1014-2.002 Intent and purpose.

(a) The intent of this division is to protect and enhance the water quality of the county's unincorporated area watercourses pursuant to and consistent with the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.), the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.) and applicable implementing regulations.
(b) This division also carries out the conditions in the county's National Pollutant Discharge Elimination System (NPDES) permit issued by the San Francisco Bay Regional Water Quality Control Board that require, no later than February 15, 2005, implementation of appropriate source control and site design measures and stormwater treatment measures for projects that create or replace one acre (forty-three thousand five hundred sixty square feet) or more of impervious surface. Effective August 15, 2006, this threshold is reduced to projects that create or replace ten thousand square feet or more of impervious surface.
(c) It is the purpose of the board of supervisors in enacting this division to protect the health, safety and general welfare of the citizens of the unincorporated areas by:
(1) Eliminating, to the maximum extent practicable, illicit stormwater discharges to the stormwater system, pollutants of which otherwise would degrade the water quality of local streams.
(2) Minimizing increases in nonpoint source pollution caused by stormwater runoff from development that otherwise would degrade local water quality.
(3) Controlling the discharge to the county's stormwater system from spills, dumping, or disposal of materials other than stormwater.
(4) Reducing stormwater runoff rates and volumes and nonpoint source pollution whenever possible through stormwater management controls and ensuring that these management controls are properly maintained and pose no threat to public safety.
(5) Promoting no adverse impact (NAI) policies as developed by the Federal Emergency Management Agency (FEMA) and the Association of State Floodplain Managers (ASFPM), to the maximum extent practicable, in an effort to minimize the adverse impact of new development on stormwater quality or quantity. (Ord. 2005-01 § 2, 96-21 § 3).

1014-2.004 Definitions.

As used in this division, the following words and phrases have the following meanings. Words and phrases in this division not otherwise defined shall be interpreted as defined in the regulations issued by the U.S. Environmental Protection Agency to implement the provisions of the Federal Clean Water Act, and as defined by the State Water Resources Control Board to implement the Porter-Cologne Water Quality Control Act:
(a) "Authorized county employee(s)" means those individuals designated by the director.
(b) "Best management practices" or "BMPs" include both structural devices and operational practices and procedures. "Structural BMPs" are devices, measures, or stormwater management facilities or activities that help to meet development runoff requirements at the premises. "Operational BMPs" include schedules of activities, prohibitions or practices, general good housekeeping, pollution prevention practices, maintenance procedures, and other management practices that prevent or reduce the discharge of pollutants directly or indirectly to watercourses, water bodies and wetlands.
(c) "County's NPDES permits" mean the NPDES permits issued jointly to Contra Costa County and other public agencies by the San Francisco Bay Regional Water Quality Control Board and the Central Valley Regional Water Quality Control Board. These permits are Permit Nos. CAS0029912 and CAS0083313 respectively, and any amendments, reissuances or successors to these NPDES permits.
(d) "Development" as used in this division means on land, in or under water, the placement or erection of any solid material or structure; the discharge or disposal of

any dredged material or of any gaseous, liquid, solid or thermal waste; the grading, removing, dredging, mining or extraction of any materials; any change in the density or intensity of use of land, including, but not limited to, a subdivision established pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land; any change in the intensity of use of water, or of access thereto; any construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural or public agency routine maintenance purposes.

(e) “Development runoff requirements” means the provisions in the county’s NPDES permits that contain performance standards to address both the construction and post-construction phase impacts of new projects and redeveloped projects on stormwater quality. These requirements are in Section C.3 of the county’s NPDES permits.

(f) “Director” means the director of public works or his or her designee.

(g) “Guidebook” means the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook.

(h) “Illicit discharge” means any discharge to the county’s stormwater system that is not composed entirely of stormwater, except a discharge in compliance with a NPDES permit.

(i) “NPDES” means the National Pollutant Discharge Elimination System, established by the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act (33 U.S.C. Section 1251 and following).

(j) “Pollutant” means any material other than stormwater discharged into the water or stormwater system, including, but not limited to, petroleum products or by-products; solid waste; incinerator residue; sewage; sewage sludge; heat; chemical waste; biological materials; radioactive materials; wrecked or discarded equipment; rock; sand; soil; or industrial, municipal or agricultural waste.

