

SCC NO. \_\_\_\_\_

**AN ORDINANCE REPEALING CHAPTER 15.12 AND REENACTING CHAPTER 15.12 OF TITLE 15 OF THE SACRAMENTO COUNTY CODE RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL**

The Board of Supervisors of the County of Sacramento, State of California, ordains as follows:

SECTION 1. Chapter 15.12, Section 15.12.010 through Section 15.12.560, of Title 15 of the Sacramento County Code is hereby repealed in its entirety.

SECTION 2. Chapter 15.12, Sections 15.12.105 through 15.12.660, is hereby added to Title 15 of the Sacramento County Code as follows:

**Article 1  
General Provisions**

**15.12.105 Title.**

This Chapter shall be known as the "STORMWATER ORDINANCE."

**15.12.110 Findings.**

a. The Federal Clean Water Act 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 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. Stormwater flows from individual properties to the County Storm Drain System and then ultimately to the waters of the State.

d. The County is a co-permittee under the Waste Discharge Requirements for County of Sacramento, Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt, and Rancho Cordova Area-Wide Storm Water Discharges From Municipal Separate Storm Sewer Systems Sacramento County (Order No. R5-2002-0206), dated December 6, 2002, which also serves as a National Pollutant Discharge Elimination System Permit under the Federal Clean Water Act (NPDES No. CAS082597). As a co-permittee, the County is required to possess the necessary legal authority, and to implement appropriate procedures, to regulate the entry of Pollutants and Non-Stormwater Discharges into and from the County Storm Drain System.

e. The County's Municipal Stormwater Permit requires the County effectively to prohibit Non-Stormwater Discharges from the unincorporated urbanized area of the

County into the County Storm Drain System except as otherwise permitted by Federal law.

f. Non-Stormwater Discharges and Stormwater Pollutants that are discharged directly to waters of the State without passing through the County Storm Drain System are not subject to the requirements of the Municipal Stormwater Permit. However, such discharges have the potential to degrade water quality and impact the quality of life for the people of the County. Regulation of such discharges by the County provides benefits to its people and protects the local environment.

g. 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 its Municipal Stormwater Permit and to protect the waters of the State for the benefit of its people and the environment.

#### **15.12.120 Purpose and Intent.**

a. This Chapter is adopted pursuant to Article XI, Section 7 of the California Constitution which authorizes the County to exercise its police power to protect and promote the public health, safety and general welfare. While Stormwater runoff is one step in the natural cycle of water, human activities, including, but not limited to, agriculture, construction, manufacturing and the operation of an urban infrastructure, may result in undesirable discharges of Pollutants and certain sediments. Such discharges may accumulate in local drainage channels and waterways and eventually may be deposited in the Natural Surface Waters. The purpose of this Chapter is to protect and enhance the watercourses within the unincorporated area of the County, by controlling the contribution of urban Pollutants to Stormwater runoff which enters the County Storm Drain System in a manner consistent with the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and Municipal Discharge Permit No. CAS082597, and by controlling Pollutants that are discharged directly to Natural Surface Waters.

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 comply with the requirements of the Federal Clean Water Act, the Porter-Cologne Water Quality Control Act and NPDES Municipal Storm Water Discharge Permit #CAS082597 as they apply to the Discharge of Pollutants into and from the County Storm Drain System;
5. to fully implement the County's Stormwater Quality Improvement Plan;
6. to protect the physical integrity and function of the County Storm Drain System from the effects of Pollutants and Materials other than Stormwater;
7. to prevent the contamination of groundwater as a result of pollution migration from the County Storm Drain System;
8. to promote cost effective management and beneficial use of sediments in the County Storm Drain System;

9. to protect the health and safety of maintenance personnel and the public who may be exposed to Pollutants in the County Storm Drain System or in Natural Surface Waters;
10. to provide for the recovery of regulatory costs incurred by the County in the implementation of this Chapter or its Stormwater Quality Improvement Plan, including, but not limited to, enforcement activities, compliance assistance, inspections, investigations, sampling and monitoring; and
11. to establish appropriate enforcement procedures and penalties for violations of the provisions of this Chapter.

#### **15.12.130 Definitions.**

Any term(s) defined in the Federal 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.

As used in this Chapter, the following words and phrases shall have the meanings set forth below unless the context clearly indicates otherwise.

- a. Administrator shall mean the Administrator of the County of Sacramento's Municipal Services Agency 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 to the County Storm Drain System or directly or indirectly to Natural Surface Waters. BMPs shall also be defined to include structural controls, treatment controls, source controls, training requirements, operating procedures, and practices to control plant 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 Sacramento.
- d. County shall mean the County of Sacramento.
- e. County Stormwater Permit shall mean a permit issued to industries by the County to establish requirements intended to eliminate Non-Stormwater Discharges and control, reduce, or eliminate Pollutants in Stormwater.
- f. County Storm Drain System shall mean those public man-made facilities within the unincorporated area of the County which 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, catch basins, water quality basins, detention basins, constructed wetlands, artificial channels, aqueducts, curbs, gutters, ditches, sumps, pumping stations, storm drain inlets, and storm drains.
- g. Director of Water Resources shall mean the Director of the County's Department of Water Resources, and his or her designees.
- h. Discharge shall mean the 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.
- i. 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.

j. Illicit Connection shall mean any physical connection to the County Storm Drain System or Natural Surface Waters which is not expressly authorized by the County.

k. Implementing Agency shall mean the agency or department designated by the Administrator to enforce the provisions of this Chapter with respect to a particular site, facility or industry category.

l. 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. 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. Municipal Stormwater Permit shall mean NPDES Permit #CAS082597, including any amendments thereto or successor permit, issued by the Regional Board to the County and the cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova, and Sacramento.

o. National Pollution Discharge Elimination System Permit or NPDES Permit shall mean a permit issued by either the Regional Board or the State Water Resources Control Board pursuant to Chapter 5.5 (commencing with Section 13370) of Division 7 of the Water Code to control Discharges from point sources to Natural Surface Waters.

