



COUNTY OF YOLO

Stormwater Ordinance

Ordinance Number 1352

Approved by the Board of Supervisors

July 25, 2006

COUNTY OF YOLO ORDINANCE NUMBER 1352

**ADDING CHAPTER 9
TO TITLE 10 OF THE YOLO COUNTY CODE RELATING
TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL**

The Board of Supervisors of the County of Yolo, State of California, ORDAINS AS FOLLOWS:

SECTION 1. Chapter 9 is hereby added to Title 10 of the Yolo County Code to read as follows:

CHAPTER 9

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

Article 1. General Provisions.

Sections:

10-9.101	Title
10-9.102	Findings
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10-9.105	Construction
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Sec. 10-9.101 Title

This Chapter shall be known as the “STORMWATER ORDINANCE” of Yolo County, and may be so cited.

Sec. 10-9.102 Findings

(a) The Federal Clean Water Act, 33 U.S.C. § 1251 et seq., provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (NPDES) requirements to stormwater and urban runoff discharge into the County storm drain system.

(b) The State Water Resources Control Board (“State Board”) is the state water pollution control agency for all purposes of the Clean Water Act pursuant to Section 13160 of the California Water Code. The State Board is authorized by the United States Environmental Protection Agency (USEPA) to administer the NPDES program within the State. The Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) provides authority for the State NPDES program, including provisions to issue NPDES Permits and waste discharge requirements to regulate discharges of stormwater to waters of the State.

(c) Due to amendments to the Clean Water Act, the USEPA developed a Phase I and a Phase II program requiring municipalities to develop and implement stormwater pollution management programs. Smaller municipalities and contiguous areas with small, but still urban, communities come under the Phase II regulations of the State Board’s General Permit for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (hereafter called the “Small MS4 General Permit” where MS4 stands for Municipal Separate Storm Sewer System). Yolo County falls under the Phase II regulations, which requires the submittal of a Notice of Intent (NOI) to seek coverage under the “Small MS4 General Permit.”

(d) The County's Stormwater Management Program, adopted by the County on December 7, 2004, requires the County to effectively prohibit non-stormwater discharges from the unincorporated area of the County into the County storm drain system except as otherwise permitted by law.

(e) The Board finds in this regard that the provisions of this Chapter are necessary to provide the County with the legal authority necessary to implement and otherwise comply with the requirements of the Stormwater Management Program and to protect the waters of the State for the benefit of its people and the environment.

Sec. 10-9.103 Purpose and Intent

(a) This Chapter is adopted pursuant to Article XI, Section 7 of the California Constitution, which authorizes the County to exercise the police power of the State by adopting regulations promoting the public health, public safety, and the general welfare of its citizens. The purpose and intent of this Chapter is to protect and enhance the water quality of watercourses and water bodies within the unincorporated areas of the County in a manner consistent with the Clean Water Act, the Porter-Cologne Water Quality Control Act, and the County Stormwater Management Program, by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges from entering the storm drain system.

(b) It is the intent of the Board in adopting this Chapter to provide the County with the legal authority to accomplish the following goals:

(1) to benefit the people and environment of the County by protecting water quality in waters of the State;

(2) to reduce the discharge of pollutants in stormwater to the maximum extent practicable, whether those discharges are made to the County storm drain system, or directly to natural surface waters;

(3) to effectively prohibit non-stormwater discharges into the County storm drain system or to natural surface waters;

(4) to establish requirements for stormwater management, including source controls and best management practices, for development, redevelopment, construction, post-construction, industrial, and municipal activities;

(5) to comply with the requirements of the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act, and the Small MS4 General Permit as they apply to the discharge of pollutants into and from the County storm drain system;

(6) to fully implement and enforce the County's Stormwater Management Program;

(7) to provide for the recovery of regulatory costs incurred by the County in the implementation of this Chapter or its Stormwater Management Program, including, but not limited to, enforcement activities, compliance assistance, inspections, investigations, sampling and monitoring; and

(8) to establish appropriate enforcement procedures and penalties for violations of the provisions of this Chapter.

Sec. 10-9.104 Definitions

Any term(s) defined in the Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in this Chapter shall, when used in this Chapter, have the same meaning as set forth in said act or regulation.

