

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 29 OF THE  
SANTA BARBARA COUNTY CODE RELATING TO  
STORM WATER MANAGEMENT AND DISCHARGE**

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1:

Chapter 29, Article IV entitled "Storm Water Management and Discharge Control" of the Santa Barbara County Code is hereby amended as provided herein.

SECTION 2:

Chapter 29, Article IV of the Santa Barbara County Code is hereby amended to read as follows:

**Article IV. - Storm Water Management and Discharge Control**

**Sec. 29-40. - Purpose.**

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of Santa Barbara County through the regulation of non-storm water discharges to the storm drainage system (also known as the "Municipal Separate Storm Sewer System" or "MS4"), to the maximum extent practicable as required by federal and state law. This article establishes methods for controlling the introduction of pollutants into the storm drain system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (a) To regulate the contribution of pollutants by any person to the storm drain system;
- (b) To prohibit illicit connections and discharges to the storm drain system;
- (c) To establish legal authority to carry out all inspection, surveillance monitoring and enforcement procedures necessary to ensure compliance with this article.

*(Ord. No. 4654, § 2)*

**Sec. 29-41. - Definitions.**

For the purposes of this article, the following words shall be defined as follows:

"Authorized enforcement agency" means the County of Santa Barbara public works department, designated as the agency responsible for enforcement of this article, or any authorized law enforcement agency.

ATTACHMENT B

"Authorized non-storm water discharges" means certain categories of discharges that are not composed entirely of storm water but which have not been found to pose a threat to local water quality. Authorized non-storm water discharges (as defined in Water Quality Order No. ~~2003-005-DWQ~~ 2013-001-DWQ) include:

~~Potable w~~Water line flushing

~~Landscape irrigation~~

Diverted stream flows

Rising ground waters

~~Irrigation water~~

Water from crawl space pumps

~~Lawn watering~~

Flows from riparian habitats and wetlands

~~Street wash water~~

Discharges or flows from emergency fire-fighting activities

~~Uncontaminated~~Unpolluted pumped groundwater

Foundation Drains

Discharges from potable water sources

Air conditioning condensateion

Springs

Footing drains

Individual residential car washing

Dechlorinated swimming pool discharges

Uncontaminated ground water infiltration (as defined at 40 CFR Section 35.2005(b)(20)) to a storm drain system

Incidental runoff from landscape irrigation

Any other discharge listed in 40 CFR Section 122.34(b)(3)(iii).

Notwithstanding the above, in the event that any authorized non-storm water discharge is found by the public works director or designee to cause or contribute to any failure to meet water quality standards or cause or ~~substantially~~ contribute to a condition of nuisance or pollution, the discharge is deemed pollution and is prohibited whether or not it appears on this list.

"Best management practices (BMPs)" means and includes schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent, control, reduce or remove the discharge of pollutants directly or indirectly into storm water, receiving waters, or storm drain system. BMPs also include treatment practices, operating

ATTACHMENT B

procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage (40 CFR Section 122.2).

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

"Construction activity" means activities subject to NPDES construction permits, ~~or~~ a grading permit pursuant to the Santa Barbara County Grading, Erosion, and Sediment Control Ordinance (No. 4477 Section 1), or any construction projects resulting in total land disturbance of one acre or more. Construction activity also includes the disturbance of less than one acre that is part of a larger common plan of development or sale that will ultimately disturb at least one acre. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition but do not include discing and other actions for preparing fields for planting or harvesting.

"Hazardous materials" 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 substantially 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.~~

"Hazardous waste" means waste substances that can pose a substantial or potential hazard to human health or the environment ~~when improperly managed.~~ The definition of hazardous waste and regulations pertaining to hazardous waste refer to Chapters 10 through 32 of Division 4.5 of Title 22 of the California Code of Regulations.

"Illegal discharge" means any direct or indirect non-storm water discharges to the storm drain system, except as exempted in this article. An illegal discharge does not include permitted non-storm water discharges that comply with permit and waste discharge requirements specified by the Regional Water Quality Control Board (hereinafter, regional board).

"Illicit connections" means an illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Illicit Discharge". See "Illegal discharge."

"Incidental Runoff" means the unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to

excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

"Industrial activity" means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14) as it presently exists or may hereafter be renumbered or amended.

"MS4" means Municipal separate storm sewer system. See "storm drain system."

"National pollutant discharge elimination system (NPDES) storm water discharge permit" means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. The State Water Resources Control Board has adopted general storm water discharge permits, including but not limited to, the general construction activity and general industrial activity permits.