(k) “Premises” means any building; structure; facility; land or portion of land whether improved or unimproved; or installation, including a building’s grounds or other appurtenances; and adjacent sidewalks and parking strips.

(l) “Responsible person” means the owner or occupant of any premises or any person who engages in any activity from which there is or may be a discharge prohibited by Section 1014-4.006, or any person who releases pollutants to the county’s stormwater system.

(m) “Stormwater” means flow of water on the surface of the ground resulting from precipitation.

(n) “Stormwater management facility” means any device designed to detain, retain, filter or infiltrate stormwater.

(o) “Stormwater control plan” means a plan that meets those criteria contained in the most recent version of the Contra Costa Clean Water Program Stormwater C.3. Guidebook.

(p) “Stormwater control operation and maintenance plan” means a county approved document detailing operation and maintenance requirements for stormwater management facilities incorporated into a project.

(q) “Stormwater system” means that system of facilities (man-made or natural) by which stormwater may be conveyed, including flood control channels, any roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, improved channels, storm drains, or storm drain system, which are not part of a publicly owned treatment works (“POTW”) as that term is defined in 40 CFR Section 122.2. (Ord. 2005-01 § 2, 96-21 § 3).

1014-2.006 Responsibility for administration.

The director or his or her designee shall administer this chapter for the county. (Ord. 2005-01 § 2, 96-21 § 3).

1014-4.002 Construction and application.

For the unincorporated area, this division shall be construed in a manner consistent with the requirements of the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act and amendments thereto, applicable implementing regulations, and the county's NPDES permits. (Ord. 2005-01 § 3, 96-21 § 3).

1014-4.004 Stormwater control plan required.

(a) The following developments are subject to the requirements of provision C.3 of the county's NPDES permits:
(1) Any development that creates one acre (forty-three thousand five hundred sixty square feet) or more of impervious surface, including roof areas, streets and sidewalks. Excluded from this category is the construction of one single-family home that is not part of a larger plan of development, provided that the home has appropriate pollutant source control and site design measures and uses landscaping to appropriately treat runoff from roof and house-associated impervious surfaces.
(2) Streets, roads, highways and freeways under the county's jurisdiction that create one acre (forty-three thousand five hundred sixty square feet) or more of new impervious surface. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features.
(3) Developments on previously developed sites that result in the addition or replacement of a combined total of one acre (forty-three thousand five hundred sixty square feet) or more of impervious surfaces. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance or repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.
(b) Effective August 15, 2006, the following developments are subject to the requirements of provision C.3 of the county's NPDES permits:
(1) Any development that creates ten thousand square feet or more of impervious surface, including roof areas, streets and sidewalks. Excluded from this category is the construction of one single-family home that is not part of a larger plan of development.
(2) Streets, roads, highways and freeways under the county's jurisdiction that create ten thousand square feet or more of new impervious surface. Excluded from this category are sidewalks, bicycle lanes, trails, bridge accessories, guardrails and landscape features.
(3) Developments on previously developed sites that result in the addition or replacement of a combined total of ten thousand square feet or more of impervious surfaces. Excluded from this category are interior remodels and routine maintenance or repair. Excluded routine maintenance or repair includes roof or exterior surface replacement, pavement resurfacing, repaving and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed.
(c) Every application for a development, including but not limited to a rezoning,