p. Natural Surface Water shall mean creeks, natural ponds or lakes, wetlands, the Sacramento River, American River, Cosumnes River, Mokelumne River, or navigable waters of the Delta and shall include any Waters of the United States contained within the boundaries of the State. Natural Surface Waters does 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 which did not originate as surface runoff and drainage from storm events and snow melt, but essentially resulted from human activities, or Materials or processes under a persons 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, irrigation, aquaculture, recreation, cooking, and industrial processes; (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 contaminant or other substance which, as determined by the Administrator, is Discharged or has a reasonable potential to be Discharged in sufficient quantities or concentrations to cause exceedance of Receiving Water Limitations, or otherwise cause a violation of the Municipal Stormwater Permit. Pollutant may include, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive Material, dredged soil, rock, sand, industrial waste, feces, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon, surfactants, oil and grease, petroleum hydrocarbon, organic solvents,

metals, phenols, pesticides, nutrients, suspended or settleable solids, Materials causing an increase in biochemical or chemical oxygen or total organic carbon, substances which alter pH, and those Pollutants defined in Section 1362(6) of the Federal Clean Water Act.

t. Potential Discharger shall mean any Person who by nature of the enterprise, activity or Industry in which such Person is engaged, or by the use, possession or ownership of specified types of building, facility, equipment, or Materials, is determined by the Administrator to generate or have the capacity to generate Pollutants, wastes, or wastewater which have significant potential to be Discharged to the County Storm Drain System or directly to any Natural Surface Waters.

u. Premises shall mean any building, lot, parcel or land, or portion thereof, whether improved or unimproved.

v. Prohibited Non-Stormwater Discharge shall mean any Non-Stormwater Discharge to the County Storm Drain System or directly to Natural Surface Waters, which is not otherwise specifically authorized by this Chapter, the Regional Board, State or Federal law, or an NPDES permit.

w. Prohibited Non-Stormwater Discharge Installation shall mean any structure or equipment installed at a person's Premises that is not directly connected to the County Drain System, but nonetheless is intended or serves to Discharge or convey a prohibited Non-Stormwater Discharge to the County Storm Drain System or waters of the State.

x. Receiving Water Limitations shall be as defined and listed in Section C.1. of the Municipal Stormwater Permit or any successor document.

y. Receiving Waters shall mean surface bodies of water, as defined by the Municipal Stormwater Permit, including, but not limited to, creeks and rivers, which serve as Discharge points for the County Storm Drain System.

z. Regional Board shall mean the California Regional Water Quality Control Board, Central Valley Region.

aa. Significant Industrial Activity shall mean any industrial activity, individual industrial facility, or class of industrial facilities which is determined by the Administrator to Discharge or have the potential to Discharge Pollutants into Stormwater, or non-Stormwater in quantities or concentrations which may cause exceedance of Receiving Water Limitations, or for which a requirement has been imposed by the state or federal government on the County to conduct Stormwater regulatory activities focused on the facility or activity.

bb. Significant Redevelopment shall mean the creation or addition of at least 5,000 square feet of impervious surfaces on an already developed site. Significant Redevelopment includes, but is not limited to expansion of a building footprint, or replacement of a structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related to structural or impervious surfaces.

cc. Specified Performance Requirements shall mean standards adopted by the County that define required conditions or results regarding the elimination of Non-Stormwater Discharges or the control of Pollutants in Stormwater from specified sources.

dd. State Construction General Permit shall mean the State Water Resources Control Board's Order No. 99 - 08 – DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements (WDRS) for Discharges of Storm Water Runoff Associated With Construction Activity, and any successor documents.

ee. State Industrial General Permit shall mean the State Water Resources Control Board's "Water Quality Order No. 97-03-DWQ, National Pollutant Discharge Elimination System General Permit No. CAS000001, Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities" and any successor documents.

ff. Stormwater shall mean surface runoff and drainage resulting from storm events and snow melt, including surface runoff and drainage that contains Pollutants as a result of contact with man-made or natural sources.

gg. Threatened Prohibited Non-Stormwater Discharge means any condition or activity which does not currently result in a prohibited Non-Stormwater Discharge but is nevertheless determined by the Administrator to be a condition which results in a substantial likelihood of a future prohibited Non-Stormwater Discharge;

hh. Unmitigated Stormwater Pollutant Source shall mean any existing condition that if left unmitigated is reasonably likely, as determined by the Administrator, to result in a Discharge of Pollutants in Stormwater that will cause or contribute to an exceedance of Receiving Water Limitations, harm or interfere with the County Storm Drain System, or otherwise pose a threat to public health and safety.

ii. 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 provision.

#### **15.12.135 Construction.**

The provisions of this Chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and any acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit # CAS082597 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 which establishes the higher standard for public health and safety shall govern.

#### **15.12.140 Applicability.**

The provisions of this Chapter shall be applicable to all Dischargers and Potential Dischargers located within the unincorporated area of the County and all Dischargers or Potential Dischargers that Discharge either directly or indirectly into the County Storm Drain System. This Chapter shall also apply, within the unincorporated area of the County, to Stormwater and Non-Stormwater Discharges made directly to Natural Surface Waters. This Chapter shall not be applicable to Discharges occurring outside the unincorporated area of the County.

This Chapter shall apply to facilities subject to the State Construction General Permit; the Pollutant control provisions of the County Erosion and Sediment Control Ordinance, County Grading permit, or a Building Permit; or any other instrument of the County that establishes Pollutant control provisions for construction sites. However, compliance with the requirements of these permits and the Erosion and Sediment Control ordinance shall constitute compliance with this Chapter.

This Chapter shall not apply to activities conducted by or facilities operated by the State of California or by agencies of the Federal Government.

#### **15.12.150 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.

**15.12.160 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.

**15.12.170 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, 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.

**15.12.180 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.

**15.12.190 Disclaimer Of Liability.**

The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific, engineering and other relevant technical considerations. The standards set forth herein are minimum standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized Discharge of Pollutants into Natural Surface Waters. This Chapter shall not create liability on the part of the County or any officer or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made there under.

**Article 2  
Prohibited Discharges**

**15.12.200 Prohibited Non-Stormwater Discharge.**

Except as provided in Section 15.12.210, it shall be unlawful for any Person to make or cause to be made any Non-Stormwater Discharge into the County Storm Drain System or directly to Natural Surface Waters.