Certain words and phrases defined in the preceding sections of this Chapter shall have the meanings set forth above. Additional defined terms used in this Chapter shall have the meanings set forth below unless the context clearly indicates otherwise.

(a) **Administrator** shall mean the Assistant Director of the County of Yolo's Planning, Resources and Public Works Department and his or her designees.

(b) **Best Management Practices** or BMPs shall mean schedules of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly into stormwater conveyance systems, receiving waters or to natural surface waters. BMPs shall also include structural controls, treatment practices, source controls, training requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw materials storage.

(c) **Board** shall mean the Board of Supervisors of the County of Yolo.

(d) **County** shall mean the County of Yolo.

(e) **County Storm Drain System** shall mean those public man-made facilities within the unincorporated area of the County that are owned, operated, maintained or controlled by the County by which stormwater may be conveyed to natural surface waters, including, but not limited to, any roads with drainage systems, municipal streets, curbs, gutters, catch basins, water quality basins, detention basins, constructed wetlands, artificial channels, aqueducts, ditches, altered drainage channels, reservoirs, sumps, pumping stations, storm drain inlets, and storm drains.

(f) **Development** shall mean any activity that moves soils or substantially alters the preexisting vegetated or man-made cover of any land. This includes any activity that may be considered new development or redevelopment consisting of, but not limited to, grading, digging, cutting, scraping, stockpiling or excavating soil, placement of fill materials, paving, pavement removal, exterior construction, substantial removal of vegetation where soils are disturbed or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Development does **not** include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e. land disturbances) required to protect public health and safety.

(g) **Discharge** shall mean the release, threatened release, or placement of any material into the County storm drain system or natural surface waters, including, but not limited to, stormwater, wastewater, pollutants, solid materials, liquids, hazardous waste, raw materials, debris, litter or any other substance.

(h) **Discharger** shall mean any person who discharges, or causes to discharge, either directly or indirectly, stormwater or any other material into the County storm drain system or to natural surface waters.

(i) **Illicit Connection** shall mean any physical connection, including but not limited to any drain or conveyance, to the County storm drain system or natural surface waters, which is not expressly authorized by the County.

(j) **Illicit Discharge** shall mean any direct or indirect non-permitted or non-exempt discharge to the County storm drain system or to the natural surface waters that violates this Chapter, or a discharge prohibited by federal, state, or local laws, which tend to degrade the quality of natural surface waters.

(k) **Industry or Industrial Activity** shall mean any service, business, enterprise, or any other activity conducted by any person for the purpose of monetary or other compensation, or in support of or promotion of such activity. This term shall also mean any similar activity conducted by a non-profit corporation as defined by the State of California.

(m) **Hazardous Materials** shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(n) **Material** shall mean any substance, including, but not limited to, raw materials, finished products, garbage and debris, lawn clippings, leaves and other vegetation, biological and fecal waste, sediment and sludge, oil and grease, gasoline, paints, solvents, cleaners and any fluid or solid containing chemicals.

(n) **Maximum Extent Practicable** shall mean a technology-based standard established by Congress in the Clean Water Act § 402(p)(3)(B)(iii) that applies to municipalities regulated by the Small MS4 General Permit. The major focus is on technology-based pollution prevention and source control BMPs as the first line of defense with feasibility, cost, effectiveness, and public acceptance as relevant considerations. As knowledge about controlling pollution of urban runoff continues to evolve, so will what constitutes the Maximum Extent Practicable.

(o) **National Pollution Discharge Elimination System Permit or NPDES Permit** shall mean general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations promulgated pursuant to the federal Clean Water Act. The Regional Board, as defined below, and the State Board, as defined above, have adopted general storm water discharge permits, including but not limited to the General Construction Activity and General Industrial Activity permits.

(p) **Natural Surface Waters** shall mean creeks, natural ponds or lakes, wetlands, the Sacramento River, Cache Creek, Putah Creek, the Yolo Bypass and shall include any waters of the State and any waters of the United States contained within the boundaries of the State. Natural Surface Waters shall not mean any wet or dry detention basin, constructed wetland, stormwater treatment facility, artificial lake or pond or other man-made body of water.