"Non-storm water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.

"Nuisance" means anything that meets all of the following requirements: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property; (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; (3) occurs during, or as a result of, the treatment or disposal of wastes (California Water Code Section 13050). ~~and includes anything which is injurious to human health, or is indecent, or offensive to the senses and interferes with the comfortable enjoyment of life, or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, creek, bay, stream, canal, or basin, or any public park, square, street, or highway. The extent of annoyance or damage inflicted upon the individual or group of individuals may be unequal. A nuisance may be the result of the storage, removal, transport, processing, spillage, deposit or disposal of: liquid, solid, gaseous, radioactive or infectious substance into or onto an area that may cause contamination, or pollutants to enter into waters of the United States.~~

"Person" means any individual, association, organization, partnership, firm, corporation, agent or other entity recognized by law ~~and acting as either the owner or as the owner's agent.~~

"Permitted non-storm water discharge" means any non-storm water discharge that is regulated through an NPDES permit, discharge exemption or waiver, issued to the discharger by the EPA, (or by a state under authority delegated pursuant to 33 USC Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States.

"Pollutant" means all those "pollutants" defined in Section 502(6) of the federal Clean Water Act (33 U.S.C. Section 1362(6)), or California Water Code Section 13373. "Pollutant" means and includes anything that causes or substantially contributes to pollution. Examples of pollutants include, but are not limited to, the following:

- (1) Commercial and industrial waste (such as paints, varnishes, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge);
- (2) Metals, dissolved and particulate metals, such as cadmium, lead, zinc, copper, silver, nickel, chromium, and nonmetals such as phosphorus and arsenic;

ATTACHMENT B

- (3) Petroleum hydrocarbons (such as fuels, lubricants, surfactants, oils, solvents, coolants, grease and other automotive fluids) except for naturally occurring petroleum seeping to the surface;
- (4) Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of receiving waters, flora or fauna;
- (5) Human wastes such as sewage, septic effluent or gray water discharge;
- (6) Animal wastes (such as occur in confinement facilities, kennels, pens, recreational facilities, stables, and show facilities) which are not adequately controlled and disposed of;
- (7) Residential hazardous substances or wastes;
- (8) Substances having characteristics such as pH less than 6 or greater than 9, or unusual coloration or turbidity, or levels of fecal coliform, fecal streptococcus, enterococcus, or pathogens that represent potential for adverse effects on human health;
- (9) Otherwise lawful materials such as pesticides, herbicides, and fertilizers, whose improper use or storage causes or contributes to pollution;
- (10) Nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects;
- (11) Wastes and residues that result from constructing a building or structure and which are not controlled so as to prevent migration offsite.

"Pollution" ~~means an alteration of the quality of the environment of the state and shall be determined by the various standards prescribed from time to time by this state, the federal government, or any agency, department, or political subdivision of this state or the federal government, pursuant California Health & Safety Code section 44507 means the human-made or human-induced alteration of the quality of waters by the addition of waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the beneficial uses of the waters for beneficial uses or the facilities which serve these beneficial uses. (California Water Code, Section 13050)~~ or "man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." (Clean Water Act Section 502(19) [and U.S.C. Section 1362\(19\)](#)).

"Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act and as amended California Water Code, Section 3000 et seq.

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

"Public nuisance" means a public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal ([California Civil Code Section 3480](#)).

"Public works director" means the appointed director of the County of Santa Barbara public works department or designee.

"Redevelopment" means on a site that has already been developed, construction or installation of a building or other structure subject to the Permittee's planning and building authority including: 1) the creation or addition of impervious surfaces; 2) the expansion of a building footprint or addition or replacement of a structure; or 3) structural development including construction, installation or expansion of a building or other structure. It does not include routine road maintenance, nor does it include emergency construction activities required to immediately

protect public health and safety; (California Regional Water Quality Control Board, Central Coast Region, Resolution No. R3-2013-0032, Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region).

"Regional board" means the Central Coast Regional Water Quality Control Board. "Regional board" also means the regional board executive officer acting pursuant to a valid delegation of authority.

"Responsible party" means every owner, seller, tenant, lessee, agent, occupant or other person answerable for the day-to-day operation or otherwise in charge of any residential, commercial or industrial premises in the county, including the proprietor or manager of any commercial premises.

