

**ORDINANCE NO. SCC 2016-03**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SHASTA  
AMENDING THE SHASTA COUNTY CODE ADDING SECTION 18.10  
REGARDING STORM WATER QUALITY MANAGEMENT  
AND DISCHARGE CONTROL**

The Board of Supervisors of the County of Shasta ordains as follows:

**SECTION 1.**

Chapter 18 of the Shasta County Code is amended to add the following:

**CHAPTER 18.10**

**STORM WATER QUALITY MANAGEMENT AND DISCHARGE CONTROL**

**Division I**

**Title, Purpose and General Provisions**

**18.10.10 Purpose and Intent**

The purpose and intent of this Chapter is to protect and promote the health, safety and general welfare of the County's citizens by controlling non-storm water discharges to the County's storm water conveyance system and by reducing pollutants in storm water discharges to the maximum extent practicable. This Chapter is also intended to assist in the protection and enhancement of water quality of watercourses and water bodies in a manner pursuant to and consistent with the Clean Water Act (33 U.S.C. §1251 et seq.) and Porter-Cologne Water Quality Control Act, and to provide the County with the legal authority to fully implement and enforce provisions set under the *National Pollutant Discharge Elimination System General Permit No. CAS000004 for Storm Water Discharges from Small Municipal Storm Sewer Systems, Water Quality Order No. 2013-0001-DWQ*.

**18.10.20 Definitions**

Any term(s) defined in the Clean Water Act, as amended, and/or defined in the regulations for the storm water discharge permitting program issued by the United States 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. The terms used in this Chapter shall have the following meanings:

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce to the maximum extent practicable the discharge of pollutants directly or indirectly to the County storm water conveyance system or receiving waters. BMPs include but are not limited to treatment controls, structural controls, source controls, training requirements, facility management practices, and the prohibition of specific activities, practices, and procedures to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage that the County determines appropriate for the control of pollutants.

"Board of Supervisors" means the Board of Supervisors of the County of Shasta.

"Clean Water Act" or "CWA" means the Federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) and any subsequent amendments thereto.

"Construction activity" means activities including, but not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil, placement of fill materials, paving, pavement removal, demolition, exterior construction, substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing, or any activity which bares soil or rock.

"Construction General Permit" means the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* administered by the State of California in accordance with applicable provisions of the Clean Water Act and the Porter-Cologne Water Quality Control Act.

"County" means the County of Shasta.

"County storm water conveyance system" means those public or natural facilities within the County which are owned, operated, maintained or controlled by the County by which storm water may be conveyed to receiving waters, including, but not limited to, any County roads with drainage systems, municipal streets, catch basins, water quality basins, detention basins, constructed wetlands, natural and artificial channels, aqueducts, canyons, stream beds, gullies, curbs, gutters, ditches, sumps, pumping stations, and storm drains.

"Development" means the construction, building or placement of any structure or portion thereof, or any activity such as excavation or grading to improve site conditions. Development does not include routine maintenance to maintain original line and grade, hydraulic capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

"Discharge" means the release, threatened release, or placement of any material into the County's storm water conveyance system or receiving waters, including but not limited to storm water, non-storm water, waste water, solid materials, liquids, hazardous waste, raw materials, debris, litter, or any other substance.

"Hazardous material" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (California Health and Safety Code §25117).

"Illicit connection" means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface which allows an illicit discharge to enter the County's storm water conveyance system including but not limited to any conveyances which allow any non-storm water discharge to enter the County's storm water conveyance system and any connections to the County's storm water conveyance 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
2. Any drain or conveyance connected from a commercial or industrial land use to the County's storm water conveyance system which has not been documented in plans, maps, or equivalent records and approved by the County.

"Illicit discharge" means any direct or indirect non-storm water discharge to the County's storm water conveyance system or receiving waters which results in, or contributes to a violation of this Chapter, a violation of the MS4 Permit, or a violation of a Receiving Water Limitation, except as exempted in Division II, Section 18.10.100 of this Chapter. The term illicit discharge does not include discharges that are regulated by a NPDES permit (other than the MS4 Permit).

"Industrial activity" means any activity subject to the Industrial General Permit as defined in 40 CFR, Section 122.26(b)(14).