(q) **Non-Stormwater Discharge** shall mean any discharge to the County storm drain system or directly to natural surface waters that is not composed entirely of storm water, including discharges that do not originate as surface runoff and drainage from rainstorm events and snow melt, but essentially result partly or entirely from human activities, or materials or processes under a person's control. Non-stormwater discharges include, but are not limited to, discharges of: (1) water that has been used by a person for any purpose such as cleaning, rinsing, cooling, irrigating, aquaculture, recreation, cooking, and industrial purposes; (2) water or wastewater that originates or flows from equipment, valves, piping, hoses, containers, tanks, or other man-made apparatus; or (3) any discharge of materials or wastes other than water.

(r) **Person** shall mean any natural person as well as any corporation, partnership, public agency, trust, estate, cooperative association, joint venture, business entity or other similar entity, or the agent, employee or representative of any of the above.

(s) **Pollutant** shall mean any substance that causes or contributes to pollution, as defined herein. Pollutants may include, but are not limited to: solid, medical, or industrial waste; wrecked or discarded equipment or machinery; hazardous substances or radioactive material; dredged soil, rock or sand; volatile organic carbons; oil, grease, or other petroleum hydrocarbon; pesticides, herbicides or fertilizers; animal or human wastes or sewage; dissolved and particulate metals; wastes resulting from construction activities (including, but not limited to, sediments, slurries and concrete rinsates); and noxious or offensive matter of any kind.

(t) **Pollution** shall mean the human-made or human-induced alteration of the quality of waters by pollutants to a degree which unreasonably affects, or that has the potential to unreasonably affect, either the waters for beneficial uses or the facilities, which serve these beneficial uses. Pollution includes, but is not limited to, the alteration of the quality of waters by pollutants to a degree that that causes or contributes to an exceedance of water quality standards contained in the Statewide Water Quality Control Plan, the California Toxics Rule, or in the applicable Regional Water Quality Control Board Basin Plan.

(v) **Regional Board** shall mean the California Regional Water Quality Control Board, Central Valley Region.

(w) **Stormwater** shall mean any surface flow, runoff, and drainage consisting entirely of water resulting from rainstorm events and snow melt, which has not been polluted as a result of contact with man-made or natural sources of pollutants.

(x) **Subject Activities** shall mean any activities, operations, or facilities which discharge or have the potential to discharge pollutants into the County storm drain system, natural surface waters, or

watercourses. A subject activity may be stationary or mobile, but that generate quantities or concentrations that may cause pollution.

(y) **Threatened Prohibited Discharge** shall mean any condition or activity that does not currently result in a prohibited discharge but is nevertheless determined by the Administrator to be a condition which results in a substantial likelihood of a future prohibited discharge.

(z), **Watercourses** shall mean any channel or depression in which a flow of water occurs, either continuously or intermittently, including above ground portions of the storm drain system.

(aa) **Waters of the State** shall mean all surface watercourses and water bodies as defined at 40 Code of Federal Regulations §122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at or during all times and seasons.

(bb) **Waters of the United States** shall have the same meaning as set forth in Part 122.2 of Title 40 of the Code of Federal Regulations or any successor provisions.

Sec. 10-9.105 Construction

The provisions of this Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and the Porter-Cologne Act and any acts amendatory thereof or supplementary thereto, applicable implementing regulations, and Small MS4 General Permit and any amendment, revision or re-issuance thereof. In the event of a conflict between this Chapter and any Federal or State law, regulation, order or permit, the requirement that establishes the higher standard for public health and safety shall govern.

Sec. 10-9.106 Applicability

The provisions of this Chapter shall be applicable to all dischargers and potential dischargers located within or without the unincorporated area of the County that discharge either directly or indirectly into the County storm drain system. This Chapter shall also apply to stormwater and non-stormwater discharges made directly to natural surface waters within the unincorporated area of the County.

This Chapter shall apply to facilities subject to the State Construction General Permit issued by the State Board; the pollutant control provisions of a County-issued Building Permit; or any other instrument of the County that establishes pollutant control provisions for construction sites.