**15.12.210 Exceptions To Non-Stormwater Discharge Prohibition.**

The following Discharges to the County Storm Drain System are exempt from the otherwise applicable Discharge prohibition set forth in Section 15.12.200:

a. Any Discharge regulated under a NPDES permit issued to the Discharger, and administered by the State pursuant to Chapter 5.5 of Division 7 of the Water Code, provided that any such Discharge is in compliance with all requirements of the NPDES permit and all other applicable laws and regulations.

b. Any Discharge from any of the following activities provided that any such Discharge does not cause or contribute to the violation of any Receiving Water Limitation as determined by the Administrator

1. water line flushing;
2. landscape irrigation;
3. diverted stream flows;
4. rising ground waters;
5. uncontaminated ground water infiltration [as defined in 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 condensate;
10. uncontaminated irrigation water;
11. 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 or flows from emergency fire fighting activities.

c. Any Discharges which the Administrator, the County Health Officer or the Regional Board determines in writing are necessary for the protection of public health or safety.

d. Additional categories of Non-Stormwater Discharges which do not cause or contribute to the violation of any Receiving Water Limitation may be excepted from the otherwise applicable prohibition by the Administrator upon approval of the Executive Officer of the Regional Board, as provided in the Municipal Stormwater Permit, or any successor permit.

#### **15.12.220 Exception to Otherwise Applicable Exemptions.**

Notwithstanding the exemptions provided for in Section 15.12.210 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 of Pollutants to Natural Surface Waters, or is otherwise a danger to public health or safety, the Administrator may give written notice to the owner or operator of the facility that the Discharge 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 continuance of the Discharge poses an immediate significant threat to the environment or to public health and safety, the Administrator may waive the thirty day waiting period and require immediate cessation of the Discharge.

#### **15.12.230 Prohibited Stormwater Discharges.**

It shall be unlawful for any Person to Discharge, or cause to be Discharged, any Stormwater or Material to the County Storm Drain System which results in, or contributes to a violation of a Receiving Water Limitation or a violation of the Municipal Stormwater Permit.



**15.12.240 Prohibited Conditions.**

a. In the interest of preventing prohibited Discharges from occurring, it shall be unlawful for any Person to maintain, or cause to be maintained, any of the following conditions:

1. Unmitigated Stormwater Pollution Source;
2. Threatened Prohibited Non-Stormwater Discharge;
3. Prohibited Non-Stormwater Discharge Installation;
4. Illicit Connection;

b. Illicit Connections shall be subject to removal and abatement by the County pursuant to this Chapter and Chapter 16.02 of this Code.

c. The prohibition set forth in subsection (a)(4) above shall apply to Illicit Connections in existence at the time that this Chapter becomes effective. Upon the effective date of this Chapter, any Person who maintains an Illicit Connection shall have thirty (30) days from the effective date of this Chapter to disconnect and discontinue use of such connection. Notwithstanding the provisions of this section, any Person who maintains an Illicit Connection, as defined in Section 15.12.130, may apply to the County for a Sacramento County Water Agency Permit to continue the connection subject to applicable County standards. 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 Discharge to the County Storm Drain System or waters of the State.

**15.12.250 Negligence or Intent Not Required.**

A violation of the provisions of this Article 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.

**Article 3  
Reduction of Pollutants in Stormwater**

**15.12.300 General Requirements For Best Management Practices.**

Any Person engaged in activities which may result in Pollutants entering the Stormwater conveyance system shall, to the maximum extent practicable, undertake BMPs to reduce the risk of Non-Stormwater Discharge and/or Pollutant Discharge.

**15.12.302 Significant Industrial Activities.**

a. The Administrator may designate as Significant Industrial Activities those industrial activities or facilities which are identified as potentially significant sources of Discharges of Pollutants to the County Storm Drain System. A Significant Industrial Activity may occur at stationary facilities or as a mobile activity that takes place at various job sites.

b. Industries for which the Municipal Stormwater Permit specifies that the County shall conduct routine inspections, or which are listed in Municipal Stormwater Permit Provision 9 ii c, are hereby designated as Significant Industrial Activities.

c. Notwithstanding subsection (b) of this section, food establishments, as defined in the Section 113780 of the State of California Health and Safety Code, shall not be designated as Significant Industrial Activities.

d. Significant Industrial Activity designations that apply only to individual facilities may be made by the Administrator and are subject to appeal under section 15.12.540 of this chapter.

e. Significant Industrial Activity designations made by the Administrator pursuant to paragraph (a) of this section that apply to classes of activities or facilities shall be subject to the requirements of Section 15.12.330 of this chapter governing the adoption of regulations.

**15.12.305 County Stormwater Permit.**

a. The Administrator may require the owner or operator of a Significant Industrial Activity to obtain a County Stormwater Permit, which may establish any provisions necessary for the implementation of this Chapter, effective control of Stormwater Pollutants and Non-Stormwater Discharges, and compliance with the Municipal Stormwater Permit. Provisions may include but are not limited to applicable Specified Performance Requirements; and reporting, documentation, training, and monitoring requirements.

b. Notwithstanding subsection (a) of this section, food establishments, as defined in the State of California Health and Safety Code Section 113780, and industrial facilities required to obtain coverage under the State Industrial General Permit shall not be required to obtain a County Stormwater Permit.

c. The County Stormwater Permit shall describe the aspects of business to which it applies, which may include but are not limited to areas, equipment, buildings, industrial processes, or activities of the business.

d. Any Person who continues to own or operate a Significant Industrial Activity without obtaining a County Stormwater Permit if required by the Administrator, shall be in violation of this Chapter.

e. The Administrator may establish permit fees, according to the provisions of Section 15.12.450 of this Chapter, to fund the County's costs associated with regulating the permitted activity, including but not limited to administration, inspection, enforcement, compliance assistance, and outreach

f. The Administrator may revoke a County Stormwater Permit for significant violations of this Chapter. Prior to issuance or revocation of any permit, the Administrator shall establish, as part of the enforcement policy required by Section 15.12.555, written policy regarding permit administration, including timelines and criteria for permit revocation and permit reinstatement. Permit revocation and reinstatement decisions by the Administrator shall be subject to appeal under Section 15.12.540 of this Chapter.

