS - A Discharger may be required to obtain a permit pursuant to Section 6980 and/or apply BMPs prior to Discharge of the exempt Discharges listed in Section 6920.

Sec. 6922 - EXEMPTION - With written concurrence of the Regional Board, the Director may exempt in writing other non-stormwater Discharges which are not a source of Pollutants to the Storm Drain System or any Watercourses.

Sec. 6923 - LITTER - No Person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, kept, or maintained, in or upon any public or private driveway, parking area, street, alley, sidewalk, or component of the Storm Drain System or any Watercourse, any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, accumulations, and/or Pollutants so that the same may cause or contribute to pollution. Any Owner or Occupant of the property or responsible Person who fails to remove Pollutants within a reasonable time, as determined by the Director, may be charged with a violation of this Chapter.

ARTICLE 3 - PROHIBITION OF

ILLCIT 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 - EXISTING CONNECTIONS - This prohibition expressly includes, without limitation, Illicit Connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

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 BMPs.

**ARTICLE 5 - REQUIREMENTS FOR THE
CONTROL OF URBAN RUNOFF**

Sec. 6950 - CONSTRUCTION - On and after August 22, 1997 all construction activity including clearing, grading or excavation that requires a grading permit shall be undertaken in accordance with:

- a. Any conditions and requirements established by the NPDES Permit or other permits which are reasonably related to the reduction or elimination of Pollutants in Stormwater from the construction site.
- b. Any condition and/or requirements established by the Director to protect specific watersheds or drainage basins.
- c. A Storm Water Pollution Prevention Plan, which shall be prepared and submitted in accordance with the State General Permit for Stormwater Discharges Associated with Construction Activity.
- d. A Stormwater Pollution Control Plan, which shall be prepared in accordance with County requirements.
 - (1) Prior to the issuance by the County of a discretionary land use approval or any permit authorizing grading or construction for a Development, or where the Director determines there is a substantial potential for discharge of significant levels of a Pollutant into the Storm Drain System or a Watercourse, the Owner shall submit to and obtain the approval for a Stormwater Pollution Control Plan.
 - (2) Notwithstanding the foregoing, a Stormwater Pollution Control Plan shall not be required for construction of a single family detached residence or for a room addition unless the Director determines that the construction may result in the Discharge of significant levels of a Pollutant into the Storm Drain System. This exemption shall not apply to construction of more than one residence at a time by a single Person in the same residential subdivision.
 - (3) Each Stormwater Pollution Control Plan shall name a Responsible Party for the project.
 - (4) The Owner(s) of a Development project, their successors and assigns, and each named Responsible Party, shall implement and adhere to the terms, conditions and requirements of the approved Stormwater Pollution Control Plan. Each failure by the Owner, their successors or assigns, or a named Responsible Party, to implement and adhere to the terms, conditions and requirements of such plan shall constitute a violation of this Chapter.
 - (5) The costs and expenses of the County incurred in the review, approval, or revision of any Stormwater Pollution Control Plan, (or in the approval or revision of any such plan) shall be charged to the Owner 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 or Responsible Party.
 - (6) Compliance with the conditions and requirements of a Stormwater Pollution Control Plan shall not

exempt any Person from the requirement to comply independently with each provision of this Chapter.

Sec. 6951 - DEVELOPMENT - On and after August 22, 1997 all Development within the County shall be undertaken in accordance with:

- a. Any conditions and requirements established by the NPDES Permit or other permits which are reasonably related to the reduction or elimination of Pollutants in Stormwater from the project site.
- b. Any condition and/or requirements established by the Director to protect specific watersheds or drainage basins.
- c. Any condition and/or requirement of a Stormwater Quality Master Plan covering the development site.
 - (1) A Stormwater Quality Master Plan shall be required to be submitted by the Owner in accordance with County requirements when the Director determines that the Development, such as, but not limited to, specific plans, multiphased subdivisions, redevelopment plans, and larger planned developments, may result in the Discharge of significant levels of any Pollutant to the Storm Drain System.
 - (2) Each Stormwater Quality Master Plan shall name a Responsible Party for the project.
 - (3) The Owners of a Development project, their successors and assigns, and each named Responsible Party, shall implement and adhere to the terms, conditions and requirements of the approved Stormwater Quality Master Plan. Each failure by the Owner, their 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.
 - (4) The Director may require that the Stormwater Quality Master Plan 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 recording of the plan or any revised plan and a signature on behalf of the County shall not be required for recordation.
 - (5) The costs and expenses of the County incurred in the review, approval, or revision of a Stormwater Quality Master Plan or other Development requirements (or in the approval or revision of any such requirement) shall be charged to the Owner 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 or Responsible Party.
 - (6) Compliance with the conditions and requirements of a Stormwater Quality Master Plan 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, described in any State General Permit addressing such Discharges, as may be issued by the EPA, the State Water Resources Control Board, or the Regional Board, shall provide the notice of intent required by the Permit, comply with, and undertake all other activities required by such permit applicable to such Discharges. Copies of such notification shall be provided to the County. Proof of compliance with any State General Permit may be required in a form acceptable to the

County prior to or as a condition of approval of a subdivision map, site plan, building permit, or Development or improvement plan; upon issuance by the County of any permit authorizing grading or construction; upon inspection of the facility or site; during any enforcement proceeding or action; or 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 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 Storm Drain System, or any Watercourse, shall implement BMPs to the extent they are technologically and economically achievable to prevent and reduce such Pollutants.

Sec. 6954 - ILLICIT CONNECTIONS - The Director may, by written notice, require a Person responsible for an Illicit Connection to the Storm Drain System to eliminate or to secure approval for the connection within a specified time, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter. If, subsequent to eliminating a connection found to be in violation of this Chapter, the responsible Person can demonstrate that an Illicit Discharge will no longer occur, said Person may request approval to reconnect. The reconnection or reinstallation of the connection shall be at the Director's discretion and shall be subject to such conditions as the Director may determine; such reconnection or reinstallation shall be at the responsible Person's sole expense.

Sec. 6955 - WATERCOURSE PROTECTION - Every Occupant or Owner of a property through which a Watercourse passes shall keep and maintain the property reasonably free of trash, debris, (excessive) vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the Watercourse; shall maintain existing structures within or adjacent to the Watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the Watercourse; 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 Watercourse 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 Water Quality Control 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. The Authorized Inspector may enter public or private property to investigate the source or potential source of a Discharge to the Storm Drain System or Watercourses located within the unincorporated area of the County at all reasonable times to inspect the same and to inspect and copy records related to compliance with this Chapter. In the event the Owner or Occupant refuses entry after a request to enter and inspect has been made, the Authorized Inspector is hereby empowered to seek assistance from any other governmental agency and/or any court of competent jurisdiction in obtaining such entry.
- c. Compliance Assessments. An Authorized Inspector may inspect public or private property for the purpose of verifying compliance with this Chapter, including but not limited to (1) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; (2) identifying point(s) of Discharge of all wastewater, process water systems and Pollutants; (3) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems (including roads with drainage systems, catch basins, curbs, gutters, channels and storm drains); (4) establishing the location of all points of Discharge from the property, whether by surface runoff or through a Storm Drain System; (5) locating any Illicit Connection or the source of any Illicit Discharge; (6) evaluating compliance with any Stormwater Pollution Control Plan; and (7) evaluating compliance with any permit issued pursuant to Section 6980 hereof.
- d. Portable Equipment. An Authorized Inspector may inspect any vehicle, truck, trailer, tank truck or other mobile equipment as is necessary to determine compliance with this Chapter.
- e. Records Review. An Authorized Inspector may inspect records of the Owner or Occupant of private property as necessary to determine compliance with the provisions of this Chapter.
- f. Sample & 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 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 Owners expense, for the purpose of monitoring any Discharge to the 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 - ADMINISTRATIVE REMEDIES