Sec. 10-9.107 Regulatory Consistency

The provisions of this Chapter shall take precedence over and are controlling with respect to any conflicting or inconsistent provisions in this Code. This Chapter shall also be construed to assure consistency with the requirements of the Clean Water Act and the Porter-Cologne Act and acts amendatory thereof or supplementary thereto, any applicable implementing regulations, and the Small MS4 General Permit, and any amendment, revision or re-issuance thereof.

Sec. 10-9.108 Compliance Disclaimer

Compliance by any person with the provisions of this Chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements relating to the control of pollutant discharges or protection of stormwater quality, or both.

Sec. 10-9.109 Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter. The Board hereby declares that it would have adopted this Chapter and each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof without regard to whether any other section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter would subsequently be declared to be invalid or unconstitutional.

Sec. 10-9.110 Administration

Except as otherwise provided herein, the authority to implement this Chapter is vested in the Administrator who shall be responsible for the administration, implementation and enforcement of the provisions of this Chapter. Unless otherwise specified herein, any powers granted to or duties imposed upon the Administrator may be delegated by the Administrator to other County employees or, upon the approval of the Board, to employees of other public agencies.

Sec. 10-9.111 Disclaimer of Liability

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not imply that compliance will ensure that there will be protection from liability including civil penalties or that there will be no contamination, pollution, nor unauthorized discharge of pollutants into natural surface waters or the waters of the United States. This Chapter shall not create liability on the part of the County, or any officer or employee thereof for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder.

Article 2. Prohibited Discharges.

Sections:

10-9.201 Prohibited Discharges

- 10-9.202 Exceptions to Prohibited Discharges**
- 10-9.203 Exception to Otherwise Applicable Exemptions**
- 10-9.204 Threatened Prohibited Discharge**
- 10-9.205 Illicit Connections Prohibited**
- 10-9.206 Negligence or Intent Not Required**
- 10-9.207 Waste Disposal Prohibitions**

Sec. 10-9.201 Prohibited Discharges

Except as provided in Section 10-9.202, it shall be unlawful for any person to make or cause to be made an illicit discharge of any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater into the County storm drain system, natural surface waters, or watercourses.

Sec. 10-9.202 Exceptions to Prohibited Discharges

The following non-stormwater discharges to the County storm drain system or natural surface waters are exempt from otherwise applicable discharge prohibition set forth in Section 10-9.201:

(a) Any discharge regulated under a NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under the authority of the Federal Environmental Protection Agency or under State authority, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted by the County of Yolo for any discharge to the storm drain system.

(b) The discharge of stormwater containing pollutants that has been reduced to the maximum extent practicable by the application of best management practices or other management measures set forth in the County's Stormwater Management Program

(c) Any discharge from any of the following activities, unless the Administrator determines any otherwise exempt discharge causes or significantly contributes to violations of the Clean Water Act, Porter-Cologne Act, or this Chapter, or conveys significant quantities or concentrations of pollutants to the County storm drain system, natural surface waters, or watercourses:

- (1) water line flushing;
- (2) landscape irrigation;
- (3) diverted stream flows;
- (4) rising groundwater;
- (5) uncontaminated ground water infiltration [as defined in 40 CFR 35.2005 (20)];

- (6) uncontaminated pumped ground water;
- (7) discharges from potable water sources;
- (8) foundation drains;
- (9) air conditioning condensate;
- (10) irrigation water;
- (11) water from 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; or
- (18) discharges of flows from emergency fire fighting activities.

(d) Any discharges that the Administrator, the County Health Officer or the Regional Board determines in writing are necessary for the protection of public health and safety.

(e) With written concurrence of the Regional Board, the Administrator may exempt in writing additional categories of non-stormwater discharges determined not to be sources of pollutants to the County of Yolo storm drain system or natural surface waters.

Sec. 10-9.203 Exception to Otherwise Applicable Exemptions

Notwithstanding the exemptions provided for in Section 10-9.202 above, if the Regional Board or the Administrator determines that a discharge which is otherwise exempt from the prohibition on discharges causes or significantly contributes to the violation of any Receiving Water Limitation or results in the conveyance of significant quantities or concentrations of pollutants into the County storm drain system or to natural surface waters, or is otherwise a danger to public health or safety, the Administrator may give written notice to the discharger that the exception shall not apply to the discharge at issue following expiration of the thirty (30) day period commencing upon delivery of the notice. Upon expiration of such thirty (30) day period, any such discharge shall be unlawful. Upon finding that any discharge poses an immediate significant threat to the environment or to public health and safety, the Administrator may waive the thirty (30) day waiting period and require immediate cessation of the discharge.