"Industrial General Permit" means the *NPDES General Permit for Storm Water Discharges Associated with Industrial Activities*, issued and administered by the State of California in accordance with applicable provisions of the Clean Water Act and the Porter-Cologne Water Quality Control Act.

"Maximum Extent Practicable" or "MEP" means the technology-based standard established by Congress in Clean Water Act section 402(p)(3)(B)(iii) for Small MS4 storm water discharges. MEP emphasizes pollution prevention and source control BMPs primarily in combination with treatment methods. The MEP approach is an ever-evolving, flexible and advancing concept, which considers technical and economic feasibility. As knowledge about controlling urban runoff continues to evolve, so does what constitutes MEP.

"Municipal Separate Storm Sewer System" or "MS4" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned by a state, county, city, town, or other public body, that is designed or used for collecting or conveying storm water, which is not a combined sewer, and which is not a part of a publicly owned treatment works.

"MS4 Permit" means the *NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s)*, issued and administered by the State of California in accordance with applicable provisions of the Clean Water Act and the Porter-Cologne Water Quality Control Act.

“MS4 Permit Area” means those areas of the County, which may change from time to time in accordance with the requirements of the MS4 Permit and the Regional Board, which are required to comply with the requirements of Section E.10, “Construction Site Storm Water Runoff Control Program,” and Section E.12, “Post Construction Storm Water Management Program,” of the MS4 Permit. The MS4 Areas shall be shown on the MS4 Area Map, to be created, maintained and updated, as needed, by the Public Works Director.

“National Pollutant Discharge Elimination System” or “NPDES” means the primary permitting program under the Clean Water Act (33 U.S.C. Section 1251 et seq.) which regulates most discharges to receiving waters.

“National Pollution Discharge Elimination System permit” or “NPDES permit” means 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 California Water Code to control discharges to Waters of the United States including, but not limited to, the Construction General Permit, Industrial General Permit and MS4 Permit.

“Non-storm water” means any surface flow, runoff, or drainage that is not entirely composed of storm water.

“Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; soil, sand, or sediment; oil and other automotive fluids; non-hazardous liquid, solid wastes and yard wastes; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; biological and fecal waste; dissolved and particulate metals; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

“Pollution” means the human-made or human-induced alteration of the quality of waters which unreasonably affects, or has the potential to unreasonably affect, either the waters beneficial uses or the facilities which serve these beneficial uses (California Water Code §13050).

“Porter-Cologne Act” means the Porter-Cologne Water Quality Control Act and as amended (California Water Code §13000 et seq.). Under the Porter-Cologne Act, the State Water Resources Control Board has the ultimate authority over state water rights and water quality policy. Porter-Cologne also establishes nine Regional Water Quality Control Boards to oversee water quality on a day-to-day basis at the local/regional level.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Property owner” means any person, entity, company, and/or authorized representative having title to real property within the geographic area affected by this article.

"Public Works Director" means the Director of the County of Shasta Public Works Department.

"Receiving Water Limitations" means water quality standards contained in a Statewide Water Quality Control Plan, the California Toxics Rule, or in an applicable Regional Water Quality Control Board Basin Plan.

"Receiving waters" means natural surface bodies of water, as defined by the MS4 Permit, including, but not limited to, creeks and rivers, which serve as discharge points for the County storm water conveyance system.

"Regional Water Quality Control Board" or "Regional Board" means the State of California Central Valley Regional Water Quality Control Board.

"Resource Management Director" means the Director of the County of Shasta Resource Management Department.

"Storm water" means any surface flow, runoff, or drainage consisting entirely of water from storm events and/or snow melt.

"Storm Water Pollution Prevention Plan" or "SWPPP" means a document that describes the BMPs to be implemented by the owner or operator to eliminate prohibited non-storm water discharges and/or reduce to the MEP pollutant discharges to the City storm water conveyance system as required by the Construction General Permit and Industrial General Permit.

"Subject activity" means any activity, operation or facility which discharges or has the potential to discharge pollutants to the County storm water conveyance or receiving waters.

"Threatened prohibited discharge" means any condition or activity which does not currently result in a prohibited discharge but has substantial likelihood of resulting in a prohibited discharge.