- a. Notice of Violation. An Authorized Inspector may deliver a Notice of Violation to the Owner or Occupant of any public or private property, or to any Person responsible for an Illicit Connection or Illicit Discharge. The Notice of Violation shall be delivered in accordance with subsection (f) of this Section.
 - (1) The Notice of Violation shall identify the provision(s) of this Chapter, the applicable Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan, Stormwater Quality Management Plan or permit which has been violated. The Notice of Violation shall state that continued noncompliance may result in additional enforcement actions against the Owner, Occupant and/or Person.
 - (2) The Notice of Violation shall state a compliance date that must be met by the Owner, Occupant and/or Person; provided, however, that the compliance date may not exceed ninety (90) calendar days from the date of the Notice of Violation unless the Authorized Inspector extends the compliance deadline an additional period not to exceed ninety (90) calendar days, where good cause exists for the extension.
- b. Administrative Compliance Orders.
 - (1) An Authorized Inspector may issue an Administrative Compliance Order. The Administrative Compliance Order shall be delivered in accordance with subsection (f) of this Article. The Administrative Compliance Order may be issued to:
 - (a) The Owner or Occupant of any property requiring abatement of conditions on the property that cause or may cause an Illicit Discharge or an Illicit Connection in violation of this Chapter;
 - (b) The Owner of property or a Responsible Party subject to the requirements of any Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan or Stormwater Quality Master Plan, to ensure implementation of and adherence to its terms, conditions and requirements;
 - (c) A permittee subject to the requirements of any permit issued pursuant to Section 6980 hereof to ensure compliance with the terms, conditions and requirements of the permit;
 - (d) Any Person responsible for an Illicit Connection or Illicit Discharge.
 - (2) The Administrative Compliance Order may include the following terms and requirements:
 - (a) Specific steps and time schedules for compliance as reasonably necessary to prevent threatened or future Illicit Discharges, including but not limited to the threat of an Illicit Discharge from any pond, pit, well, surface impoundment, holding or storage area;

- (b) Specific steps and time schedules for compliance as reasonably necessary to prevent continued violations;
- (c) Specific steps and time schedules for compliance as reasonably necessary to discontinue any Illicit Connection;
- (d) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any Pollutant having the potential to contact Stormwater runoff;
- (e) Any other terms or requirements reasonably calculated to prevent continued or threatened violations of this Chapter, including, but not limited to requirements for compliance with BMP guidance documents promulgated by any federal agency, the State of California or the County;
- (f) Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of the Stormwater Quality Management Plan, Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan, Stormwater Quality Master Plan or permit issued pursuant to Section 6980.

c. Cease and Desist Orders.

- (1) An Authorized Inspector may issue a Cease and Desist Order. A Cease and Desist Order shall be delivered in accordance with subsection (f) of this Section. 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 Article to:
 - (a) Immediately discontinue any Illicit Connection or Illicit Discharge to the Storm Drain System;
 - (b) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this Chapter;
 - (c) Immediately discontinue any other violation of this Chapter;
 - (d) Clean up the area affected by the violation.
- (2) An Authorized Inspector may direct, by Cease and Desist Order, that the Owner or Occupant of any property, including the Responsible Party subject to the terms and conditions of this Chapter, any Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan, Stormwater Quality Management Plan 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.

d. Administrative Fine. The following Administrative Fines may be imposed by the Authorized Inspector or Hearing Officer where a violation of the provisions of this Chapter is found to exist: \$100 for a first violation, \$200 for a second violation, and a fine not exceeding \$500 for each additional violation occurring within one year.

e. 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, Administrative Compliance Order, or Cease and Desist Order. An Invoice for Costs shall be delivered in accordance with subsection (f) of this Article. An Invoice for Costs shall be immediately due and payable to the County for the actual costs incurred by the County, including legal fees, in issuing and enforcing any notice or order. 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 County may institute collection proceedings. The recovery of costs incurred by the County shall be in addition to the fines levied.

f. Delivery of Notice. Any Notice of Violation, Administrative Compliance Order, Cease and Desist Order, Administrative Fine, or Invoice of 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 subsection g. through k. of this Section.
- (2) Delivery shall be deemed complete upon (a) Personal service to the recipient; (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, Administrative Compliance Order, Cease and Desist Order, Administrative Fine, or Invoice for Costs shall be deemed delivered ten (10) calendar days after posting on the property.