**15.12.310 Containment And Notification Of Spills.**

a. Any Person owning or occupying a Premises, or conducting any activity, that has knowledge of any Non-Stormwater Discharge or Threatened Prohibited Discharge, from the Premises or activity to the County Stormwater conveyance system shall immediately take all reasonable action to contain and otherwise minimize any such Discharge.

b. The Administrator may designate types of industries where the owner or operator of the Industry shall be required to notify the Administrator or the Implementing Agency within twenty-four (24) hours of the discovery of an actual Discharge into the County Stormwater conveyance system.

c. 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.

**15.12.320 Specified Performance Requirements For Industrial Activities.**

a. The Administrator may establish Specified Performance Requirements for Significant Industrial Activities that are intended to apply to a class or classes of industries. Such requirements shall be subject to the provisions for adoption of regulations under Section 15.12.330 of this Chapter.

b. The Administrator may impose Specified Performance Requirements that apply to single facilities. Such requirements shall be subject to appeal under Section 15.12.540 of this Chapter.

c. Any facility that it is in compliance with its State or Federal NPDES permit for Stormwater Discharges for that facility shall be deemed to have met the requirements of Section 15.12.300, except that any Specified Performance Requirements applicable to such facilities shall also be met.

**15.12.322 Construction Sites With Building Permits.**

Any Person owning or operating a construction site for which a building permit has been issued shall implement BMPs to control the Discharge of Pollutants to the maximum extent practicable, and eliminate Non-Stormwater Discharges that are not in compliance with an NPDES permit.

**15.12.325 Post Construction Requirements For New Development And Significant Redevelopment.**

a. The Administrator shall be authorized to establish Specified Performance Requirements and requirements for BMPs as appropriate to minimize the long-term, post construction Discharge of Stormwater Pollutants from new development or Significant Redevelopment, to implement the Development Standards Plan, and to comply with the requirements associated with development standards in the Municipal Stormwater Permit, including but not limited to Provisions 16 through 26. The requirements for new development or redevelopment may include but are not limited to performance standards, source control BMPs, treatment BMPs, structural BMPs, operational BMPs, building material specifications or limitations, site design requirements, signage and marking, and associated maintenance programs or schedules.

b. Requirements established pursuant to subsection (a) may be included in development standards, building codes, building permits, conditions of development, or any other appropriate instrument administered by the County.

**15.12.327 BMP Maintenance Requirements.**

The Administrator may require a property owner to establish, document, and conduct a maintenance program, subject to approval, for any BMP or to ensure continued compliance with Specified Performance Requirements. This requirement may apply to BMPs required by the County or BMPs that were voluntarily installed. Such a maintenance program may be required when the Administrator determines that proper maintenance is necessary to protect public safety, health, infrastructure, or the environment, or to otherwise meet the purposes of this chapter. Maintenance requirements established pursuant to this subsection must be appropriate for the site conditions and design of BMPs.

**15.12.330 Administrative Rules And Regulations.**

a. The Administrator shall have the authority to promulgate regulations for the implementation of this Chapter. Prior to the Administrator's initiation of any proposed

regulations, the Administrator shall submit a public input plan to the Board for its approval. The public input plan approved by the Board shall be generally applicable to the promulgation of regulations by the Administrator.

b. All regulations promulgated by the Administrator shall be consistent with the provisions of this Chapter. Any such regulations, or amendments thereof, shall be filed with the Clerk of the Board. 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 which 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. The notice of appeal shall specifically identify the regulation or regulations from which the appeal is taken and the reasons for the appeal. Upon receipt of such notice, the Clerk of the Board shall schedule the appeal for a public hearing by the Board. At the conclusion of the public hearing the Board shall be vested with jurisdiction to deny the appeal or to rescind or modify the regulation. The Board's determination in this regard shall be final.

d. Any regulation from which an appeal is filed prior to its effective date shall not become effective until the date of a determination by the Board 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 which rescinds or modifies the regulation shall apply prospectively.

## **Article 4 Inspection and Monitoring**

### **15.12.400 Scope Of Inspections.**

a. Prior to commencing any inspection authorized pursuant to this Chapter, the Administrator shall obtain the consent of the owner or occupant of the Premises, an inspection warrant or a criminal search warrant.

b. The Administrator may 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 this Chapter, including, but not limited to, compliance with requirements of the Municipal Stormwater Permit, visual evidence, complaints received, knowledge or physical evidence of industrial 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 similar factors.

c. The Administrator may enter upon private property to investigate the source of any Discharge to any public street, inlet, gutter, storm drain or the County Storm Drain System.

d. The Administrator may enter upon private property for the purpose of verifying compliance with the provisions of this Chapter, including, but not limited to, the following:

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, Pollutants and other Discharges from the property;
3. investigating the natural slope of the premises, including drainage patterns and artificial conveyance systems;
4. establishing the location of all points of Discharge from the property, whether by surface run-off or through a storm drain system;
5. locating any prohibited condition, Illicit Connection, or the source of any prohibited Discharge; and
6. evaluating implementation of BMPs.

e. For purposes of verifying compliance with the provisions of this Chapter, the Administrator may inspect any vehicle, truck, trailer, tank truck or other mobile equipment, or any stationary equipment, which may reasonably be believed to be used by the business for business-related activities and to be associated with industrial sources of Pollutants or with Non-Stormwater Discharges.

f. The Administrator may inspect and copy all records of the owner or occupant of any Premises relating to chemicals or processes presently or previously occurring on-site, including Materials and/or chemical inventories, facilities maps or schematics or diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, State general permits, monitoring program plans or any other records relating to Illicit Connections, prohibited Discharges or the potential Discharge of Pollutants to the County Storm Drain System. In addition, the Administrator may require the owner or occupant to furnish, within a reasonable time period, copies of all such records.

g. The Administrator may inspect, sample and test any area runoff, soils area (including any 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 the contribution of Pollutants to the County Storm Drain System. The Administrator may investigate the integrity and layout of all storm drain and sanitary sewer systems or other pipelines on the Premises using appropriate tests, including, but not limited to, smoke and dye tests or video surveys. The Administrator may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the Premises.

h. The Administrator may erect and maintain monitoring and sampling devices for the purpose of measuring any Discharge or potential source of Discharge to the County Storm Drain System.