tentative map, vesting tentative map, parcel map, conditional use permit, variance, development plan, site development permit, design review, or building permit, that is subject to development runoff requirements in the county's NPDES permits, shall comply with all requirements of the county's NPDES permits and be accompanied by a stormwater control plan that meets the criteria in the guidebook. Applications will not be deemed complete for processing until after the stormwater control plan has been reviewed and approved for completeness.
(d) For any development where a stormwater control plan is required, implementation of an approved stormwater control plan and submittal of an approved stormwater control operation and maintenance plan is a condition precedent to the issuance of a certificate of occupancy or final inspection permit.
(e) All stormwater management facilities implemented pursuant to this subsection shall be designed, constructed, maintained, and operated according to all requirements of the county's NPDES permits, the guidebook, and the approved stormwater control operation and maintenance plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Unless a different time period is provided for in the plan, those responsible for maintenance shall inspect the stormwater management facility at least annually. The plan also shall describe how the maintenance costs will be funded. Upon the failure of a responsible person to maintain a stormwater management facility in accordance with this chapter or the plan, the county may use any of the remedies provided in Chapter 1014-6 or otherwise available in law or equity.
(f) If a stormwater control plan requires the construction of stormwater management facilities (structural BMPs), the property owner must comply with Chapter 94-4 and must provide recorded covenants, easements, or offers of dedication allowing access for inspection and maintenance of those facilities by the county, the Contra Costa Mosquito and Vector Control District, the regional water quality control boards, the fire protection districts, the sanitary or sanitation districts, the municipal improvement districts, the reclamation districts, and other public agencies that have jurisdiction over the property.
(g) To the extent provided in the county's NPDES permits, the following projects are exempt from this section:
(1) Projects for which a privately-sponsored development application has been deemed complete by the county by February 15, 2005; or
(2) Public projects for which funding has been committed and for which construction is scheduled by February 15, 2005. (Ord. 2005-01 § 3, 96-21 § 3).

1014-4.006 Prohibited discharges.

(a) The release of illicit discharges to the county stormwater system is prohibited.
(b) The following discharges are exempt from the prohibition set forth in subsection (a) of this section: flows from riparian habitats and wetlands; diverted stream flows; springs; rising groundwater; and uncontaminated groundwater infiltration.
(c) The following discharges are exempt from the prohibitions set forth in subsection (a) of this section if the regional water quality control board approves the exempted category under Section C.11 of the county's NPDES permits: uncontaminated pumped groundwater; foundation drains; water from crawl space pumps; footing drains; air conditioning condensate; irrigation water; landscape irrigation; lawn or garden watering; planned and unplanned discharges from potable water sources; water line and hydrant flushing; individual residential car washing; discharges or flows from emergency fire fighting activities; and dechlorinated swimming pool discharges. (Ord. 2005-01 § 3, 96-21 § 3).

1014-4.008 Discharge in violation of NPDES permit.

Any discharge that would result in or contribute to a violation of the county's NPDES permits, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge is the responsibility of the person(s) causing or responsible for the discharge. To the extent allowed by law, such person(s) or permitee(s) shall defend, indemnify and hold harmless the county, its officers, employees, and agents in any administrative or judicial enforcement action. (Ord. 2005-01 § 3, 96-21 § 3).

1014-4.010 Unlawful discharge and unlawful connections.

(a) It is unlawful to establish, use, maintain or continue unauthorized drainage connections to the county's stormwater system.
(b) It is unlawful to commence or continue any unauthorized discharge to the county's stormwater system. (Ord. 2005-01 § 3, 96-21 § 3).

1014-4.012 Reduction of pollutants in stormwater.

(a) Generally. Any person engaging in activities that may result in pollutants entering the county's stormwater system shall undertake all practicable measures to reduce such pollutants. Examples of such activities include the ownership and use of premises that may be a source of pollutants, such as parking lots, gasoline stations, industrial facilities, business enterprises and dwelling units.
(b) Litter. No person shall throw, deposit, leave, keep or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage or other discarded or abandoned objects, articles or other litter in or upon any street, alley, sidewalk, business place, creek, stormwater system, fountain, pool, lake, stream, river or any other body of water, or upon any public or private parcel of land, except in containers or in lawfully established waste disposal facilities.
(c) Sidewalks. The occupant or tenant, or in the absence of occupant or tenant, the owner or proprietor of any real property in front of which there is a paved sidewalk, shall maintain the sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained as required for the disposal of solid waste.
(d) Parking Lots, Paved Areas and Related Stormwater Systems. Persons owning, operating or maintaining a paved parking lot, a paved area of a gasoline station, a paved private street or road, or a related stormwater

system shall clean those premises as frequently and thoroughly as practicable in a manner that does not result in the discharge of pollutants to the county's stormwater system.

(e) Best Management Practices for New Developments and Redevelopments. All construction contractors performing work in the unincorporated area of the county shall conform to the requirements of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbooks for Construction Activities and New Development and Redevelopment, the Association of Bay Area Governments (ABAG) Manual of Standards for Erosion and Sediment Control Measures, the county's grading ordinance (Division 716 of the ordinance code), the ordinance codified in this chapter, and other generally accepted engineering practices for erosion control as required by the director. The director may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment as may be appropriate to minimize the discharge and transport of pollutants.