"Waters of the United States" means surface watercourses and water bodies as defined in 40 CFR Section 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 storm water at and during all times and seasons.

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

**18.10.30 Applicability**

The provisions of this Chapter are applicable to all users and potential users located within the County and all users that discharge either directly or indirectly into the County storm water conveyance system. Within the County this Chapter shall also apply to storm water and non-storm water discharges made to receiving waters.

**18.10.40 Responsibility for Administration**

- A. The Resource Management Director shall administer, implement, and enforce the provisions of this Chapter as they apply to non-County owned or operated facilities and activities and to discharges which originate on private property. Any powers granted or duties imposed upon the Resource Management Director may be delegated by the Resource Management Director to persons or entities acting in the beneficial interest or in the employ of the County.
- B. The Public Works Director shall administer, implement, and enforce the provision of this Chapter as they apply to County-owned or operated facilities and activities and to discharges which originate on public property or County-owned or maintained road right of ways. Any powers granted or duties imposed upon the Public Works Director may be delegated by the Public Works Director to persons or entities acting in the beneficial interest or in the employ of the County.
- C. Where, in this Chapter, both the Resource Management and Public Works Directors are listed as having authority, the applicable authority shall be decided by the responsibilities of administration defined in this section. Where only one of the two is listed, that party shall be the applicable authority.

**18.10.50 Severability**

The provisions of this Chapter are hereby declared to be severable. 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.

**18.10.60 Regulatory Consistency**

This Chapter shall be construed to assure consistency with the requirements of the Clean Water Act and Porter-Cologne Water Quality Control Act, and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations. In the event of any conflict between this Chapter and any federal or state law or regulation, that requirement which establishes the higher standard for public health shall govern. To the extent permitted by law, nothing in this Chapter shall preclude enforcement of any other applicable law, regulation, order, permit, or County ordinance.

**18.10.70 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 storm water quality, or both.

**18.10.80 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 intend nor imply that compliance will ensure that there will be no unauthorized discharge of pollutants into receiving waters. This Chapter shall not create liability on the part of the County, or any agent or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**Division II  
Discharge Prohibitions**

**18.10.90 General Discharge Prohibition**

It shall be unlawful for any person to discharge, or cause to be discharged to the County storm water conveyance system or to receiving waters:

- A. Any pollutant;
- B. Any non-storm water discharge, except as provided in Section 18.10.100;
- C. Any storm water discharge which results in, or contributes to a violation of a Receiving Water Limitation or a violation of an NPDES permit.

**18.10.100 Exceptions to Discharge Prohibitions**

The following discharges are exempt from the otherwise applicable non-storm water discharge prohibition set forth in Section 18.10.90:

- A. Any discharge regulated under a NPDES permit, waiver, or waste discharge order issued to the discharger, and administered by the state pursuant to Division 7 Chapter 5.5 of the California Water Code, provided that any such discharge is in compliance with all requirements of the NPDES permit, waiver, or order 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 and appropriate control measures to minimize the impacts of such discharges are developed and implemented as determined by the Resource Management or Public Works Director. This provision does not obviate the need to obtain any other appropriate permits for such discharges:
1. water line flushing
  2. individual residential car washing
  3. diverted stream flows
  4. rising ground waters
  5. uncontaminated groundwater infiltration (as defined in 40 CFR §35.2005(20)) 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 and untreated swimming pool discharges
  15. incidental runoff from landscaped areas
  16. discharges or flows from fire-fighting activities
- C. Any discharges which the Resource Management or Public Works Director, in concert with the Regional Board, determines in writing are necessary for the protection of public health or safety.
- D. Additional categories of non-storm water discharges which do not cause or contribute to the violation of any Receiving Water Limitation may be exempted from the otherwise applicable prohibition by the Resource Management or Public Works Director upon approval of the Regional Board, as provided in the MS4 Permit, or any successor permits.

#### **18.10.110 Exceptions to Discharge Prohibitions**

Notwithstanding the exemptions provided for in Section 18.10.100 above, if the Regional Board or the Resource Management or Public Works Director determine 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 receiving waters, or is otherwise a danger to public health or safety, the Resource Management or Public Works Director 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 a significant threat to the environment or to public health and safety, the Resource Management or Public Works Director may waive the thirty (30) day waiting period and require immediate cessation of the discharge.