g. Administrative Hearing for Notices of Violation, Administrative Compliance Orders, Cease and Desist Orders, Administrative Fines, Invoices for Costs. Except as set forth in this Article, any Person receiving a Notice of Violation, Administrative Compliance Order, Cease and Desist Order, Administrative Fines, Invoice for Costs or any Person who is subject to any adverse administrative determination made pursuant to this Chapter, may appeal the matter by requesting an administrative hearing.

h. Request for Administrative Hearing. Any Person appealing a Notice of Violation, Administrative Compliance Order, Cease and Desist Order, Administrative Fine, 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.

i. 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.

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

- k. Final Decision and Appeal. The final decision of the Hearing Officer shall be issued 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, the property owner shall have the right to an appeal of the decision of the Hearing Officer, both as to the determination and of the costs thereof.

- l. 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 Ventura County Ordinance Code Section 13000 et seq.

Sec. 6971 - NUISANCE - In addition to the enforcement processes herein before provided any condition in violation of the prohibitions 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 County Code Section 13000 et seq.

Sec. 6972 - MISDEMEANOR - Any Person who continues non-compliance with the provisions of this Chapter without regard to the enforcement processes herein before provided, who negligently or knowingly, after receipt of a Notice of Violation, violates any provision of this Chapter, or undertakes to conceal any violation of this Chapter, shall be guilty of a misdemeanor.

Sec. 6973 - CONSECUTIVE VIOLATIONS - 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, an Administrative Compliance Order, a Cease and Desist Order, an applicable Storm Water Pollution Prevention Plan, Stormwater Pollution Control Plan, Stormwater Quality Master Plan or a permit issued pursuant to this Chapter, shall constitute a separate violation of this Chapter punishable by fines or sentences issued in accordance herewith.

Sec. 6974 - NON-EXCLUSIVE REMEDIES - Each and every 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.

Sec. 6975 - VIOLATIONS OF OTHER LAWS - Any Person acting in violation of this Chapter also may be

acting in violation of the federal Clean Water Act or the state Porter-Cologne Act and other laws and also may be subject to sanctions of these acts 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 before 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. 6976 - CIVIL REMEDIES, INJUNCTIONS - 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.

Sec. 6977 - OTHER CIVIL REMEDIES

- a. 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.
- b. The County may file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the 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 Storm Drain System.

Sec. 6978 - OTHER REMEDIES - The remedies available to the County pursuant to the provisions of this Chapter shall not limit the right of the County to seek any other remedy that may be available by law.

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 Storm Drain System if the discharge is not prohibited by the NPDES Permit or any other applicable order of the Regional Board, State Water Resources Control 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 five (5) years from the effective date of the permit. The Director may issue a permit for a period of less than five 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 Storm Drain System;
 - (b) Identification of the constituents and quantities thereof to be discharged into the Storm Drain System;
 - (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;
 - (d) Requirements for the installation of inspection and sampling facilities;
 - (e) Requirements for self-monitoring of any Discharge;
 - (f) Requirements for the submission of documents and data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests;
 - (g) Compliance schedules;
 - (h) Other terms and conditions appropriate to ensure compliance with the provisions of this Chapter and the protection of receiving waters, including requirements for compli-

ance 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 Water Resources Control Board, 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 same procedures applicable to the appeal of an Administrative Compliance Order contained in Section 6970.

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 or entity identified therein as the “Permittee” only, and authorize the specific operation at 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 Storm Drain System at a location other than the location stated in the original permit; or
- (b) A Discharge by a Person or entity 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 or entity 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 any one 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 22nd day of July, 1997.

AYES: Supervisors	Lacey, Schillo, Long, Mikels and Flynn
NOES:	None
ABSENT:	None

John Flynn _____
CHAIR, BOARD OF SUPERVISORS

ATTEST:

RICHARD D. DEAN, County Clerk,
County of Ventura, State of California,
and ex officio Clerk of the Board of
Supervisors thereof.

By _____
Deputy Clerk