(f) Notification of Intent and Compliance with General Permits. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be adopted by the United States Environmental Protection Agency, the State Water Resources Control Board, or the regional water quality control board (San Francisco Bay Region or Central Valley Region), shall provide the notice of intent, comply with, and undertake all other activities required by any general stormwater permit applicable to such dischargers. Each discharger identified in an individual NPDES permit relating to stormwater discharges shall comply with and undertake all activities required by the permit.

(g) Compliance with Best Management Practices. Where best management practices, guidelines or requirements have been adopted by any federal, state, regional, city or county agency, for any activity or operation of premises that may cause or contribute to stormwater discharges prohibited pursuant to Section 1014-4.006, every person who undertakes such activity, or operation, or who owns or operates such premises, shall comply with such guidelines or requirements.

(h) Stormwater Pollution Prevention Plan. The director may require any business or utility in unincorporated areas of the county that is engaged in activities that may result in runoff pollutants or discharges prohibited by Section 1014-4.006 to develop and implement a stormwater pollution prevention plan, which must include an employee training program. Business activities which may require a stormwater pollution prevention plan include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading, fueling, vehicle maintenance, food handling or processing, or cleanup

procedures that are carried out partially or wholly out of doors.
(i) Coordination with Hazardous Material Release Response and Inventory Plans. Any business required by Chapter 6.95 of Division 20 of the Health and Safety Code (commencing with Section 25500) to submit a business plan or a risk management and prevention program (RMPP), or both, or any owner or operator of a hazardous water facility required by Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations to maintain a contingency plan, shall include in that plan or program provision for compliance with this division, including discharges prohibited under Section 1014-4.006 and the requirement to reduce the release of pollutants to the maximum extent practicable.
(j) Coordination with Vector Control Plan. All design, construction, operation and maintenance of stormwater management facilities shall conform to the requirements of the Contra Costa Clean Water Program's Vector Control Plan, as approved by a regional water quality control board. (Ord. No. 2005-01 § 3).

1014-4.014 Compliance certificates for stormwater management facilities.

Each year, the public works department will send notice to each person who owns premises containing stormwater management facilities. That person will be required to complete and submit a valid operation and maintenance certificate certifying to the inspection of and the proper operation and maintenance of the treatment measures and other appropriate source control and site design measures at that time and during the preceding year. (Ord. 2005-01 § 3).

1014-4.016 Authority to inspect.

(a) Generally. Routine or area inspections may be performed as deemed necessary to carry out the objectives of this division, including, but not limited to, random sampling, sampling in areas with evidence of stormwater contamination, evidence of the discharges prohibited under Section 1014-4.006 to the stormwater system, or similar factors. Inspections may also be conducted in conjunction with routine or scheduled inspections conducted by county departments, including Contra Costa Health Services, and other public agencies or special districts, including but

not limited to sanitary districts, sanitation districts, fire protection districts, the Contra Costa Mosquito and Vector Control District, regional water quality control boards, reclamation districts and municipal improvement districts.

(b) Authority to Sample and Establish Sampling Devices. With the consent of the owner or occupant, or pursuant to a search or inspection warrant, any authorized county employee may use on any property such devices as are necessary to conduct sampling or metering operations. During all authorized inspections, the authorized county employee may take any sample deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

(c) Notification of Spills.

(1) All persons in charge of a premises or responsible for emergency response for a premises have a responsibility to train premises personnel and maintain notification procedures to ensure that immediate notification is provided to the county of any suspected, confirmed or unconfirmed release of material, pollutants, or waste that creates a risk of discharges prohibited under Section 1014-4.006 into the county stormwater system.

(2) As soon as any person in charge of a premises or responsible for emergency response for the premises has knowledge of any suspected, confirmed or unconfirmed release of discharges prohibited under Section 1014-4.006 entering the county stormwater system, such person shall take all necessary steps to ensure the discovery, containment, and clean up of such release, and shall promptly notify the director of the occurrences by telephone. This notification requirement is in addition to and not in lieu of other required notifications.