#### **15.12.430 Monitoring Requirements For Industrial Facilities.**

a. The Administrator may require Industries, at their own expense, to conduct and report monitoring of Stormwater and Non-Stormwater Discharges from their facilities and operations, for purposes necessary for the implementation of this Chapter or compliance with the Municipal Stormwater Permit. The goals of monitoring may include but are not limited to characterization of known and potential pollutant sources, pollutant content of discharges, and BMP effectiveness. Required forms of

monitoring may include but are not limited to toxicity, flow, and analysis of pollutant concentrations.

b. The Administrator may designate specific monitoring requirements and/or require the Discharger or Potential Discharger to submit a monitoring plan that describes specific monitoring requirements. Specific monitoring requirements may include sampling points, sampling times or deadlines, analysis and sampling methods, frequencies, storm event criteria, and other specifications necessary to ensure timely, adequate, accurate, and representative monitoring;

c. The Discharger or Potential Discharger shall ensure that the integrity of the sample is protected at all times, including collection, handling, splitting, transport, and storage. Deliberate tampering with or altering of a sample shall be a violation of this Chapter.

d. The Administrator may specify information that must be documented in association with any sampling and monitoring event. At a minimum, unless otherwise allowed by the Administrator, the discharger or potential discharger shall record and maintain the following information for each sampling event:

1. The date, exact place, method and time of sampling.
2. The name, title, and employer of the person or persons taking the samples.
3. Sample preservation used.
4. The dates analyses were performed.
5. Sample chain of custody forms.
6. Who performed the analyses.
7. Analytical methods used, including detection limits.
8. Quality assurance and quality control documentation.
9. Laboratory reports of analytical results.
10. Any unusual observations or conditions noted during sample acquisition or analysis.

e. Any information submitted pursuant to this section shall be subject to the approval of the Administrator and the Administrator may require additional information if the Administrator determines the information submitted is incomplete or insufficient.

#### **15.12.435 Reporting Requirements.**

a. The Administrator may require any Person to report information for purposes related to the purpose and intent of this chapter. Required information may include but is not limited to the following: characterization of industrial activities; compliance with this Chapter, compliance with a County Stormwater Permit; compliance with State General Permit requirements; compliance with the County Stormwater Ordinance; compliance with Administrative Enforcement Orders or other enforcement actions; Discharge monitoring; training; and BMP implementation, effectiveness, and maintenance.

b. The Administrator may require information to be submitted on an as needed basis, or according to a specific schedule as specified in a County Stormwater Permit.

c. The Administrator may require submitted information to be compiled, summarized, analyzed or organized in a reasonable manner that facilitates its interpretation or other use. As necessary to facilitate the use of information, the Administrator may also specify the medium and format of required submittals.

d. Failure to provide information in a timely manner as required by the Administrator, or knowingly or negligently providing false information shall be a violation of this Chapter.

**15.12.438 Confidentiality Of Information.**

a. Information and data on a Discharger or Potential Discharger obtained from inspections reports, questionnaires, applications, permits, monitoring programs, records, any other form of submittal to the County shall be available to the public or other governmental agency without notification unless the Discharger or Potential Discharger specifically requests confidentiality as to any portion thereof and is able to demonstrate to the satisfaction of the Administrator that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Discharger or Potential Discharger. Stormwater and non-Stormwater constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restriction.

b. When requested by a Discharger or Potential Discharger furnishing information to the County, the portions of that information which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to the County and other governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) and/or the pretreatment program. Those portions of the information shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Discharger or Potential Discharger furnishing the information.

c. Information and data requested from a Discharger or Potential Discharger which the Discharger or Potential Discharger believes to be proprietary and the release of which to the public would substantially impair the operations of the Discharger or Potential Discharger, may alternatively be provided to the County for its review at the facility of the Discharger or Potential Discharger rather than provided to the County for its keeping, at the discretion of the County. The burden will be on the Discharger or Potential Discharger to demonstrate to the satisfaction of the County that such information is proprietary and that this alternative procedure is necessary or appropriate and will not prevent the County from properly carrying out the objectives of this chapter

d. In the event access to or disclosure of any such confidential or proprietary information is requested pursuant to an action brought under federal or state laws, the County shall have the option, in its sole discretion, of defending itself in such action or requiring the Discharger or Potential Discharger to provide a defense. If the County makes written tender upon a Discharger or Potential Discharger to defend such an action with counsel acceptable to County and such Discharger or Potential Discharger does not appear in and assume the defense of such action within the time specified in the tender, the County shall be free to disclose the information to the party making request therefore. In any event, the Discharger or Potential Discharger shall be liable to the County in defending such action and for any judgment rendered against the County in such action. Payment of all such amounts shall be made by the Discharger or Potential Discharger within thirty (30) days of billing by the County.

**15.12.450 Fees.**

The Administrator shall collect such fees as may be established by the Board to provide for the recovery of regulatory costs, including routine inspections and other regulatory functions associated with this Chapter. Any such fees shall be established by resolution of the Board. Failure to pay required fees within the time period set in

policy established by the Administrator shall be a violation of this Chapter. There shall be no fee assessed to appeal the determination that a Person conducts any Significant Industrial Activity.

## **Article 5 Enforcement**

### **15.12.500 Enforcement At Construction Sites With Building Permits.**

Any Person found to be in violation of any provision of this chapter in connection with activities subject to a Building Permit issued pursuant to Chapter 16.02 of the Sacramento County Code, shall be subject to the enforcement provisions of both this chapter and Chapter 16.02.

### **15.12.505 Notice Of Violation.**

The Administrator may issue a Notice of Violation to any Person found to be in violation of a provision of this Chapter, including any regulation, permit, information request, order, variance, or other requirement that the Administrator is authorized to enforce or implement pursuant to this Chapter.