"Storm drain system" also known as MS4 or municipal separate storm sewer system. Storm drain system means a publicly owned facilityies by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems; municipal streets, gutters, ditches, curbs, inlets, piped storm drains, pumping facilities; retention and detention basins; natural, ~~an~~ d-human-made or altered drainage channels, reservoirs, ~~orand~~ other drainage structures which are within the unincorporated areas of the county and not part of a publicly owned treatment works as defined at 40 CFR Section 122.26(b)(8).

"Storm water" means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Storm water pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a responsible party or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to a storm drain system.

"Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

"Waters of the United States" means surface watercourses and water bodies included in the definition of "waters of the United States" in 40 CFR Section 122.2. For purposes of this article, "waters of the United States" includes 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 water at and during all times and seasons.

*(Ord. No. 4654, § 2)*

**Sec. 29-42. - Applicability.**

This article shall apply to all discharges entering the storm drain system generated on any developed and/or undeveloped lands lying within the unincorporated area of the county.

Agricultural discharges are regulated by State Water Resources Control Board (SWRCB) and/or Regional Water Quality Control Board (RWQCB) pursuant to waiver and/or formal policy and therefore are exempt from this article provided compliance with all relevant permit, waiver or policy conditions established by the SWRCB or RWQCB are maintained to the satisfaction of SWRCB or RWQCB.

In the event that any section of this article conflicts with any county or other enforceable standard for discharges, the more stringent standard shall apply.

*(Ord. No. 4654, § 2)*

**Sec. 29-43. - Responsibility for administration.**

The public works director shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the Santa Barbara County public works department may be delegated in writing by the director of the Santa Barbara County public works department to persons or entities acting in the beneficial interest of or in the employ of the County of Santa Barbara.

*(Ord. No. 4654, § 2)*

**Sec. 29-44. - Severability.**

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, responsible party, establishment, or circumstances shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions or application of this article.

*(Ord. No. 4654, § 2)*

**Sec. 29-45. - Regulatory consistency.**

This article shall be construed to assure consistency with the requirements of the federal Clean Water Act and the Porter-Cologne Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.

*(Ord. No. 4654, § 2)*

**Sec. 29-46. - Ultimate responsibility.**

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore this article does not intend nor imply that compliance by any responsible party will ensure that there will be no contamination, pollution, nor unauthorized discharge of

pollutants into or upon waters of the United States caused by said responsible party. This article shall not create liability on the part of the County of Santa Barbara or any agent or employee thereof for any damages that result from any discharger's reliance on this article or any administrative decision lawfully made thereunder.

*(Ord. No. 4654, § 2)*

**Sec. 29-47. - Discharge prohibitions.**

(a) Waste Disposal Prohibitions. No person shall ~~effect or permit the throwing, depositing, leaving, maintaining, or -keeping,~~ or permit to be thrown, deposited, left or maintained any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations in or upon any public or private property, driveway, parking area, street, road, alley, sidewalk, component of the storm drain system, ~~any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations,~~ so that the same may cause or contribute to pollution. Wastes appropriately deposited in proper waste receptacles for the purposes of routine collection are exempted from this prohibition.

(b) Prohibition of Illegal Discharges.

(1) No person shall discharge or cause to be discharged into the storm drain system any materials~~---~~including but not limited to pollutants~~---~~or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards,~~other than storm water.~~

(2) The commencement, solicitation, facilitation, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(A) Authorized non-storm water discharges will not be considered a source of pollutants to the storm drain system and are exempt from discharge prohibitions established by this article, when properly managed to ensure that potential pollutants are not present. Therefore such discharges shall not be considered illegal discharges unless determined to cause a violation of the provisions of the federal Clean Water Act, Porter-Cologne Act, or this article, or are determined by the director of public works to create a public nuisance, or are determined by the regional board to be a significant contributor of pollutants to the storm drain system.

(B) Discharges specified in writing by the public works director as being necessary to protect public health and safety or discharges as a result of emergency operations by a public agency.

(C) Dye testing is an allowable discharge, but requires authorization and written notification to the public works director ten days prior to the time of the test.

(3) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency, or regional board provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from that enforcement

agency has been granted for any discharge to the storm drain system. Proof of waiver, discharge order or exemption shall be furnished to the public works director upon request.

(4) The director of public works may exempt in writing other non-storm water discharges that are demonstrated not to be a source of pollutants to the storm drain system.

(5) ~~The owner of a property~~ Any person demonstrated to be the source of a non-storm water discharge or source of pollution shall be considered responsible for the control or abatement of that non-storm water discharge or pollution even if that discharge or pollution enters the public storm drain system after crossing another property or properties.