Sec. 10-9.204 Threatened Prohibited Discharge

It shall be unlawful for any person to maintain, or cause to be maintained, a threatened prohibited discharge after having received notice of the Administrator's determination as to the existence of a threatened prohibited discharge.

Sec. 10-9.205 Illicit Connections Prohibited

(a) It shall be unlawful for any person to establish, use or maintain, or cause to establish, use or maintain, any illicit connection. Illicit connections shall be subject to removal or abatement by the County pursuant to Article 5 of this Chapter.

(b) The prohibition set forth in subsection (a) above shall apply to illicit connections in existence at the time this Chapter becomes effective. Upon the effective date of this Chapter, any person who maintains an illicit connection shall have thirty (30) days to disconnect and discontinue use of such connection or secure approval of such connection. Notwithstanding the provisions of this Section, any person who maintains an illicit connection, as defined in Section 10-9.104, may apply to the County for a permit to continue the connection subject to applicable County Standards. The submission of a permit application is not a substitute for compliance with the provisions of this Chapter and any applicable requirements of state or federal law, and the County, irrespective of whether a permit application has been submitted, may enforce this Chapter. No permit shall be issued for any connection or any physical facility or apparatus that is installed, intended, serves, or is known to convey a prohibited illicit discharge to the County storm drain system, natural surface waters, or watercourses in violation of this Chapter or any provision of state or federal law.

Sec. 10-9.206 Negligence or Intent Not Required

A violation of the provisions of this Chapter shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge.

Sec. 10-9.207 Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the County storm drain system, natural surface waters, or water of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for purposes of municipal waste collection are exempted from this prohibition.

Sec. 10-9.208 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Article 3. Reduction of Pollutants in Stormwater

Sections:

- 10-9.301 General Requirements**
- 10-9.302 Containment and Notification of Spills**
- 10-9.303 Best Management Practices**
- 10-9.304 Administrative Rules and Regulations**

Sec. 10-9.301 General Requirements

(a) The Administrator is authorized to designate as subject activities any activities, operations, or facilities identified as sources or potential sources of pollutant discharges to the County storm drain system, natural surface waters, or watercourses. A subject activity may occur at a stationary facility or it may occur as a mobile activity that takes place at various job sites.

(b) All persons engaged in subject activities that may result in pollutants entering the County storm drain system, natural surface waters, or watercourses shall implement Best Management Practices (BMPs), to the maximum extent practicable, to prevent and/or reduce such pollutants from entering non-stormwater discharges and/or stormwater discharges in accordance with Section 10-9.303, Best Management Practices, below.

(c) All BMPs shall be protected, inspected, and maintained to ensure continuous and fully effective performance as designed. A maintenance and inspection schedule for both dry and wet season BMPs shall be in writing and a record shall be kept with dates, BMP inspected or maintained, a description of any maintenance activity, and the name of the inspector or maintenance foreman. This record shall be made available to the Administrator upon request.

(d) Every person owning or occupying property adjacent to or through which a watercourse passes, shall keep and maintain that part of the watercourse within said property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly obstruct the flow of water through the watercourse. The property owner or occupant shall be responsible for obtaining and complying with any and all required permits necessary for conducting such activities.

(e) Whenever the Administrator finds that a discharge of pollutants is taking place or has occurred that results in or resulted in pollutants entering the County storm drain system or natural surface waters, the Administrator shall require by written notice to the owner or occupant of the property that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of Article 5, "Enforcement" below.

(f) The Administrator shall by written notice require that persons engaged in subject activities and/or owning or operating designated facilities, which may cause or contribute to stormwater pollution, illicit discharges, and/or non-stormwater discharges into the County storm drain system, natural surface waters, or watercourses, to undertake at said person's expense such monitoring and analyses and furnish such reports to the Administrator as deemed necessary to determine compliance with this Chapter.