(d) Requirement to Test or Monitor. Any authorized county employee may require that any person engaged in any activity that may cause or contribute to discharges prohibited under Section 1014-4.006, to undertake such monitoring activities or analysis, or both, and furnish such reports as the employee may specify. The burden of the requirements imposed, including costs, of these activities, analysis and reports shall bear a reasonable relationship to the need for the monitoring, analysis and

reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analysis and reports required in a timely manner.

(e) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this division, or whenever the director has reasonable cause to believe that there exists in any building or upon any premises any condition that makes such building or premises in violation of this division, the director may enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this division, with consent of the owner or occupant. If consent is refused, or if the owner or occupant cannot be located, the director may proceed pursuant to a search or inspection warrant. (Ord. 2005-01 § 3, 96-21 § 3).

1014-6.002 Violation constitutes misdemeanor or infraction.

Notwithstanding any other provision of this code, any person, firm, partnership, corporation or public agency that violates any provision of this division, or fails to comply with any of the mandatory requirements of this division, is guilty of a misdemeanor, unless, in the discretion of the public works director (as provided in this code) or the district attorney, it is charged and prosecuted as an infraction. (Ord. 96-21 § 3).

1014-6.004 Penalty for violation.

Upon conviction, a person shall be subject to punishment in accordance with Chapter 14-8. (Ord. 96-21 § 3).

1014-6.006 Continuing violation.

Every day that any violation of this division continues shall constitute a separate offense. (Ord. 96-21 § 3).

1014-6.008 Concealment.

Concealing, aiding or abetting a violation of any provision of this division shall constitute a violation of such provision. (Ord. 96-21 § 3).

1014-6.010 Acts potentially resulting in violation of Federal Clean Water Act or Porter-Cologne Act.

Any person who violates any provision of this division or a provision of any permit issued pursuant to this division, or who discharges waste or wastewater that causes pollution, or who violates any cease-and-desist order, prohibition or effluent limitation, may also be in violation of the Federal Clean Water Act or the Porter-Cologne Act, or both, and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under this division may also include notice to the violator of such potential liability. (Ord. 96-21 § 3).

1014-6.012 Violation deemed a public nuisance.

In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this division is a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated in accordance with the provisions of Chapter 14-6. (Ord. 96-21 § 3).

1014-6.014 Civil actions.

(a) In addition to any other remedies provided in this chapter, or otherwise provided by law, any violation of this chapter may be enforced by civil action brought by the
county. In any such action, the county may seek, as appropriate, any or all of the following remedies:
(1) A temporary restraining order, preliminary injunction and permanent injunction;
(2) An action for an unlawful business practice pursuant to Business and Professions Code Section 17206.
(b) In addition, any person violating this division may be liable for:
(1) Reimbursement for the costs of any investigation, inspection or monitoring which led to the discovery of the violation;
(2) Costs incurred in removing, correcting or terminating the adverse effect(s) resulting from the violation;
(3) Compensatory damages for the loss of, or destruction to, water quality, wildlife, fish or aquatic life. Costs and damages under this subsection shall be paid to the county and shall be used exclusively for costs associated with monitoring and establishing a stormwater discharge pollution control system and implementing or enforcing the provisions of this chapter;
(4) The cost of maintenance and repair of any stormwater management facility that is not maintained in accordance with all requirements of

the county's NPDES permits, the guidebook, the stormwater control plan, and the stormwater control operation and maintenance plan;
(5) The reasonable costs of preparing and bringing administrative action under this chapter. (Ord. 2005-01 § 4, 96-21 § 3).

1014-6.016 Remedies not exclusive.

The remedies identified in this division are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 96-21 § 3).

1014-6.018 Appeal.

Any person required to perform monitoring, analysis, reporting or corrective activities by any authorized county employee and who is aggrieved by this decision of the authorized county employee may appeal the decision in writing to the public works director within ten days following the effective date of the decision. Upon receipt of such appeal, the public works director shall request a report and recommendation from the authorized county employee and shall set the matter for hearing at the earliest practical date. At said hearing, the public works director may base his or her decision on additional evidence, and may reject, affirm or modify the authorized county employee's decision. The decision of the public works director may be appealed to the board of supervisors in accordance with the provisions of Chapter 14-4. (Ord. 96- 21 § 3).