(c) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) The public works director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this article and to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges from the connection ~~to it~~ had been established or approved prior to the effective date of this article. This prohibition expressly includes, without limitation, illicit connections made before the effective date of this article, regardless of whether the connection was permissible under County Code or was an applicable or prevailing practices ~~applicable or prevailing~~ at the time of connection.

(3) Notwithstanding subsection (C)(2) of this section, such illicit connections must be eliminated not later than thirty days after the effective date of this article. If, subsequent to the ~~elimination of~~ a connection found to be in violation of this article, the responsible party can demonstrate that an illegal discharge could no longer occur, said responsible party shall request written approval from the director of public works to reconnect, prior to any reconnection being made. The reconnection or reinstallation of the connection shall be at the responsible party's expense.

(4) A responsible party is considered to be in violation of this article if the responsible party connects a line that could convey sewage to the storm drain system, or allows such a connection to continue.

*(Ord. No. 4654, § 2)*

**Sec. 29-48. - Industrial or construction activity discharges.**

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

*(Ord. No. 4654, § 2)*

**Sec. 29-49. - Requirement to prevent, control and reduce storm water pollutants.**

(a) The public works director shall adopt requirements identifying appropriate best management practices to control the volume, flow rate, and potential pollutant load of storm water runoff from residential, commercial, or industrial activities and processes carried on within the unincorporated area of the county, as may be appropriate to minimize the generation, transport and discharge of pollutants.

(b) Notwithstanding the presence or absence of requirements pursuant to subsection (a) of this section, any responsible party engaged in activities or operations, or owning facilities, premises or property which will or may result in pollutants entering storm water or the storm drain system, shall implement best management practices to prevent and reduce such pollutants, to the extent they are technically feasible and the cost would not be prohibitive, as determined by the director of public works. ~~to prevent and reduce such pollutants.~~

*(Ord. No. 4654, § 2)*

**Sec. 29-50. - Monitoring of discharges.**

(a) Applicability. This section applies to all premises that have discharges to the storm drain system associated with residential, commercial, or industrial activity, including construction activity.

(b) Authority to Access, Inspect, Monitor and/or Sample on Premises.

(1) Whenever necessary to make an inspection to enforce any provision of this article, or whenever the public works director has cause to believe that there exists, ~~or~~ potentially exists, or has occurred in or upon any premise any condition which constitutes a violation of this article, the director may enter such premises. for inspection of the same to determine compliance with regulations at all reasonable times, provided prior notice has been given to the responsible party. ~~to inspect the same to determine compliance with regulations governing storm water.~~

(2) The director shall be permitted to enter and inspect premises subject to regulation under this article as often as may be reasonably necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Santa Barbara County public works department.

(3) A responsible party shall allow the director of public works ready access to all parts of the premises for the purposes of inspection, photographing, sampling and the performance of any additional duties as defined by state and federal law.

(4) When a facility is subject to permitting requirements for storm water discharge, facility operators shall allow the director of public works ready access to all parts of the facility for the purposes of inspection, photographing, sampling, ~~and examination~~ and/or copying of records that must be kept ~~under the conditions of an NPDES permit to discharge storm water.~~

(5) The director of public works shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Santa Barbara County public works department to conduct monitoring and/or sampling of the facility's storm water discharge.

(6) The public works director may require by written notice ~~of requirement~~ that any responsible party engaged in any activity and/or owning or operating any facility which, based on reasonable evidence, has or may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system, to undertake at said responsible party's expense ~~such monitoring, and~~ analyses and/or furnish such reports to the director of public works as deemed necessary to determine compliance with this article. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at said responsible party's own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy. Calibration records for the previous three years shall be maintained and readily available for inspection by the director of public works, ~~for three years.~~

(7) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected, monitored and/or sampled shall be promptly removed by the operator at the oral or written request of the director of public works and shall not be replaced without the director's consent. The costs of clearing such access shall be borne by the operator.

(8) Unreasonable delays in allowing the director of public works ready access to a permitted facility is a violation of a storm water discharge permit and of this article. A responsible party who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity is in violation of this article if the responsible party denies the public works director reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

(c) Authority to Obtain an Inspection Warrant.

(1) If the director of public works has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the director of public works may seek issuance of an inspection warrant from any court of competent jurisdiction.