Sec. 10-9.302 Containment and Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or person conducting any subject activity that has information of any spill, release or suspected release of pollutants or prohibited materials which result or may result in an illegal discharge into the County storm drain system or natural surface waters shall immediately take all reasonable action to ensure the discovery, containment, cleanup, and to otherwise minimize any such spill or release.

In the event such a spill or release is of a hazardous material, said responsible person shall immediately notify emergency response officials of the incidence by means of emergency dispatch services (911). Said responsible person shall notify the County Communication line at (530) 666-8920 for assistance.

For a non-hazardous prohibited material spill or release that has been contained and cleaned up, said responsible person shall notify the County Department of Planning, Resources and Public Works in person, by telephone, or facsimile no later than 5:00 p.m. the next business day. Notifications made in person or by telephone shall be confirmed by written notice within three business days of the personal or telephoned notice.

For any discharge subject to the reporting requirements of the State of California Water Code Sections 13271 and 13272, notification in compliance therewith shall constitute sufficient notification for the purposes of this Section.

Sec. 10-9.303 Best Management Practices

(a) Any person performing construction activities for which a building permit has been issued shall implement appropriate Best Management Practices (BMPs) to prevent the discharge of pollutants, to the maximum extent practicable, from the site into the County storm drain system or natural surface waters. These pollutants may include, but are not limited to, soils, construction wastes or debris, contaminants from construction materials, tools, and equipment.

(b) New development and redevelopment projects shall be required to implement post-construction BMPs to control the volume, rate, and potential pollutant load of stormwater runoff, including, but not limited to, requirements to minimize the generation, transport and discharge of

pollutants. The owners or operators of facilities required to implement post-construction BMPs shall enter into a maintenance agreement with the County for maintenance of such features.

(c) Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b), any person engaged in activities or operations, or owning or operating facilities or property which will or may result in pollutants entering the County storm drain system, or natural surface waters shall implement BMPs to the maximum extent practicable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide at the owner or operator's expense all reasonable protection from accidental discharge of prohibited materials or other pollutants into the County storm drain system or natural surface waters.

(d) Any facility which demonstrates to the satisfaction of the Administrator that it is in compliance with a State or Federal NPDES permit waste discharge requirements or waiver from waste discharge requirements for stormwater discharges shall be deemed to have met the requirements of the Chapter.

Sec. 10-9.304 Administrative Rules and Regulations

(a) The Administrator shall have the authority to implement all provisions of this Chapter by promulgation of rules and regulations that are consistent with this Chapter.

(b) Any rules and regulations promulgated by the Administrator, or amendments thereof, shall be filed with the Clerk of the Board of Supervisors. The Clerk shall cause announcement of said rules or regulations to be published in a newspaper of general circulation within ten calendar days. Such announcements shall provide a reasonable summary of the content of the rule. In addition, the Administrator shall make a reasonable effort to identify, notify, and provide copies to any industries that are specifically designated by the Administrator as subject to a rule or regulation. However, neither the failure of the Administrator to provide such notice nor the failure to receive individual notice shall exempt an industry from that rule or regulation. No regulations promulgated by the Administrator, or amendments thereof, shall be enforced or become effective until thirty (30) calendar days following the date on which notification of the regulations are published.

(c) Any person who asserts that he or she is aggrieved by the terms or application of a regulation issued pursuant to this Section may appeal the issuance of such regulation by filing a written notice of appeal with the Clerk of the Board pursuant to Yolo County Code Chapter 4, Appeals, of Title 1.

(d) Any regulation from which an appeal is filed prior to its effective date shall not become effective until the date of a final determination by the Board on the merits of the appeal. Any regulation from which an appeal is filed on or subsequent to the effective date thereof shall remain in full force and effect during the pendency of the appeal, and any decision that rescinds or modifies the regulation shall apply prospectively.