**18.10.120 Threatened Discharge Prohibition**

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

**18.10.130 Prohibition of Illicit Connections**

- A. The construction, use or continued existence of illicit connections to the County storm water conveyance system is prohibited.
- 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. Upon the effective date of the ordinance codified in this Chapter, any person who maintains an illicit connection shall have thirty (30) days or a time determined by the Resource Management or Public Works Director from the effective date of the ordinance codified in this Chapter to disconnect and discontinue use of such connection.
- C. The Resource Management or Public Works Director may require by written notice that a person responsible for an illicit connection to the storm water conveyance system comply with the requirements of this Chapter to eliminate the illicit connection 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.
- D. 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.

**18.10.140 Discharge in Violation of an NPDES Permits**

Any person subject to an NPDES Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Resource Management or Public Works Director prior to or as a condition of a parcel map, tentative map, entitlement, building permit, grading permit, business license, or encroachment permit; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

**Division III**  
**Prevention and Reduction of Pollutants in Storm Water**

**18.10.150 General Requirements**

- A. The Resource Management or Public Works Director and/or state or federal agencies may designate as subject activities any activities, including construction and industrial activities, considered potential sources of discharges of pollutants to the County storm water conveyance system or receiving waters. The subject activity may occur at stationary facilities or as a mobile activity that takes place at various job sites. State or federal agencies may require the County to enforce regulatory measures against the subject activity in question.
- B. Industrial activities for which the MS4 Permit specifies that the County shall routinely inspect, or which are listed in MS4 Permit Section E.9. are hereby designated as subject activities.

**18.10.160 Authorization to Adopt and Impose Best Management Practices**

- A. Any person whom the Resource Management or Public Works Director determines is conducting any subject activity shall prevent or reduce the discharge of pollutants from those activities, to the MEP, through the implementation of BMPs.
- B. The Resource Management Director may require any business in the County that is engaged in activities that may result in non-storm water or pollutant discharges to develop and implement a SWPPP in accordance with the requirements established by the Resource Management Director,
- C. The Resource Management or Public Works Director may adopt standards or requirements and describe BMPs for specified subject activities. 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 County storm water conveyance system or receiving waters, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.
- D. Any alternative BMP implemented pursuant to subsection (C) of this section shall be subject to review and approval by the Resource Management Director or Public Works Director. If a person conducting subject activities implements alternative BMPs without the prior written approval of the Resource Management Director or Public Works Director and subsequently receives written notice from the Resource Management Director or Public Works Director that the alternative BMPs do not provide the required equivalent level of protection from pollutant-laden storm or exempted non-storm water discharges, the continued implementation of such alternative BMPs shall be deemed to be a violation of requirements of this Chapter as of the date of delivery of such notice.

- E. Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (A), (B) and (C) any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering the County storm water conveyance system or receiving waters shall implement BMPs to the MEP.
- F. Persons implementing BMPs will be required to establish, document, and conduct a maintenance program, subject to approval by the Resource Management or Public Works Director, for any BMP. This requirement applies to BMPs required by the County and BMPs that were voluntarily installed. Maintenance requirements established pursuant to this section must be appropriate for site conditions, design of the BMPs, and must protect public safety, health, infrastructure, the environment and meet the purposes of this Chapter.

**18.10.170 Spill Prevention and Response**

- A. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of pollutants into the County storm water conveyance system or receiving waters. Facilities to prevent accidental discharge of pollutants shall be provided and maintained at the owner or operator's expense.
- B. The Resource Management Director may designate types of industries where the owner or operator of the industry shall be required to notify the Resource Management Director within twenty-four (24) hours of the discovery of an actual discharge into the County storm water conveyance system. 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.
- C. Any person owning or occupying premises or conducting any activity that has knowledge of any non-storm water discharge or threatened prohibited discharge, from the premises or activity to the County storm water conveyance system or receiving waters shall immediately take all reasonable action to contain and otherwise minimize any such discharge.
- D. Notwithstanding other requirements of law, as soon as any person 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 pollutants from said facility or operation which are resulting or may result in illicit discharges or pollutants discharging into the County storm water conveyance system or receiving waters, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of such a release is of non- hazardous materials and not an emergency, said person shall notify the Resource Management and Public Works Departments in person or by phone no later than 3:00 p.m. of the next business day. If the discharge of pollutants emanates from a commercial or industrial establishment, the owner or operator

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.

