



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C-9

For the meeting of: May 26, 2015

Date: May 13, 2015

To: Board of Supervisors

From: *(Signature)* Thomas K. Mattson, Public Works Director

Subject: Adoption of Ordinance for Stormwater Quality Management and Discharge Control

RECOMMENDATION(S):

That the Board of Supervisors:

- Adopts Ordinance No. 2532 adding Chapter 7 to Title III of Division 3 of the Humboldt County Code regarding stormwater quality management and discharge control.

SOURCE OF FUNDING: General Fund - Water Management (1100251)

DISCUSSION:

On May 19, 2015, the Board introduced the above-referenced ordinance for adoption, directed the Clerk of the Board to publish the required pre-adoption summary of the ordinance, and set the ordinance for adoption on May 26, 2015. The staff report for introduction of the stormwater ordinance summarized the content and explained how the ordinance is necessary to comply with the State Water Resources Control Board's adopted Water Quality Order No. 2013-0001-DWQ and National Pollutant Discharge Elimination System General Permit No. CAS000004, which applies to stormwater discharges from small municipal separate storm sewer systems (MS4s) in accordance with the federal Clean Water Act. In addition, the staff report described the

Prepared by Hank Seemann

CAO Approval *(Signature)*

REVIEW:
Auditor _____ County Counsel Sm Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Meeting of: May 19, 2015

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor *Sundberg* Seconded by Supervisor *Bass*
Ayes *Sundberg, Lovelace, Fennell, Bohn, Bass*
Nays _____
Abstain _____
Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: May 26, 2015
By: *(Signature)*
Kathy Hayes, Clerk of the Board

relationship between the stormwater ordinance and the Humboldt Stormwater Low Impact Development Manual.

Today's recommended action completes the adoption of the proposed stormwater ordinance. If approved, the ordinance will take effect and be in force on June 25, 2015 (i.e., thirty days from the date of its passage).

FINANCIAL IMPACT:

Preparation of the stormwater ordinance and the Humboldt Stormwater Low Impact Development Manual is funded within the Water Management budget unit. The proposed action is covered under the existing Water Management budget for FY 2014-15 and will not impact the General Fund. The total cost for implementation of the ordinance and the post-construction requirements of the MS4 General Permit is unknown at this time. Public Works and Planning and Building will need to evaluate implementation costs during the initial stages and determine whether additional General Fund allocations and/or changes to the fee schedule are necessary.

The recommended actions conform to the Board of Supervisors' core roles of providing for and maintaining infrastructure and creating opportunities for improved safety and health as identified in the Board of Supervisors' Strategic Framework.

OTHER AGENCY INVOLVEMENT:

State Water Resources Control Board; North Coast Regional Water Quality Control Board; Cities of Eureka, Arcata, Fortuna, Trinidad; Planning and Building Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion

ATTACHMENTS:

Attachment | –Ordinance for Stormwater Quality Management and Discharge Control and Post-Adoption Summary

Attachment |

Ordinance for Stormwater Quality Management and Discharge Control and
Post-Adoption Summary

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of May 26, 2015

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT
ADDING CHAPTER 7 TO TITLE III OF DIVISION 3 REGARDING STORMWATER
QUALITY MANAGEMENT AND DISCHARGE CONTROL**

ORDINANCE NO. 2532

The Board of Supervisors of the County of Humboldt hereby ordains as follows:

SECTION 1. Chapter 7 is hereby added to Title III of Division 3 of Humboldt County Code regarding Stormwater Quality Management and Discharge Control, which shall read as shown on the attached page.

SECTION 2. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this Ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 26th day of May, 2015 on the following vote, to wit.