### **5.12.520 Cease And Desist Orders.**

a. Any violation of this Chapter in which the Administrator also determines that the violation constitutes an immediate threat to public health or safety, including by way of illustration and not limitation, significant harm to human or aquatic life or to the County Storm Drain System or Natural Surface Waters, may result in an order to immediately cease and desist all activities causing such immediate threat.

b. A Cease and Desist Order shall direct the owner or occupant of any Premises subject to this Chapter, or any Person named therein which is subject to this Chapter, to immediately discontinue all or specified Prohibited Conditions or Discharges to the County Storm Drain System, Natural Surface Waters, or otherwise, until such time as abatement actions sufficient in the determination of the Administrator have been satisfactorily effected and so confirmed by written amendment to said Cease and Desist Order.

c. Any Cease and Desist Order may be appealed pursuant to the Administrative Appeals process of this Chapter; provided, however, the effect of the Cease and Desist Order shall remain in effect pending final determination thereof. Nothing shall limit the Administrator's authority to continue enforcement actions under a pending Cease and Desist Order, including modifying a Cease and Desist Order consistent with the purpose and intent of the Chapter.

d. Any Cease and Desist Order shall be cumulative with all of the remedies in this Chapter and as provided by law.

e. A Cease and Desist Order shall inform the Discharger of the Administrator's authority and intent to conduct abatement of the violation according to Section 15.12.550, if the Discharger fails to comply with the requirements of the order within the specified time frame

f. If the Discharger fails to comply with a Cease and Desist Order within the time specified in the order, the Administrator may conduct abatement of the violation according to Section 15.12.550.

g. Nothing in this section requires the Administrator to issue a Cease and Desist Order before conducting summary abatement as provided under Section 15.12.550.



**15.12.525 Enforcement Actions, Content.**

- a. In addition to any other content, a Notice of Violation, or a Cease and Desist Order shall contain the following elements:
1. A citation of the provision of this Chapter that has been violated.
  2. A date by which by Discharger must be in compliance with this Chapter, or a date by which an action plan must be submitted by the Discharger to propose a means and time frame by which to correct violations. The Administrator may extend the compliance date when good cause exists for such an extension.
  3. Notification that continued non-compliance may result in additional enforcement action being taken against the business, facility, or any responsible persons.
  4. Notification that the County may recover any costs incurred by the County as a result of the violation.
  5. Notification that the recipient has a right to appeal the matter as set forth in Section 15.12.540 of this Chapter.
  6. Notification of appeal deadlines established according to Section 15.12.540 of this Chapter.
- b. In Addition to any other content, a Notice of Violation, or a Cease and Desist order may include the following:
1. Imposition of an Administrative Civil Penalty as specified in Section 15.12.560 of this Chapter.
  2. Establishment of terms, conditions, and requirements reasonably related to the provisions of this chapter, including the following:
    - A. Cessation of illicit discharges.
    - B. Correction of prohibited conditions.
    - C. A requirement for submittal of a written action plan for achieving and maintaining compliance with this chapter. The Administrator may require the action plan to address specific items, including the following:
      - i. Specific time schedules for compliance.
      - ii. Description of BMPs that will be implemented for containment, cleanup, removal, storage, or proper disposal of any Material having the potential to contribute Pollutants to Stormwater runoff.
      - iii. Identification of persons responsible for compliance with this Chapter.
  3. A requirement that the Person who receives it to submit written certification to the Administrator that the necessary corrective actions have been completed. As appropriate for the type of correction action taken, the Notice of Violation may require documentation that substantiates the certification, including but not limited to receipts, contracts, or photographs.
  4. Any other terms or conditions reasonably calculated to prevent additional or on-going violations of this Chapter.

**15.12.530 Delivery Of Notice.**

Any notice of violation, cease or desist order, permit revocation, or other enforcement action pursuant to the requirements of this Chapter shall be subject to the following requirements:

- a. Delivery shall be deemed complete upon either personal delivery to the recipient or by deposit in the U.S. mail postage pre-paid for first class delivery.

b. Where the recipient of the notice or order is the owner of the property, the address for notice or order shall be the address from the most recently issued equalized assessment roll for the property.

c. Where the owner or occupant of any Premises cannot be located after reasonable efforts of the Administrator, the notice or order shall be deemed delivered after posting on the Premises for a period of ten (10) business days.

#### **15.12.540 Administrative Appeals.**

a. The Administrator may designate and enter into agreements with persons to serve as Hearing Officers for administrative hearings held pursuant to this Chapter. Each Hearing Officer shall meet the requirements of Section 11425.30 of the Government Code and any other applicable restriction. The provisions of Section 15.12.450 notwithstanding, the Administrator is authorized to set the level of fees to be collected from the appellant to recover the County's costs, or portion thereof, for the hearing.

b. Any Person served with a Notice or Order pursuant to this Chapter may appeal and request a hearing by filing with party issuing the notice a written Request for Hearing. The filing period for a Request for Hearing shall be set in written policy by the Department issuing the Notice or Order, but shall in no case be less than 15 calendar days. Any Notice or Order shall notify the recipient of the specific date by which the notice must be filed. The Request for Hearing shall be filed with the party issuing the Notice or Order and must be accompanied by payment of the Hearing Officer fee, established by Administrator. If the Person filing a Request for Hearing prevails on appeal, then the Hearing Officer fee will be refunded by the Administrator. A Request for Hearing shall be deemed filed within the filing period if it is postmarked within that period. If a Request for Hearing is not filed within the proscribed filing period, the Notice, Order or other action or determination by the Administrator shall become final.

c. Except as provided in subsection (d), within ninety (90) calendar days of receipt of the Request for Hearing by the Administrator, the hearing shall be scheduled by the Administrator with a Hearing Officer designated by the Administrator, who shall conduct the hearing in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, and the Administrator shall have all the authority granted to an agency by those provisions. Except as provided in subsection (d), the Hearing Officer shall issue a decision within 60 calendar days after the completion of any hearing conducted pursuant to this section.

d. When a Cease and Desist Order is issued pursuant to this Chapter, the hearing shall be scheduled by the Administrator with a County Hearing Officer within 15 calendar days of receipt by the Administrator of the Request for Hearing. The County Hearing Officer shall issue a decision within 15 calendar days after the completion of any hearing conducted pursuant to this subsection.