**18.10.180 Requirement to Eliminate Prohibited Discharges**

Notwithstanding the requirements of Division III herein, the Resource Management or Public Works Director may require by written notice that a person responsible for a prohibited discharge immediately, or by a specified date, discontinue the discharge and, if necessary, take measures at the cost of the discharger to eliminate the source of the discharge to prevent the occurrence of future illicit discharges.

**18.10.190 Construction Sites**

- A. Any person owning or operating a construction site within an MS4 Permit Area shall implement BMPs to control the discharge of pollutants to the County storm water conveyance system or receiving waters to the MEP in compliance with Section E.10, "Construction Site Storm Water Runoff Control Program," of the MS4 Permit, the Construction General Permit and applicable County requirements.
- B. Requirements established pursuant to subsection (a) may be included in various County standards, the Shasta County Code, as conditions of permits issued by the County, County Development Standards, Conditions of Approval or any other appropriate instrument administered by the County. The owner and developer shall comply with the terms, provisions, and conditions as required in this Chapter.

**18.10.200 Industrial Sites**

- A. Any person owning or operating an industrial site within an MS4 Permit Area may be required, at the discretion of the Resource Management Director, to implement BMPs to control the discharge of pollutants to the County storm water conveyance system or receiving waters to the MEP, in compliance with the MS4 Permit, Industrial General Permit and County requirements.
- B. Requirements established pursuant to subsection (a) may be included in various County standards, the Shasta County Code, as conditions of permits issued by the County, County Development Standards, Conditions of Approval or any other appropriate instrument administered by the County. The owner and developer shall comply with the terms, provisions, and conditions as required in this Chapter.

**18.10.210 New Development and Redevelopment**

- A. Development and redevelopment projects within MS4 Permit Areas shall implement post-construction storm water management practices to control the discharge of pollutants to the County storm water conveyance system or receiving waters to the MEP in compliance with the applicable requirement of Section E.12, "Post Construction Storm

- B. Water Management Program,” of the MS4 Permit. The requirements may include, but are not limited to, performance standards, operational BMPs, site design measures, low impact development design standards, and hydromodification measures. The requirements may include associated maintenance programs and County access agreements.
- C. Requirements established pursuant to subsection (a) may be included in various County standards, the Shasta County Code, as conditions of permits issued by the County, Development Standards, Conditions of Approval or any other appropriate instrument administered by the County. The owner and developer shall comply with the terms, provisions, and conditions as required in this Chapter.

**18.10.220 Administrative Rules and Regulations**

- A. The Resource Management and Public Works Directors shall have the authority to promulgate regulations, policies, and standards for the implementation of this Chapter.
- B. All regulations, policies, and standards promulgated by the Resource Management and Public Works Directors shall be consistent with the provisions of this Chapter and the MS4 Permit.

**Division IV  
Inspection and Monitoring**

**18.10.230 Authority to Inspect**

- A. Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the Resource Management or Public Works Director 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 Resource Management or Public Works Director may enter such premises at all reasonable times to inspect the same and to inspect records related to storm water management compliance. In the event the owner 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.
- B. Routine or area 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 MS4 Permit, visual evidence, complaints received, knowledge or physical evidence of industrial activities or other pollutant sources, random sampling, sampling in areas with evidence of storm water contamination, illicit connections, and discharge of non-storm water to the County storm water conveyance system or similar factors.

- C. The Resource Management or Public Works Director may conduct inspections pursuant to this Chapter on private or public property. The Resource Management or Public Works Director may enter upon private property to investigate the source of any discharge to any public street, inlet, gutter, the County storm water conveyance system, or receiving waters.
- D. For purposes of verifying compliance with the provisions of this Chapter, the Resource Management or Public Works Director may inspect any vehicle, truck, trailer, tank truck or other mobile equipment, or any stationary equipment, which may reasonably be believed to be sources of pollutants or non- storm water discharges.