AYES:	Supervisors	Sundberg, Lovelace, Fennell, Bohn, Bass
NOES:	Supervisors	--
ABSENT:	Supervisors	--



ESTELLE FENNELL, Chair
Board of Supervisors of the County of Humboldt,
State of California

(SEAL)

ATTEST:
Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 
Ana Hartwell, Deputy

Chapter 7 - Stormwater Quality Management and Discharge Control

- § 337-1. Title.
- § 337-2. Purpose and Intent.
- § 337-3. Definitions.
- § 337-4. Applicability.
- § 337-5. Responsibility for Administration.
- § 337-6. Severability.
- § 337-7. Regulatory Consistency.
- § 337-8. Ultimate Responsibility of Discharger.
- § 337-9. Prohibition of Illegal Discharges.
- § 337-10. Prohibition of Illicit Connections.
- § 337-11. Waste Disposal Prohibitions.
- § 337-12. Discharges in Violation of Industrial or Construction Activity NPDES Stormwater Discharge Permit.
- § 337-13. Requirement to Prevent, Control, and Reduce Stormwater Pollutants.
- § 337-14. Requirement to Eliminate Illicit Discharges.
- § 337-15. Requirement to Eliminate or Secure Approval for Illicit Connections.
- § 337-16. Requirement to Remediate.
- § 337-17. Requirement to Monitor and Analyze.
- § 337-18. Notification of Spills.
- § 337-19. Authority to Inspect.
- § 337-20. Authority to Sample, Establish Sampling Devices, and Test.
- § 337-21. Enforcement - Violations.

TITLE III - LAND USE AND DEVELOPMENT

DIVISION 3

BUILDING REGULATIONS

CHAPTER 7

STORMWATER QUALITY MANAGEMENT AND DISCHARGE CONTROL

337-1. TITLE.

This Chapter shall be known as the "Stormwater Quality Management and Discharge Control Ordinance" of the County of Humboldt and may be so cited. (Ord. § / /2015)

337-2. PURPOSE AND INTENT.

The purpose and intent of this Chapter is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) and the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.) by reducing pollutants in stormwater discharges to the maximum extent practicable and by prohibiting non-stormwater discharges to the storm drain system. (Ord. § / /2015)

337-3. DEFINITIONS.

The terms used in this Chapter shall have the following meanings: (Ord. § / /2015)

(a) Best Management Practices (BMPs). 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 direct and indirect discharge of pollutants to the County storm drain system and to waters of the U.S. BMPs shall also be defined to include but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; design standards; facility management practices to control runoff, spillage or leaks of non-stormwater, waste disposal, and drainage from materials storage; erosion and sediment control; and the prohibition of specific activities, practices, and procedures and such other provisions as the County determines appropriate for the control of pollutants. (Ord. § / /2015)

(b) Clean Water Act. The Federal Water Pollution Control Act (33 U.S.C. §§1251, et seq.), and any subsequent amendments thereto. (Ord. § / /2015)

(c) County. The County of Humboldt. (Ord. § / /2015)

(d) Construction Activity. Any project that involves soil disturbing activities with the potential to discharge pollutants to the County storm drain system or waters of the U.S., including but not limited to, clearing, grading, paving, disturbances to ground such as stockpiling, and excavation. Construction

activities shall also be defined to include, but are not limited to, new construction, reconstruction, development, and redevelopment that create or replace impervious surfaces resulting in increased stormwater runoff compared to pre-construction activity site conditions. (Ord. _____, § _____, / /2015)

(e) Discharge. Any addition or introduction of any pollutant, storm drain system or waters of the U.S. (Ord. _____, § _____, / /2015)

(f) Discharger. Any person, entity, or responsible party who discharges or causes to discharge, either directly or indirectly, stormwater or any other material into the County storm drainage system or waters of the U.S. (Ord. _____, § _____, / /2015)

(g) Hazardous Materials. A hazardous material can generally be defined as anything that has potential to cause significant harm to human health or the environment. Hazardous materials include, but are not limited to, any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety, or to the environment, if released into the workplace or environment including hazardous substances, hazardous wastes, and any material which a handler or the responsible party has a reasonably believes would be injurious or harmful. (Ord. _____, § _____, / /2015)

(h) Illicit Discharge. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this Chapter. (Ord. _____, § _____, / /2015)

(i) Illicit Connections. An illicit connection is defined as either of the following: (Ord. _____, § _____, / /2015)

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or (Ord. _____, § _____, / /2015)