*(Ord. No. 4654, § 2)*

**Sec. 29-51. - Storm drain system protection and remediation.**

(a) Requirement to Maintain Storm Drain System. Every responsible party ~~owning property through which an element of the storm drain system passes, or such responsible party's lessee,~~ shall keep and maintain that part of the storm drain system within their property so as to prevent pollutants from being discharged from their property into the publicly owned storm drain system ~~from their property.~~

(b) Requirement to Remediate. Whenever the public works director finds that a discharge of pollutants, ~~is taking place or has occurred that which~~ will result in or has resulted in pollution ~~of~~ entering the storm drain system, the public works director may require by written notice of violation, as provided by this article, to the owner of the property and/or the responsible party

that the illegal discharge be discontinued immediately, or by a specified date but no less than seven days. The public works director may also, and if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges and restore the affected property within a specified time pursuant to the provisions of this article.

*(Ord. No. 4654, § 2)*

**Sec. 29-52. - Notification of spills.**

(a) In addition to other requirements of law, as soon as any ~~responsible~~ party responsible including any party responsible for the operation of and/or emergency response for a property ~~or a facility or operation, or responsible for emergency response for a facility or operation~~ has information of any known or suspected release of materials which are resulting or may result in pollution of or illegal discharges ~~or pollutants discharging~~ into storm water or the storm drain system, said responsible party shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

(b) In the event of ~~such~~ a release of hazardous materials, said responsible party shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

(c) In the event of a release of non-hazardous pollutants, ~~said the~~ responsible party shall notify the Santa Barbara County public works department ~~or responsible party or~~ by phone or facsimile no later than the next business day.

(d) If the discharge of pollutants emanates from a commercial or industrial establishment, the responsible party shall also retain an on-site written record of the discharge, clean up, ~~and~~ remediation, and the actions taken to prevent its recurrence. Such records shall be retained and available for review by the director of public works for at least three years.

*(Ord. No. 4654, § 2)*

**Sec. 29-53. – Post-Construction Requirements.**

All new development and redevelopment projects must comply with the California Regional Water Quality Control Board, Central Coast Region, Resolution No. R3-2013-0032, Post-Construction Stormwater Management Requirements for Development Projects in the Central Coast Region as set forth in the most recent edition of the Santa Barbara County Stormwater Technical Guide.

**Sec. 29-54.3. - Enforcement.**

Notice of Violation.

(a) Whenever the director of public works finds that a responsible party has violated a prohibition or failed to meet a requirement of this article, the Santa Barbara County public works department may order compliance by written notice of violation to the responsible party. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (4) Payment of a fine ~~to cover administrative and remediation costs;~~
- (5) The implementation of source control and/or treatment BMPs; and
- (6) The performance of monitoring, analyses, and reporting.

(b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. ~~Said notice shall further advise stipulate that, S~~ should the responsible party fail to abate the violation, remediate or restore the affected area within the established deadline, the director of public works may order the work to be completed by a designated governmental agency or a contractor ~~and the expense thereof shall be charged to of~~ the responsible party.

(c) The director of public works may recover all attorneys' fees, court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

*(Ord. No. 4654, § 2)*

#### **Sec. 29-554. - Appeal of notice of violation.**

Subject to the provisions of Section 29-58 (Urgency abatement), any responsible party receiving a notice of violation may appeal the determination of the Santa Barbara County public works department. The filing of a notice of appeal shall not preclude the abatement by the public works department of any discharge or nuisance. In order to appeal a determination, the responsible party must file a written notice of appeal which must be received by the Santa Barbara County public works department within ten business days from the date on the notice of violation. Postmarks are not accepted in lieu of actual delivery. ~~A h~~Hearing on the appeal before the director of public works shall take place within fifteen days from the date of receipt of the notice of appeal. A written decision from ~~of~~ the director of the Santa Barbara County department of public works shall be issued within thirty days after the hearing, and shall be considered a "final administrative order" within the meaning of California ~~Civil~~ Code of Civil Procedure Section 1094.5.

*(Ord. No. 4654, § 2)*

#### **Sec. 29-565. - Enforcement measures after appeal.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then representatives of the Santa Barbara County public works department shall be authorized to enter ~~upon~~ the ~~subject~~ private property, after providing notice to the responsible party, and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any responsible party to refuse to allow the Santa

Barbara County public works department or designated contractor to enter upon the premises for the purposes set forth above.

*(Ord. No. 4654, § 2)*

**Sec. 29-576. - Cost of abatement of the violation.**

(a) Any responsible party violating any of the provisions of this article shall become liable to the County of Santa Barbara by reason of such violation if said violation is abated by the county or by a contractor working under direction ~~offrom~~ the county. The reasonable cost of abatement shall be reimbursed by the responsible party as provided herein.