e. The decision issued by the County Hearing Officer pursuant to subsection (c) or (d) shall be effective and final upon issuance. A copy of the decision shall be delivered by the Hearing Officer in accordance with Section 15.12.530.

f. If the Administrator finds that the violation(s) associated with a provision may pose an imminent and substantial endangerment to the public health or safety or the environment, any provision of an Order issued under this section, except the imposition of an Administrative Civil Penalty, shall take effect upon issuance. A request for a hearing shall stay an Administrative Civil Penalty but not stay the effect of that provision of the Order pending a hearing decision.

g. A decision issued pursuant to subsection (c) or (d) may be reviewed by a court pursuant to Section 11523 of the Government Code. In all proceedings pursuant to this section, the court shall uphold the decision of the Administrator if the decision is based upon substantial evidence in the record as a whole. The filing of a petition for writ of mandate shall not automatically stay any action required pursuant to this Chapter or the accrual of any penalties assessed pursuant to this Chapter. This subsection does not prohibit the court from granting any appropriate relief within its jurisdiction.

h. All administrative penalties collected from actions brought pursuant to this section shall be paid to the County department that imposed the penalty, and shall be deposited into a special account that shall be expended to fund the activities of the department to implement the provisions of this Chapter.

i. This section does not do any of the following:

1. Otherwise affect the authority of the Administrator to take any other action authorized by any other provision of law.

2. Restrict the power of a city attorney, district attorney, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

3. Prevent the Administrator from cooperating with, or participating in, proceeding specified in paragraph (2).

#### **15.12.550 Nuisance And Abatement.**

a. Any condition in violation of the provisions of this Chapter, including, but not limited to, the maintenance or use of any Illicit Connection or the occurrence of any prohibited discharge, is declared and deemed to be a public nuisance.

b. At the request of the Administrator, the County may seek a court order to enjoin or abate the nuisance, or both. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the Administrator shall issue a Cease and Desist Order to the owner and occupant, if any, of the Premises where the nuisance or threatened nuisance is occurring.

c. At the request of the Administrator, the County may seek an abatement warrant or other appropriate judicial authorization to enter the Premises where any nuisance or threatened nuisance is occurring and to abate the condition and restore the area.

d. In the event the nuisance constitutes an imminent danger to public safety or the environment, the Administrator may enter the Premises from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

1. An imminent danger shall include, but is not limited to, exigent circumstances created by the dispersal of Pollutants, where such Pollutants present a significant and immediate threat to the public health and safety or the environment.

2. Notwithstanding the authority of the County to conduct an emergency abatement action, an administrative hearing pursuant to Section 15.12.540 shall follow the emergency abatement action.

#### **15.12.555 Enforcement Policy.**

In the interest of achieving consistent enforcement of this Chapter, and in recognition of the need to have enforcement policy adapted to the structure and practices of various Implementing Agencies, each Implementing Agency that is delegated enforcement responsibility pursuant to this Chapter by the Administrator or

the Board shall submit, to the Director of Water Resources, a draft written enforcement policy. Each enforcement policy need only address those enforcement duties assigned to the Implementing Agency. Each policy shall address, if included in the delegated duties, the issuance of Notices of Violation, issuance of Cease and Desist Orders, County Stormwater Permit administration, abatement, compliance deadlines, filing periods for administrative appeals, and imposition of Administrative Civil Penalties Enforcement policies shall take into consideration such factors as the nature, circumstances, extent, and gravity of the violation, and the violator's past and present efforts to comply. Upon approval by the Director of Water Resources, the enforcement policy shall be deemed adopted by the Implementing Agency. Any amendments to the enforcement policy must be submitted to and approved by the Director of Water Resources.

**15.12.560 Administrative Civil Penalties.**

a. In addition to any other remedies provided by this Chapter, the Administrator may impose an administrative civil penalty of up to \$5,000 per day for each violation of this Chapter. Notice of any administrative civil penalty shall be served and proof of service shall be made in the same manner as provided in Section 15.12.530 hereof.

b. The order or notice establishing an administrative civil penalty shall state that the recipient has a right to appeal the matter as set forth in Section 15.12.540 of this Chapter.

c. Procedures concerning notice, conduct of the hearing, and service shall be as provided in Section 15.12.540 hereof. The order of the hearing officer concerning the administrative civil penalty shall be in writing resolving the essential issues raised and confirming, amending or rejecting the administrative civil penalty imposed by the Administrator. In reaching a decision concerning any administrative civil penalty, the hearing officer shall be guided by factors including, but not limited to the following: the danger to public health, safety and welfare represented by the violation, recidivism, and any economic benefit associated with non-compliance.

d. The manner of contesting the final order of the hearing officer concerning any administrative civil penalty is governed by Government Code Section 53069.4, or any successor provision thereto. Service of the notice of appeal authorized by Government Code section 53069.4 on the County shall be served upon the Clerk of the Board.

**15.12.570 Criminal Penalties.**

a. Any Person who negligently or knowingly violates any provision of this Chapter, undertakes to conceal any violation of this Chapter, continues any violation of this Chapter after notice thereof, or fails to implement BMPs in accordance with Section 15.12.302 shall be guilty of a misdemeanor and upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than six (6) months in the County Jail, or both.

b. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this Chapter, a Notice of Violation, a Cease and Desist Order, or failure to implement BMPs in accordance with Section 15.12.302 shall constitute a separate violation of this Chapter punishable by fines or sentences in accordance herewith.

c. The Administrator may authorize specifically designated County employees to issue citations for misdemeanor violations of this Chapter pursuant to Penal Code section 836.5.

**15.12.580 Miscellaneous Enforcement Provisions.**

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

b. The Administrator may request the County to file a civil action in a court of competent jurisdiction seeking an injunction against any threatened or continuing non-compliance with the provisions of this Chapter. Any temporary, preliminary or permanent injunction issued pursuant to this subsection may include an order for reimbursement to the County of all costs incurred in enforcing this Chapter, including, but not limited to, costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the County, costs relating to the restoration of the environment and any other costs or expenses authorized by law.

c. The Administrator may request the County to file an action for civil damages in a court of competent jurisdiction seeking recovery of any of the following:

1. All costs incurred in the enforcement of this Chapter, including, but not limited to, costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses authorized by law and consequential damages.