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the County. (Ord. _____, § _____, / /2015)

(j) Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, §122.26 (b) (14). (Ord. _____, § _____, / /2015)

(k) Maximum Extent Practicable. The minimum required performance standard for implementation of controls to reduce pollutants in stormwater. Maximum Extent Practicable is the cumulative effect of implementing, evaluating, and making corresponding changes to a variety of technically appropriate and economically feasible BMPs, ensuring that the most appropriate controls are implemented in the most effective manner. (Ord. _____, § _____, / /2015)

(l) National Pollutant Discharge Elimination System (NPDES). A national program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits. The NPDES also sets forth the necessary frame work for imposing and enforcing pretreatment requirements pursuant to the Clean Water Act. (Ord. _____, § _____ / /2015)

(m) Non-Stormwater Discharge. Any discharge to the storm drain system or waters of the U.S. that is not composed entirely of stormwater. (Ord. _____, § _____ / /2015)

(n) MS4. Municipal Separate Storm Sewer System. (Ord. _____, § _____ / /2015)

(o) MS4 General Permit. State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ and NPDES General Permit No. CAS000004 - Waste Discharge Requirements for Stormwater Discharges from Small MS4s, including any amendments or revisions thereto. (Ord. _____, § _____ / /2015)

(p) Pollutant. Anything which causes or contributes to pollution, including, but not limited to: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. (Ord. _____, § _____ / /2015)

(q) Pollution. An alteration of the quality of waters of the State of California or waters of the U.S. by waste to a degree which unreasonably affects the beneficial uses of the water or facilities which serve those beneficial uses. (Ord. _____, § _____ / /2015)

(r) Porter-Cologne Act. The Porter-Cologne Water Quality Control Act (California Water Code §§13000, et seq.) and any subsequent amendments thereto. (Ord. _____, § _____ / /2015)

(s) Premises. Any building, lot, parcel of land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips. (Ord. _____, § _____ / /2015)

(t) Responsible Party. A person, company, agency, or other entity that possesses an ownership interest (including, but not limited to, fee simple ownership, easement, leasehold or other rights of way) in a property, facility, or activity. (Ord. _____, § _____ / /2015)

(u) Storm Drain System. The basic infrastructure in a municipal separate storm sewer system that collects and conveys stormwater runoff to a treatment facility or receiving water body. (Ord. _____, § _____ / /2015)

(v) Stormwater. Surface runoff and drainage resulting from storm events and snowmelt. (Ord. _____, § _____ / /2015)

(w) Water Course. A natural or artificial channel through which water flows. (Ord. _____, § _____ / /2015)

(x) Waters of the State of California. Any surface water or groundwater, including saline waters, within the boundaries of the State of California (California Water Code §§13050, et seq.) (Ord. _____, § _____ / /2015)

(y) Waters of the U.S. Surface watercourses and water bodies as defined at 40 CFR 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 and during all times and seasons. (Ord. _____, § _____, / /2015)

337-4. APPLICABILITY.

(a) This Chapter shall apply to all water entering the County storm drain system or waters of the U.S. generated on any developed and undeveloped lands lying within the unincorporated areas of Humboldt County determined by the State Water Resources Control Board to be subject to permit coverage under the MS4 General Permit. Maps depicting the areas subject to the MS4 General Permit are on file and available at the Public Works Department and Department of Planning and Building. (Ord. _____, § _____, / /2015)

(b) Notwithstanding the provisions of this Chapter, any responsible party subject to an industrial or construction activity NPDES stormwater discharge permit, anywhere in the County, shall comply with all provisions of that permit. (Ord. _____, § _____, / /2015)

337-5. RESPONSIBILITY FOR ADMINISTRATION.

The Public Works Director and the Planning and Building Director of the County, or the designees thereof, shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Public Works Director and the Planning and Building Director may be delegated to persons or entities acting in the beneficial interest of or in the employ of the County. The County shall have the authority to review designs and proposals for new development, redevelopment, and existing facilities to determine whether adequate BMPs and other measures will be installed, implemented and maintained during construction and after project completion. (Ord. _____, § _____, / /2015)

337-6. SEVERABILITY.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter, or the application thereof to any responsible party, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter. (Ord. _____, § _____, / /2015)

337-7. REGULATORY CONSISTENCY.