Article 4. Inspection and Monitoring

Sections:

- 10-9.401 Authority to Enter and Inspect**
- 10-9.402 Authority to Sample, Establish Sampling Devices, and Test**
- 10-9.403 County Inspection of Stormwater Conveyance System**
- 10-9.404 Fee Structure Authorized**

Sec. 10-9.401 Authority to Enter and Inspect

(a) The Administrator, or the Administrator's representative, has authority to conduct inspections related to purposes of implementing this Chapter on private or public property. Inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of the Chapter, including, but not limited to, visual evidence of an actual or potential violation of any provision of this Chapter, complaints received, knowledge or physical evidence of subject activities or other pollutant sources, random sampling, sampling in areas with evidence of stormwater contamination, illicit connections, discharge of non-stormwater to the County storm drain system or natural surface waters, or similar factors.

(b) In the event the owner, occupant or operator refuses the Administrator, or the Administrator's representative, entry to said property for purposes of conducting an inspection to determine compliance with this Chapter, the Administrator is hereby empowered to seek assistance from any court of competent jurisdiction to obtain such entry by the use of an administrative inspection warrant or a criminal search warrant.

(c) Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Administrator has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter, the Administrator or his or her designee may enter such premises at all reasonable times to inspect the same and to inspect and copy records relating to compliance with the provisions of this Chapter. In the event the owner or occupant refuses entry a request to enter and inspect has been made, the Administrator is hereby authorized to seek assistance from any court of competent jurisdiction to obtain such entry.

Sec. 10-9.402 Authority to Sample, Establish Sampling Devices, and Test

Authorization is hereby given the Administrator to enter private property and to take any samples and perform any testing deemed necessary to aid in the pursuit of an investigation and to record site activities. Notwithstanding Section 10-9.301 (f) above, which requires the person owning, occupying, or operating the premises at his expense to supply the Administrator samples and testing results upon written notice, this Section gives the Administrator the authority to enter private property and take such samples and perform such tests deemed necessary in a stormwater violation investigation.

Sec. 10-9.403 County Inspection of Stormwater Conveyance System

County staff will inspect and monitor the stormwater conveyance system to determine if illicit connections are present and if illegal discharges are entering the stormwater conveyance system, County storm drain system, or natural surface waters. If illegal discharges are detected, County staff will inspect the system to determine the source of the illegal discharge. County staff will notify the Administrator upon the detection of illicit connections and illegal discharges so that the provisions of this Chapter can be implemented. Regular inspection of the stormwater conveyance system will also include periodic sampling of the stormwater to monitor its quality. The County will impose a fee (based upon a fee schedule) for inspections of private stormwater collection system discharges to the County system.

Sec. 10-9.404 Fee Structure Authorized

The Administrator shall collect such fees as authorized by the Board of Supervisors to provide for the recovery of regulatory costs, including, but not limited to, routine inspections and other regulatory functions associated with implementation of this Chapter. Any such fees shall be established by resolution of the Board of Supervisors.

Article 5. Violations, Enforcement and Abatement

Sections:

10-9.501	Violations
10-9.502	Violations Deemed a Public Nuisance
10-9.503	Violation of an Existing NPDES Permit
10-9.504	Potential Violation of the Federal and/or State Stormwater Acts
10-9.505	Enforcement Authority
10-9.506	Notice of Violation
10-9.507	Appeal
10-9.508	Abatement by County
10-9.509	Charging Cost of Abatement/Liens
10-9.510	Compensatory Action
10-9.511	Urgency Abatement

Sec. 10-9.501 Violations

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. A violation or failure to comply with any of the requirements of this Chapter shall constitute a misdemeanor and shall be punished as set forth in Title 1, Chapter 2 of this Code.

Sec. 10-9.502 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the County at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the County.

Sec. 10-9.503 Violation of an Existing NPDES Permit

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit,. Proof of compliance with said permit may be required in a form acceptable to the Administrator prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

Sec. 10-9.504 Potential Violation of the Federal and/or State Stormwater Acts

Any person who violates any provision of this Chapter or any provision of any requirement issued pursuant to this Chapter, may also be in violation of the Clean Water Act and/or the Porter-Cologne Water Quality Control Act and may be subject to sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice to the violator of such potential liability.

Sec. 10-9.505 Enforcement Authority

(a) Any person who violates a provision of this Chapter is subject to either administrative, civil, or criminal liability as provided in this Chapter.

(b) The Administrator is granted the authority to use any of the provisions of Sections 10-9.506 through 10-9.511, where appropriate, to correct violations of and to secure compliance with the provisions of this Chapter.

Sec. 10-9.506 Notice of Violation

(a) Whenever the Administrator determines that a person in responsible position has violated this Chapter, or that a violation may occur, the Administrator may provide a warning to the person responsible for the condition giving rise to such violation or potential violation. At the Administrator's discretion such warning may include the distribution of educational materials to assist in future compliance with this Chapter. Issuance of a warning shall not be a requirement prior to using any enforcement provisions of this Chapter

(b) Whenever the Administrator determines that a violation has occurred, or may occur, the Administrator may serve a Notice of Noncompliance to any person responsible for the violation or potential violation. Each Notice of Noncompliance shall contain the following information:

- (1) The date of the violation;
- (2) The address or a definite description of the location where the violation occurred;
- (3) The Chapter Section violated and a description of the violation;
- (4) A description of how the violation can be corrected;
- (5) A time limit by which the noncompliance shall be corrected;
- (6) A description of further enforcement and/or corrective actions to be taken by the County if noncompliance is not fully corrected by the time limit;
- (7) The name and signature of the individual preparing the Notice of Noncompliance; and
- (8) Notice of potential liability under the Clean Water Act or Porter-Cologne Water Quality Act.

(c) In lieu of or following the procedures set forth in subsections (a) and (b), above, if the Administrator finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Administrator may order compliance by issuing a written notice of violation to the responsible person. Such notice may require without limitation the following:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) The violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation or maintenance of source control facilities or treatment BMP's.

- (7) Notice of potential liability under the Clean Water Act or the Porter-Cologne Water Quality Act.

(d) If abatement for a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remedy or restore within the established deadline, the work will be done by the County or a contractor designated by the Administrator and the expense thereof shall be charged to the violator pursuant to Section 10-9.509 below.

Sec. 10-9.507 Appeal

Notwithstanding the provisions in Section 10-9.509 below, any person receiving a written notice of violation under Section 10-9.506 above may appeal the determination of the Administrator pursuant to the provisions of Title 1, Chapter 4 of this Code.

Sec. 10-9.508 Abatement by County

If the violation has not been corrected pursuant to the requirements set forth in Section 10-9.506 above, or in the event of an appeal under Section 10-9.507, within 10 days of the decision of the Board of Supervisors upholding the decision of the Administrator, then the County or a contractor designated by the Administrator shall enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Administrator or designated contractor to enter upon the premises for the purposes set forth above.

Sec. 10-9.509 Charging Cost of Abatement/Liens

Within 30 days after abatement of the nuisance by the County, the Administrator shall notify the property owner of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the County Clerk within 14 days. The County Clerk shall set the matter for public hearing by the Board of Supervisors. The decision of the Board of Supervisors shall be set forth by resolution and shall be final.

If the amount due is not paid within 10 days of the decision of the Board of Supervisors or the expiration of the time in which to file an appeal under this article, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the County Auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

Sec. 10-9.510 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the Administrator may impose upon a violator alternative compensatory actions, including but not limited to storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Sec. 10-9.511 Urgency Abatement

The Administrator is authorized to require immediate abatement of any violation of this Chapter that constitutes an immediate threat to the health, safety or well being of the public. If any such violation is not abated immediately as directed by the Administrator, the County is authorized to enter onto private property and to take any and all measures required to remedy the violation. Any expense related to such remediation undertaken by the County shall be fully reimbursed by the property owner and/or responsible party.

SECTION 2. SEVERABILITY

This ordinance shall be liberally construed to achieve its purposes and preserve its validity. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 3. EFFECTIVE DATE.

This ordinance shall be and is hereby declared to be in full force and effect as of thirty (30) days from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the Daily Democrat, a newspaper of general circulation published in the County of Yolo.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yolo, held on the _____ of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Frank Sieferman, Jr., Chair
Board of Supervisors

Attest:
Ana Morales, Clerk
Board of Supervisors

By _____
Deputy
(Seal)

Approved as to Form:
Robyn Truitt Drivon, County Counsel

By _____
Philip J. Pogledich, Deputy