**18.10.240 Authority to Sample, Establish Sampling Devices, and Test**

- A. During any inspection as provided herein, the Resource Management or Public Works Director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.
- B. The Resource Management or Public Works Director may erect and maintain monitoring and sampling devices for the purpose of measuring any discharge or potential source of discharge to the County storm water conveyance system or receiving waters.
- C. The Resource Management or Public Works Director may investigate the integrity and layout of all storm drain and sanitary sewer system or other pipelines on the premises using appropriate tests, including, but not limited to, smoke or dye tests or video surveys.
- D. The Resource Management or Public Works Director may conduct any necessary surveys, take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the premises.

**18.10.250 Requirement to Monitor and Analyze**

The Resource Management or Public Works Director may require by written notice that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illicit discharges, and/or non-storm water discharges to the County storm water conveyance system or receiving waters, to undertake at said person's expense such monitoring and analyses and furnish such reports to the County as deemed necessary to determine compliance with this Chapter.

**18.10.260 Confidentiality of Information**

- A. Information and data on a discharger or potential discharger obtained from inspections reports, questionnaires, applications, permits, monitoring programs, records, or 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 Resource Management or Public Works Director 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.

- B. Storm water and non-storm water constituents and characteristics will not be recognized as confidential information, and effluent data shall be available to the public without restriction.

**18.10.270 Fees**

The Resource Management or Public Works Director shall collect such fees as may be established by the Board of Supervisors to provide for the recovery of costs associated with implementing this Chapter. Any such fees shall be established by resolution of the Board of Supervisors. Failure to pay required fees within the time period set in policy established by the Resource Management or Public Works Director shall be a violation of this Chapter.

**Division V  
Enforcement**

**18.10.280 Notice of Non-compliance**

All provisions of Chapter 18.10 shall be enforced pursuant to Chapter 1.08 and Chapter 1.12.

**18.10.290 Cease and Desist Orders**

- A. Any violation of this Chapter in which the Resource Management or Public Works Director 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 water conveyance system or receiving waters, may result in an order to immediately cease and desist all activities causing such immediate threat. A Cease and Desist Order may direct the owner or occupant of any premises, or any other person responsible for any violation of this Chapter, to take any of the following actions:
  - 1. Immediately discontinue any prohibited discharge
  - 2. Immediately discontinue any other violation of this Chapter
  - 3. Clean up the area affected by the violation
- B. If the Discharger fails to comply with a Cease and Desist Order within the time specified in the order, the Resource Management or Public Works Director may conduct abatement of the violation and the expense thereof shall be charged to the violator.
- C. In the event a condition in violation of the provisions of this Chapter constitutes an imminent danger to public safety or the environment, the Resource Management Director may enter the premises from which the violation emanates, abate the violation and restore any property affected by the violation, at the expense of the violator, without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

**18.10.300 Reimbursement of Fines**

In addition to any other remedies provided by this Chapter or any other law, the Resource Management or Public Works Director may also seek and recover reimbursement from any person whose conduct or activity results in any fine, penalty or other charges being imposed upon the County by any authorized federal, state, or local government agency, including, but not limited to, the Central Valley Regional Water Quality Control Board, for violations of the terms of the County's MS4 Permit or otherwise, up to the actual amount of the fine, penalty, or charge imposed upon the County.

**SECTION 2.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.**

This ordinance shall take effect thirty (30) days after its adoption and the Clerk of the Board shall certify the adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and its reading waived by the Board of Supervisors at a regular meeting on the 26th day of April, 2016 and was duly passed and adopted by the Board of Supervisors of the County of Shasta at its regular meeting on the 3rd day of May, 2016 by the following vote:

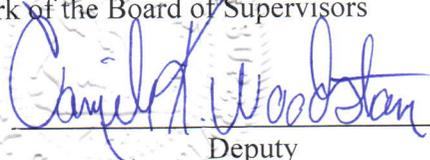
AYES: Supervisors Kehoe, Moty, Giacomini, Schappell, and Baugh  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None



PAM GIACOMINI, CHAIRMAN  
Board of Supervisors  
County of Shasta  
State of California

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By:  \_\_\_\_\_

Deputy