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and the Porter-Cologne Act and any applicable implementing regulations, all as may be amended or supplemented from time to time. The County shall only require information in compliance with the Homeland Security Act or any other federal law that concerns security in the United States. This Chapter is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this Chapter should be considered minimum requirements, and where any provision of this Chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence. (Ord. _____, § _____, / /2015)

337-8. ULTIMATE RESPONSIBILITY OF DISCHARGER.

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore, this Chapter does not intend nor imply that compliance by any responsible party will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said responsible party. This Chapter shall not create liability on the part of the County, or any agent or employee thereof, for any damages that result from any discharger's reliance on this Chapter or any administrative decision lawfully made thereunder. (Ord. _____, § _____, /2015)

337-9. PROHIBITION OF ILLICIT DISCHARGES.

(a) No responsible party shall discharge, or cause to be discharged from the municipal storm drain system or watercourses, 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. (Ord. _____, § _____, /2015)

(b) Discharges of stormwater into the MS4 or waters of the U.S. in a manner causing or threatening to cause a condition of pollution or nuisance as defined in California Water Code §13050 are prohibited. (Ord. _____, § _____, /2015)

(c) The following types of discharges will be considered authorized non-stormwater discharges to the storm drain system and watercourses when properly managed to ensure, to the maximum extent practicable, that no potential pollutants are present, and therefore, shall not be considered illicit discharges unless determined to cause a violation of the provisions of the Clean Water Act, Porter-Cologne Act, this Chapter or other applicable laws and/or regulations: (Ord. _____, § _____, /2015)

- (1) Water line flushing;
- (2) Individual residential car washing;
- (3) Diverted stream flows;
- (4) Rising groundwater;
- (5) Uncontaminated groundwater infiltration to separate storm sewers;
- (6) Uncontaminated pumped groundwater;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensation;
- (10) Springs;
- (11) Water from crawl space pumps;
- (12) Footing drains;
- (13) Flows from riparian habitats and wetlands;
- (14) Dechlorinated swimming pool discharges;

(15) Incidental runoff from landscaped areas; and

(16) Discharges or flows from fire-fighting operations.

(d) This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State of California under authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations. (Ord. _____, § _____, / /2015)

(e) With written concurrence of the Regional Water Quality Control Board, the County may exempt in writing other non-stormwater discharges which are not a source of pollutants to the storm drain system or waters of the U.S. (Ord. _____, § _____, / /2015)

(f) Notwithstanding the requirements of this Chapter, the County may require, by written notice, that a responsible party immediately, or by a specified date, discontinue an illicit discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illicit discharges. (Ord. _____, § _____, / /2015)

337-10. PROHIBITION OF ILLICIT CONNECTIONS.

(a) The construction, use, maintenance or continued existence of any drain, conveyance, pipe, channel or other connection to the storm drain system, whether on the surface or subsurface, that may result in the discharge of a pollutant or pollutants into the County's storm drain system is prohibited. Such illicit connections include, but are not limited to, those that could allow sewage, wastewater and/or wash water to enter the storm drain system and connections from indoor drains and sinks. (Ord. _____, § _____, / /2015)

(b) 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. (Ord. _____, § _____, / /2015)

337-11. WASTE DISPOSAL PROHIBITIONS.

No responsible party 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 storm drain system or waters 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 the purposes of collection are exempted from this prohibition. (Ord. _____, § _____, / /2015)

337-12. DISCHARGES IN VIOLATION OF INDUSTRIAL OR CONSTRUCTION ACTIVITY NPDES STORMWATER DISCHARGE PERMIT.

Any responsible party subject to State Water Resources Control Board industrial or construction activity NPDES General Permits shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to, and 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. (Ord. _____, § _____, / /2015)

337-13. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS.