2. All costs incurred in mitigating harm to the environment or reducing the threat to human health.

3. Damages for irreparable harm to the environment.

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

e. The remedies available to the County pursuant to the provisions of this Chapter shall not limit the right of the County or any law enforcement agency to seek any other legal or equitable remedy that may be available to it.

f. Each day in which a violation occurs and each separate failure to implement BMPs in accordance with Section 15.12.302 or to comply with either a separate provision of this Chapter, an administrative enforcement order, or a cease and desist order shall constitute a separate violation of this Chapter punishable by administrative penalties in accordance with this Chapter.

**Article 6  
Recovery of Cost Abatement**

**15.12.600 Costs Of Abatement-Confirmation.**

a. When proceedings under this Chapter result in the correction of a violation of this Chapter or in a final determination that a violation exists subsequent to the date specified in any notice issued pursuant to the provisions of this Chapter, the costs of such proceedings incurred by the County may be assessed against the property. Such costs may include, but are not limited to, those incurred in inspecting property, publication, mailing and posting of notices, conducting hearings, processing appeals and pursuing any judicial action. It is the purpose of this section to allow the assessment against property of costs of proceedings if a violation is corrected in any manner.

b. The Administrator shall keep an account of the administrative and other costs of abatement, and shall submit to the Board for confirmation an itemized written report showing such costs and their proposed assessment to the respective properties. The report shall be filed with the Clerk of the Board not later than fifteen (15) calendar days in advance of the confirmation hearing required below.

c. Upon receipt of the report, the Clerk of the Board shall schedule a public hearing to receive protests and confirm the report. A statement of the proposed assessment and notice of the time, date and place of the hearing, together with reference to the report on file with the Clerk, shall be mailed to the owner or owners of each parcel of property proposed to be assessed shown on the last equalized assessment roll available on the date of mailing of the notice or any other address or addresses ascertained to be more accurate. Such notice shall be mailed not later than fifteen (15) calendar days in advance of the hearing. Notice of the time, date and place of the public hearing by the Board shall be published once in a newspaper of general circulation published with the County.

With respect to each property proposed to be assessed for which the name or the owner or owners is not shown on the last equalized assessment roll or no address for an owner is shown on the last equalized assessment roll, the notice shall show the name or names of the owner or owners, if such name or names are shown on the last equalized assessment roll, the assessor's parcel number, the street address of the property, if the property has an address and the address is known to the Administrator, the name of the street or road upon which such property abuts, if the property abuts upon a street or road, the amount of the proposed assessment and reference to the report on file with the Clerk. Such publication shall be made not later than fifteen (15) calendar days in advance of the hearing.

d. At the time fixed for receiving and considering the report, the Board shall conduct a public hearing and shall receive and consider any objections from members of the general public or property owners liable to be assessed for the abatement. Written protests or objections shall specify the date, hour and description of the subject property under hearing. The Board may continue the hearing and delegate to the Administrator or his designee the responsibility of hearing individual protests and submitting a recommendation with respect thereto; provided that the Board provides an opportunity for individual consideration of each project upon receipt of the recommendation by the Administrator. The Board may modify the report if it is deemed necessary. The Board shall then confirm the report by motion or resolution.

#### **15.12.610 Costs-Assessments.**

a. If the costs as confirmed are not paid within thirty (30) days of the date of mailing of the notice or date of publication pursuant to Section 15.12.600 above, such costs shall be assessed against the parcel of land pursuant to Section 25845 of the Government Code, and shall be transmitted to the Tax Collector for collection and shall be subject to the same penalties and the same procedures and sale in case of delinquency as provided for ad valorem taxes.

b. If subsequent to the mailing of the notice of violation and prior to transmittal of the notice of unpaid costs to the Tax Collector for collection as set forth in subsection (a) of this section, the property subject to the notice of violation is sold, or title otherwise transferred to a bona fide purchaser, said costs shall be the responsibility of the owner of record as of the date said notice of violation was placed in the United States postal system or posted on the property.

c. In addition to assessing the unpaid costs as provided in subsection (a) herein, the Tax Collector or his designated representative may pursue any remedy provided by law for collection of the unpaid costs.

**15.12.620 Treble Costs.**

Pursuant to Government Code Section 25845.5, upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that an owner is responsible for a condition in violation of this Chapter that may be abated pursuant to Government Code section 25845, a court may order the owner to pay treble the costs of abatement.

**15.12.630 Hearing Of Protests.**

Upon the day and hour fixed for the hearing, the Board shall hear and pass upon the report of the Administrator together with any such protests or objections. The Board may make such revision, correction or modification of the report or the charge as it may deem just; and in the event the Board is satisfied with correctness of the charge, the report of the Administrator (as submitted or as revised, corrected or modified) together with the charge, shall be confirmed or rejected. The decision of the Board on the report and the charge and on all objections or protests shall be final and conclusive.

**15.12.640 Assessment For Summary Abatement.**

Where the charge to be made is the result of summary abatement pursuant to Section 15.12.560(c), the Board may determine whether or not the action to abate was proper, and may confirm the charge or not as it may deem proper.

**15.12.650 Time For Contest Of Assessment.**

The validity of any assessment made under the provisions of this Chapter shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is ordered to be placed upon the assessment roll as provided herein.

**15.12.660 Filing Copy Of Report With County Auditor.**

A certified copy of the assessment shall be filed with the County Auditor on or before August 1. The descriptions of the parcels reported shall be those used for the same parcels on the map books of the County Assessor for the current year.

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on \_\_\_\_\_ and on \_\_\_\_\_ further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of

Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2004, by the following vote:

AYES: Supervisors,

NOES: Supervisors,

ABSENT: Supervisors,

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Chairperson of the Board of Supervisors  
of Sacramento County, California

(SEAL)

ATTEST: \_\_\_\_\_  
Clerk of the  
Board of Supervisors