(b) Within thirty days after abatement of the violation, the responsible party will be notified of the charge of costs in conjunction with the abatement, including administrative costs. The responsible party may file a written protest objecting to the amount of the charge within ten business days.

(c) If the amount due is not paid within ninety days of the written notification, the amount due shall become a special charge against the property and shall constitute a lien on the property for the amount of the charge. A copy of the charge ~~by the director of public works~~ shall be turned over to the county assessor by the director of public works so that the assessor may enter the amounts of the charge against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the charge on the bill for taxes levied against the parcel of land.

*(Ord. No. 4654, § 2)*

**Sec. 29-587. - Urgency abatement.**

(a) The director of public works is authorized to require immediate abatement of any violation of this article that, within the sole discretion of the director, is found to constitute an actual or imminent threat to the health, safety or well-being of the public. If any such violation is not abated immediately, as directed by the Santa Barbara County public works department, said agency is authorized to enter onto private property and to take any and all measures required to remediate the violation.

(b) ~~Subject to appeal pursuant to,~~ Any cost or expense incurred as the result of such remediation undertaken by the County of Santa Barbara shall be fully reimbursed by the property owner and/or responsible party. A violation determination may be subject to appeal pursuant to Section 29-55. The county may bring an action for recovery of such costs and expenses in the Superior Court. Any relief obtained under this section shall not prevent the director of public works from seeking other and further relief or remedies authorized under this article or other applicable law.

*(Ord. No. 4654, § 2)*

**Sec. 29-~~598~~. - Injunctive relief.**

It shall be unlawful for any responsible party to violate any provision or fail to comply with any of the requirements of this article. If a responsible party has violated or continues to violate the provisions of this article, the public works director may petition for a preliminary or permanent injunction restraining the responsible party from activities which would create further violations or ~~compelling~~ the responsible party to perform abatement or remediation of the violation.

*(Ord. No. 4654, § 2)*

**Sec. 29-~~6059~~. - Administrative fines.**

Any violation of the provisions of this article by any responsible party is a misdemeanor and is punishable as provided in Chapter 1, Section 1-7 of the Santa Barbara County Code. Any violation of the provisions of this article by any responsible party is also subject to administrative fines as provided in Chapter 24A of the Santa Barbara County Code. These remedies are not exclusive of any other remedies available under other federal, state or local laws and it is within the discretion of the director of public works to seek cumulative remedies.

*(Ord. No. 4654, § 2)*

**Sec. 29-~~610~~. - Compensatory action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the Santa Barbara County public works department may impose upon a responsible party, alternative compensatory obligations, including but not limited to storm drain stenciling, attendance at compliance workshops, creek cleanup, or other actions deemed appropriate by the director of public works.

*(Ord. No. 4654, § 2)*

**Sec. 29-~~621~~. - Violations deemed a public nuisance.**

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

*(Ord. No. 4654, § 2)*

**Sec. 29-632. - Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act.**

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

*(Ord. No. 4654, § 2)*

**Sec. 29-643. - Criminal prosecution.**

Any responsible party who violates any provision of this article is guilty of a misdemeanor, and shall be subject to a criminal penalty of one hundred dollars per violation per day and/or imprisonment for a period of time not to exceed one year for each violation.

*(Ord. No. 4654, § 2)*

**Sec. 29-654. - Remedies not exclusive.**

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Santa Barbara County public works department to seek cumulative remedies.

*(Ord. No. 4654, § 2)*

**Sec. 29-665. - Liability.**

The director of public works or any other person acting in good faith under the authorization of the director of public works; and within the scope of his or her employment if acting in good faith and within the course and scope of his or her employment, shall not ~~thereby~~ be liable personally, and thereby shall be relieved from all personal liability for any damage that may accrue to person or property as the result of or by reason of any act or omission occurring in the good faith discharge-execution of such duties. Any suit brought against the director of public works, ~~or his or her agents~~, or his or her employees because of ~~superperformance or omission of an act executed in good faith and h act in the~~ or omission performed furtherance in good faith in of the enforcement of any provision of this article; shall be defended by the County of Santa Barbara.

*(Ord. No. 4654, § 2)*

ATTACHMENT B

PASSED, APPROVED, AND ADOPTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2014 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CHAIRPERSON, BOARD OF SUPERVISORS

ATTEST:  
MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:  
DENNIS MARSHALL  
COUNTY COUNSEL

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