(a) Authorization to Adopt and Impose Best Management Practices. The County may adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the U.S. Where BMP requirements are promulgated by the County or any federal, state or regional agency for any activity, operation or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the U.S., every responsible party undertaking such activity or operation, or owning or operating such facility, shall comply with such requirements. (Ord. , § , / 2015)

(b) Post-Construction Measures. Development projects shall comply with the post-construction requirements of the MS4 General Permit, which may include measures for site design, source control, runoff reduction, stormwater treatment, or baseline hydromodification management as applicable based on project type and size. The County's procedures, standards and specifications for implementing the post-construction requirements of the MS4 General Permit are contained in the Humboldt Stormwater Low Impact Development Manual. The County shall incorporate post-construction requirements, as applicable, in any land use entitlement and construction or building-related permit to be issued relative to such development. The responsible party and developer shall comply with the terms, provisions, and conditions of such land use entitlements and permits. The Humboldt Stormwater Low Impact Development Manual can be obtained at the Humboldt County Public Works or Planning and Building Departments. (Ord. , § , / 2015)

(c) Responsibility to Implement BMPs. Notwithstanding the presence or absence of requirements promulgated pursuant to this Section, any responsible party engaged in activities or operations, or owning facilities or property, which will or may result in pollutants entering stormwater, the storm drain system or waters of the U.S. shall implement BMPs to the maximum extent practicable to prevent and reduce the pollutants. The responsible party or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the responsible party or operator's expense. Any responsible party performing construction and grading work shall implement BMPs to prevent the discharge of construction waste, debris, or contaminants from construction materials, tools and equipment from entering the storm drainage system. BMPs for each project, shall include, but not be limited to the use of the following: (Ord. , § , / 2015)

- (1) Scheduling construction activity;
- (2) Preservation of natural features, vegetation, and soil;
- (3) Drainage swales or lined ditches to control stormwater flow;
- (4) Mulching or hydroseeding to stabilize disturbed soils;
- (5) Erosion control to protect slopes;
- (6) Protection of storm drain inlets (gravel bags or catch basin inserts);
- (7) Perimeter sediment control (perimeter silt fence, fiber rolls);
- (8) Sediment trap or sediment basin to retain sediment on site;

- (9) Stabilized construction exits;
- (10) Wind erosion control;
- (11) Other soil loss BMPs acceptable to the enforcing agency;
- (12) Material handling and waste management;
- (13) Building materials;
- (14) Management of washout areas (concrete, paints, stucco, etc.);
- (15) Control of vehicle and/or equipment fueling to contractor's staging area;
- (16) Vehicle and equipment cleaning performed off site;
- (17) Spill prevention and control;
- (18) Other housekeeping BMPs acceptable to the enforcing agency.

(d) BMP Standards. Best Management Practices required by the County shall be consistent with the California Stormwater Quality Association Best Management Practice Handbooks or equivalent. (Ord. _____, § _____ / /2015)

337-14. REQUIREMENT TO ELIMINATE ILLICIT DISCHARGES.

Notwithstanding the requirements of this Chapter, the County may require, by written notice, that a responsible party immediately, or by a specified date, discontinue an illicit discharge and, if necessary, take measures to cleanup and abate the discharge, including elimination of the source of the discharge or cessation of activities contributing to the discharge in order to prevent the occurrence of future illicit discharges. (Ord. _____, § _____ / /2015)

337-15. REQUIREMENT TO ELIMINATE OR SECURE APPROVAL FOR ILLICIT CONNECTIONS.

(a) The County may require, by written notice, that a responsible party comply with the requirements of this Chapter to eliminate or secure approval for an illicit connection to the storm drain system by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of this Chapter. (Ord. _____, § _____ / /2015)

(b) If, subsequent to eliminating a connection found to be in violation of this Chapter, a responsible party can demonstrate that an illicit discharge will no longer occur, the responsible party may request County approval to reconnect. The reconnection or reinstallation of the connection shall be at the expense of the responsible party. (Ord. _____, § _____ / /2015)

337-16. REQUIREMENT TO REMEDIATE.

Whenever the County finds that a discharge of pollutants is taking place or has occurred which has the potential for, or has resulted in pollution of stormwater, the storm drain system, or waters of the State of California or U.S., the County may require, by written notice to the responsible party, that the pollution be remediated and/or abated within a specified time pursuant to the provisions of this Chapter. (Ord. _____, § _____ / /2015)

337-17. REQUIREMENT TO MONITOR AND ANALYZE.

The County may require by written notice of requirement that any responsible party engaged in any activity and for owning or operating any facility which may cause or contribute to stormwater pollution, illicit discharges, and/or non-stormwater discharges to the storm drain system or waters of the State of California or U.S., to undertake at the expense of that responsible party such monitoring and analyses and furnish such reports to the County as deemed necessary to determine compliance with this Chapter. (Ord. , § , / /2015)

337-18. NOTIFICATION OF SPILLS.

(a) Notwithstanding other requirements of law, as soon as any party responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the storm drain system or waters of the State of California or U.S. from said facility, said responsible party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. (Ord. , § , / /2015)

(b) In the event of a release of hazardous materials, the responsible party shall immediately notify the following emergency response officials: (Ord. , § , / /2015)

(1) Emergency Dispatch Services or the local emergency response agency (9-1-1); (Ord. , § , / /2015)

(2) California Office of Emergency Services Warning Center (1-800-852-7550); and (Ord. , § , / /2015)

(3) Humboldt County Division of Environmental Health (707-445-6215), or through the Humboldt County Sheriff's Office (707-445-7251) after hours. (Ord. , § , / /2015)

(c) In the event of a release of non-hazardous materials, the responsible party shall notify the County Public Works Department in person, or by phone, no later than 5:00 p.m. of the next business day. (Ord. , § , / /2015)

(d) Notifications of releases of hazardous and/or non-hazardous materials given in person or by phone shall be confirmed by written notice addressed and mailed to the County Public Works Department within three (3) business days of the initial notice. (Ord. , § , / /2015)

(e) If the discharge of prohibited materials emanates from a commercial or industrial establishment, the responsible party of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. , § , / /2015)

337-19. AUTHORITY TO INSPECT.

Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the County 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 County may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the responsible party or occupant refuses entry after a request to enter and inspect has been made, the County is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. _____, § _____, / /2015)

337-20. AUTHORITY TO SAMPLE, ESTABLISH SAMPLING DEVICES, AND TEST.

During any inspection conducted in compliance with this Chapter, the County may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities. (Ord. _____, § _____, / /2015)

337-21. ENFORCEMENT - VIOLATIONS.

(a) It shall be unlawful for any responsible party to violate any provision or fail to comply with any of the requirements of this Chapter. A violation of, or failure to comply with, any of the requirements of this Chapter shall constitute a misdemeanor and shall be punishable as specified in Section 112-5 - General Penalty; Continuing Violations of the Humboldt County Code. (Ord. _____, § _____, / /2015)

(b) Any condition caused or permitted to exist in violation of the provisions of the Chapter is a threat to public health, safety, and welfare and shall constitute a public nuisance and shall be subject to enforcement in accordance with the "Uniform Public Nuisance Abatement Procedures" set forth in Title III, Division 5, Chapter 1 of the Humboldt County Code. (Ord. _____, § _____, / /2015)

(c) Any responsible party who violates any provision of this Chapter or any requirement issued in compliance with this Chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this Chapter shall also include written notice of this potential liability to the responsible party. (Ord. _____, § _____, / /2015)

SUMMARY FOR PUBLICATION AFTER ADOPTION OF ORDINANCE

(The summary shall be published within fifteen (15) days after the adoption of the ordinance.)

SUMMARY

On _____, 2015, the Humboldt County Board of Supervisors adopted Ordinance No. _____ adding Chapter 7 to Title III of Division 3 regarding Stormwater Quality Management and Discharge Control to the Humboldt County Code.

A copy of the ordinance is posted in the office of the Clerk of the Board of Supervisors.

The votes were:

AYES:

NOES:

ABSENT: