Chapter 11.05

ILLICIT STORMWATER DISCHARGES

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11.05.010 Purpose.

The purpose of this Chapter is to protect Pierce County's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of pollutants to stormwater conveyance systems owned and maintained by Pierce County. The County recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this Chapter prohibits the discharge of pollutants into the County's Municipal Drainage Facilities and outlines preventive measures to restrict pollutants from entering such facilities. These measures include the implementation of Best Management Practices (BMPs) by the property owners of Pierce County.

The County finds this Chapter is necessary to protect the health, safety, and welfare of the residents of Pierce County and the integrity of the County's water resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water.

Implementation of this Chapter is required under the Federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act by these provisions, the County also recognizes the importance of maintaining economic viability while providing necessary environmental protection.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.020 Authority.

Under the provisions of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., Pierce County is required to establish rules and regulations to control the discharge of pollutants into Pierce County's Municipal Drainage Facilities. The County recognizes that clean water enhances the quality of life and has long-term economic benefits. The County intends to protect environmentally-sensitive areas, and the public benefits derived from clean water, and to implement the goals of the Clean Water Act, the state Water Pollution Control Act (Chapter 90.48 RCW), the Puget Sound Water Quality Protection Act (Chapter 90.71 RCW), the Growth Management Act (Chapter 36.70A RCW), and the County's Comprehensive Plan. Because water

quality issues cannot be resolved by independent jurisdictions, the County Council requests that the County Executive work on these issues on a regional basis. The County also recognizes that by enacting this Chapter, the County will avoid the severe financial penalties established in the Clean Water Act. (Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.030 Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter:

A. "Act" means the Federal Clean Water Act, 33 U.S.C. 1251, et seq, as amended.
B. "Best Management Practices" or "BMPs" mean the best available and reasonable physical, structural, managerial, or behavioral activities, that when used singly, or in combination, eliminate or reduce the contamination of surface and/or ground waters of the County.
C. "Chapter" means this Chapter.
D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.
E. "County" shall mean Pierce County, Washington, or as indicated by the context, County Executive, Director, or authorized designee.
F. "Dangerous Waste" means any solid, liquid, or mixed waste defined according to WAC 173-303-080 through -110, as amended.
G. "Director" means the Director of the Pierce County Public Works and Utilities Department or any duly authorized representatives of the Director.
H. "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run, or seep from land to be thrown, drained, released, dumped, spilled, emptied, emitted, or poured into water.
I. "Drainage Facility" means the system that collects, conveys, and stores surface and stormwater runoff. Drainage facilities shall include, but not be limited to, all surface and stormwater conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and artificial.
J. "Ecology" means the Washington State Department of Ecology.
K. "Farm Management Plan" means a comprehensive site-specific plan developed by the farm owner in cooperation with the Pierce County Conservation District and the Conservation Districts of the State of Washington, that takes into consideration the land owner's objectives while protecting water quality and related natural resources.
L. "Forest Practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 of the Washington Administrative Code.
M. "Ground Water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves.
N. "Hazardous material" means any material potentially harmful to life and/or property.
O. "Illicit Discharge" means the discharges defined by Section 11.05.040.
P. "May"/"Shall" -- "May" is permissive, "Shall" is mandatory.
Q. "Municipal Drainage Facility(ies)" means drainage systems which Pierce County owns or has rights-of-way or easements to maintain.
R. "Manual" means the current Pierce County Stormwater Management and Site Development Manual.

S. "National Pollutant Discharge Elimination System" or "NPDES" means the national program for controlling pollutants from non-point and point source discharges directly into waters of the United States under the Clean Water Act.

T. "National Pollutant Discharge Elimination System Permit" means an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program.

U. "Owner of Record" means a property owner, as reflected in the public title records.

V. "Person" means an individual, their agents or assigns; municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.

W. "Pierce County Stormwater Management and Site Development Manual" means the latest version of the manual describing design, maintenance, best management practices, procedures, guidance for stormwater systems for new development and redevelopment, and guidance for preventing or treating pollutants in stormwater, to be utilized by businesses, industries and private residences, which has been approved by the Pierce County Council.

X. "Pollutant/Pollution" means such contamination, or other alteration of the physical, chemical, or biological properties, of any waters of the County, State or United States, including change in temperature, taste, color turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

Y. "Sewage" means water-carried human waste or a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters that may inadvertently enter the sanitary sewer system.

Z. "Shall"/"May" -- "Shall" is mandatory; "May" is permissive.

AA. "Source Control" means a BMP intended to prevent pollutants from entering surface and storm water and/or ground water including the modification of processes to eliminate the production or use of pollutants. Source control BMPs can be either structural or non-structural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site; for example, building a covered storage area. A non-structural source control BMP involves the modification or addition of managerial or behavioral practices; for example, using less toxic alternatives to current products or sweeping vehicle parking lots.

BB. "State", when used as a noun, means the State of Washington.

CC. "State Waste Discharge Permit" means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 of the Washington Administrative Code.

DD. "Surface and Stormwater" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow ground water.

EE. "Treatment" means the reduction or elimination of pollutants in stormwater prior to or in lieu of discharging or otherwise introducing such pollutants into the stormwater system.

FF. "Treatment BMP" means a BMP intended to remove pollutants once they are already contained in stormwater. Examples of treatment BMPs include: oil/water separators, biofiltration swales, and wet-settling basins.

GG. "Toxic Pollutants" means those pollutants, or combination of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including reproductive malfunctions), or physical deformations in such organisms or their offsprings.

HH. "Waters of the State/Waters of the United States" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect interstate or foreign commerce, including any such waters:
   a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
   b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
   c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs 1. through 6. of this definition;
6. The territorial sea;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs 1. through 6. of this definition;
8. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition), are not waters of the United States;
9. The following guidelines can also help determine the status of a particular drainage conveyance:
   a. If flow is year-round and of natural origin, it is a Water of the United States.
   b. If the flow is intermittent but flows seasonally (not just during storm events), it is a Water of the United States.
   c. If Federal or State in-stream water quality standards apply, it is a Water of the United States.
   d. Naturally occurring drainage ditches are considered tributaries thereof to Waters of the United States.
10. Waters of the State shall include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.040 Stormwater Discharges.

A. **Illicit discharges**. It is unlawful for any person to discharge any pollutants into Municipal Drainage Facilities. Pollutants include, but are not limited, to the following:

1. trash or debris;
2. solid waste;
3. construction materials;
4. petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
5. antifreeze and other automotive products;
6. fixed and mobile vehicle washes, including home car washing;
7. metals in either particulate or dissolved form, in excess of naturally occurring amounts;
8. flammable or explosive materials;
9. radioactive materials;
10. batteries;
11. acids, alkalis, or bases;
12. paints, stains, resins, lacquers, or varnishes;
13. degreasers and/or solvents;
14. drain cleaners;
15. commercial and household cleaning materials;
16. carpet cleaning wastes;
17. pesticides, herbicides, or fertilizers;
18. steam cleaning wastes;
19. laundry waste;
20. soaps, detergents, or ammonia;
21. swimming pool backwash (diatomaceous earth);
22. chlorine, bromine, and other disinfectants;
23. heated water;
24. chlorinated swimming pool or hot tub water greater than 0.1 ppm chlorine;
25. human and animal wastes;
26. domestic or sanitary sewage;
27. recreational vehicle waste;
28. animal carcasses;
29. food and food wastes;
30. yard waste;
31. bark and other fibrous materials; does not include large woody debris (LWD) in approved restoration projects;
32. collected lawn clippings, leaves, or branches;
33. wastes associated with building construction;
34. concrete and concrete by-products;
35. silt, sediment, including dirt, sand, and gravel;
36. dyes and ink (except as stated in subsection C.1. of this Section);
37. chemicals, not normally found in uncontaminated water;
38. runoff from lawn/landscaping watering;
39. practice firefighting activities;
40. any hazardous material or waste not listed above.

B. **Illicit Connections.** Any connection identified by the Director that could convey anything not composed entirely of surface and stormwater directly into Municipal Drainage Facilities is considered an illicit connection and is prohibited with the following exceptions: connections conveying allowable discharges, or connections conveying discharges pursuant to an NPDES permit or a State Waste Discharge Permit.

When the Director has reason to believe that an illicit connection is resulting in an illicit discharge, the Director may sample and analyze the discharge and recover the costs from a person in an enforcement proceeding. When the discharge is likely to contain illicit discharges on a recurring basis, the Director may conduct, or may require the person to conduct ongoing monitoring (including sampling and testing) at the person's expense. Illicit connections must be removed or obtain permits at the discretion of the Director.

C. **Requirements for Discharges and Land Uses.** For all existing discharges that drain directly or indirectly to a Municipal Drainage Facility, persons shall implement and maintain non-structural and, if necessary, structural BMP's, to comply with Pierce County's Municipal NPDES permit requirements and this Chapter. Non-structural BMP's shall include, but not be limited to, maintenance and housekeeping practices, sweeping of parking lots, storing oil barrels and other contaminant sources out of the rain, covering material stockpiles, and proper use and storage of hazardous materials. Structural BMP's include, but shall not be limited to, constructed facilities such as detention tanks, wet ponds, oil/water separators, grassed swales, roofing and berms for container storage areas, and revised piping systems.

All commercial and industrial facilities with a potential to pollute shall take measures to prevent spills or other accidental introduction of illicit discharges into a Municipal Drainage Facility. Such measures shall include:

1. Establishment and implementation of plans and procedures to prevent spills and accidental releases of materials that may contaminate stormwater;
2. Implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental releases to prevent contamination of stormwater;
3. Provision of necessary containment and response equipment on-site, and training of personnel regarding the procedures and equipment to be used.

The provisions of this subsection may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with a NPDES industrial stormwater permit for the site. The persons shall make the plan and procedures required by this subsection available to the Director when requested.

A person must, at the earliest possible time, but in any case within 24 hours of discovery, report to the Director a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants into waters discharged to a Municipal Drainage Facility. This reporting requirement is in addition to, and not instead of, any other reporting requirements under federal, state, or local laws.

D. **Allowable Discharges.** The following types of discharges shall not be considered illicit discharges for the purpose of this Chapter unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of the Municipal Drainage Facilities and is causing or contributing to a violation of the County's NPDES stormwater permit:

1. potable water;
2. potable water line flushing, provided the water is not chlorinated in excess of 0.1 ppm total chlorine and will have no detectable total chlorine residual upon reaching waters of the State or United States;
3. uncontaminated water from crawl space pumps or footing drains;
4. dechlorinated swimming pool water; however, Pierce County Surface Water Management must be notified in advance to ensure release is not in excess of drainage system capacity;
5. materials placed as part of a County approved habitat restoration or bank stabilization project;
6. natural uncontaminated surface water or ground water;
7. flows from riparian habitats and wetlands; and
8. other uncontaminated water as determined by the Director.

When BMPs are outlined for these activities in the Manual, said BMPs, or BMPs of equivalent effectiveness, shall be followed.

E. **Exceptions to Illicit Discharges.**

1. Dye testing is allowable but requires verbal notification to the Pierce County Public Works and Utilities Storm Drainage and Surface Water Management Utility at least one working day prior to the date of the test. The Tacoma-Pierce County Health Department is exempt from this requirement.
2. If a person can demonstrate that there are no additional pollutants being discharged from the site above the background conditions of the water entering the site, that person shall not be in violation of subsection A. of this Section.
3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this Chapter to avoid an imminent threat to public health or safety, shall be exempt from this Section. The person responsible for emergency response activities should take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, the person shall evaluate BMPs and the site plan, where applicable, to prevent reoccurrence.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.050 Stormwater Management and Site Development Manual.

A. **General.** The Pierce County Stormwater Management and Site Development Manual contains requirements and guidelines to assist persons discharging into municipal drainage systems to stay in compliance with this Chapter. The Manual shall present best management practices, procedures and guidance for existing facilities and activities and for new development activities. The Manual is available for inspection and sale through Pierce County Public Works and Utilities. In addition, the Pierce County Public Works and Utilities Storm Drainage and Surface Water Management Utility will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this Chapter.

B. **Exemptions.** Persons implementing BMPs through other federal, state, or local programs will not be required to implement the BMPs prescribed in the Manual, unless the Director determines that the alternative BMPs are ineffective in reducing the discharge of pollutants. If another program requires the development of a plan, the

person shall make their plan available to Pierce County Public Works and Utilities Storm Drainage and Surface Water Management Utility upon request. Persons who qualify for exemptions include, but are not limited to, those:

1. Required to obtain or permitted under a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology or Environmental Protection Agency;
2. Implementing and maintaining, as scheduled, a farm management plan approved by a Conservation District;
3. Engaged in forest practices, with the exception of Class IV, and Class IVA Special general forest practices. This Section will apply to Class IV general forest practices on lands platted after January 1, 1960, or on lands being converted to another use, or where the activity is taking place in areas designated by the Washington State Department of Natural Resources as lands with a likelihood of future conversion.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.060 Administration.

A. **General.** The Director is authorized to implement and enforce the provisions of this Chapter. The Director will coordinate the implementation and enforcement of this Chapter with other departments of Pierce County government.

B. **Treatment BMPs.** In the event that a person discharges stormwater into a Municipal Drainage Facility that is not of a quality that complies with County, State, and Federal technology-based requirements, or where determined necessary, water quality-based requirements, the person shall provide necessary source control/stormwater treatment BMPs as required to comply with these requirements. The Manual shall be used to select acceptable technologies. Any facility required to treat stormwater to an acceptable level shall be provided and shall be properly operated and maintained at the user's expense. Detailed engineering plans and specifications showing the treatment facilities shall be submitted to the County for review, and must be acceptable to the County before construction of the facility. The person shall obtain all necessary construction/operating permits from the County. Depending upon size and complexity of the treatment facility, the County may find it necessary to require that the facility be run by a qualified operator. Necessary qualifications shall be determined by the County in each individual case. The review of such plans shall in no way relieve the person from the responsibility of modifying its facility as necessary to produce a stormwater effluent acceptable to the County under the provisions of this Chapter. Upon completion of the treatment facility, the person shall furnish its operations and maintenance procedures to the County for review and approval. Any subsequent significant changes in the treatment facilities or operation and maintenance procedures shall be reported to and be accepted by the County prior to the person's initiation of the changes.

C. **Inspection and Sampling.** The County may inspect the facilities of any person to determine compliance with the requirements of these regulations. The person shall allow the County to enter upon the premises of the person at all reasonable hours for the purposes of inspection, sampling, or records examination. The County shall have the right to inspect and copy any of the person's records that are required by, or that relate to, compliance with the terms and conditions of these regulations. The County shall have the right to set up on the person's property such devices as are necessary to conduct sampling, inspection, compliance monitoring, and/or metering operations.

D. **Confidential Information.** Information and data furnished to the County with respect to the nature and frequency of discharge into the stormwater system shall be available to the public or to other governmental agencies without restriction unless the person specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the person. When requested by a person furnishing a report, the portions of a report or other information which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to these regulations, NPDES Permit and/or other programs as amended; however such portions of a report or other information shall be available for use by the County, the State, or any other public agency in enforcement proceedings involving the person furnishing the report. The constituents and characteristics of the stormwater will not be recognized as confidential information. Information accepted by the County as confidential shall not be transmitted to any governmental agency or to the general public by the Director until and unless a ten day notification is given to the person.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.080 Enforcement.

A. **Authorization.** The Director is authorized to enforce this Chapter and any permit, order or approval issued pursuant to this Chapter, against any violation or threatened violation thereof. Violations of this Chapter shall constitute a public nuisance. The Director is authorized to take enforcement actions against persons responsible for illicit discharges and connections, as well as dumping as described in this Chapter.

B. **Compliance.** The Director shall attain compliance with this Chapter by requiring the implementation of BMPs and maintenance of BMPs. The Director shall initially rely on education and informational assistance to gain compliance with this Chapter, unless the Director determines a violation poses a hazard to public health, safety, or welfare, endangers any property, or adversely affects the safety and operation of County right-of-way, utilities and/or other property owned or maintained by the County, that should be addressed through immediate penalties. The Director may demand immediate cessation of discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.090 Penalties

A. **Enforcement Actions.** The County shall be responsible for enforcing this title. The County is authorized to issue violation notices, cease and desist orders, levy fines, recover costs, issue notices of civil infraction, and/or institute both civil and criminal actions in the court. Recourse to any single remedy shall not preclude recourse to any other remedies available to the County.

B. **Cease and Desist Orders.** The County may serve a cease and desist order for violations of this Chapter. The order shall include the following:

1. **Description of Violation:** A description of the specific nature, extent, and time of violation. The order may include the damage or potential damage resulting from the violation. A notice that the violation or the potential violation cease and desist may, in appropriate cases, specify corrective action to be taken within a given time. A civil remedy may be issued with the order pursuant to the provisions of Chapter 1.16. PCC.
2. **Effective Date:** The cease and desist order issued under this Section shall become effective immediately upon receipt by the person to whom the order is directed.
3. **Compliance:** Failure to comply with the terms of a cease and desist order can result in enforcement action including, but not limited to, the issuance of a civil infraction citation.
4. **Corrective Measures:** The order may include specific corrective measures to be taken to mitigate environmental damage.
5. **Request for Hearing:** The order shall state that a hearing may be requested by an affected party by sending a written request for a hearing to the Pierce County Hearing Examiner within ten days of the receipt of said order.

C. **Civil Infraction.** Any person who fails to comply with a written request of the Director or designee shall be liable to the County for a class one civil infraction pursuant to Chapter 1.16 PCC, as well as all and any civil remedies available at law. Each violation, and in the case of a continuing violation, each day of continued violation shall be a separate and distinct violation. Civil penalties shall be assessed at a rate of $250.00 per day per violation, and statutory assessments will be in addition to this amount pursuant to 1.16.120 PCC.

D. **Civil Penalty.** The provisions of this Section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law. The purpose of this penalty is to encourage compliance with this Chapter and to obtain redress for ecological, recreational, and economic values lost or damaged due to the unlawful action. Any person who fails to obtain a necessary permit for discharge into a municipal drainage system shall be assessed a civil penalty as follows:

1. The Director may assess the violator a civil penalty not to exceed $1,000.00 for each violation. Each violation or each day of continued unlawful activity shall constitute a separate violation.
2. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.
3. The penalty provided for in this Section shall be imposed by the Director in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty, describing the violation with reasonable particularity and ordering appropriate corrective action to be taken within a specified time.
4. Within 30 days after the notice of penalty is received, the person incurring the penalty may apply in writing to the Director for remission or mitigation of such penalty. Upon receipt of the application, the Director may remit or mitigate the penalty upon whatever terms is deemed proper to bring about compliance with this Chapter.
5. Any penalty imposed pursuant to this subsection may be appealed to the Pierce County Hearing Examiner under Chapter 1.22 PCC.
6. If the penalty is not appealed, the violator will have up to 30 days after receipt of notice for payment of the penalty, unless a written request is made to the Director and granted for a longer payment period.

7. All civil penalties recovered during the enforcement of this Section shall be deposited into a fund of the division taking the enforcement action and shall be used for the protection of surface and stormwater or groundwater as set forth in this Chapter.

E. **Recovery of Costs Incurred by the County.** Any person violating any of the provisions of this Chapter, who discharges or causes a discharge which violates the County's NPDES permit and/or produces a deposit or obstruction or causes damage to or impairs the County's stormwater disposal system or causes damage to physical, chemical, or biological systems, of waters of the State or waters of the United States, shall be liable to the County for any expense, loss, or damage caused by such violation or discharge, including the costs for bringing the County back into compliance with its NPDES permit associated with the violation of these regulations, and any fines levied for violations of the County's NPDES permit.

F. **Appeal Rights of Civil Penalties and Recovery of Cost Assessments.** A Civil Penalty or Billing Statement issued by the Director or designee is appealable within 14 days from the date of the letter. Appeals may be filed by submitting a $300.00 appeal fee along with written statement identifying the basis for disputing County claim to the Public Works and Utilities Department.

G. **Violators Punishable by Fine and Imprisonment.** Any person who without authorization discharges pollutants into a municipal drainage system, uses an unapproved connection to discharge into a municipal drainage system, submits false information in permitting and reporting requirements, violates the terms and conditions of a permit, violates a cease and desist order issued by the Director or designee, fails to pay a civil penalty or cost recovery assessment, or obstructs or damages a municipal drainage system shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed $1,000.00 or by imprisonment not to exceed 90 days, or by both such a fine and imprisonment. Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which the violation is committed, continued, or permitted by such person and shall be punishable as provided for in this Chapter. Any person who, through an act of commission or omission, procures, aids, or abets in violation shall be considered to have committed a violation for the purpose of this Section.

H. **Injunction and other Civil Remedies.** In addition to any other penalty or method of enforcement, the prosecuting attorney may bring civil actions and suits for damages, injunctive relief and/or for other civil remedies as necessary. Any violation of this Chapter shall constitute a public nuisance, and may be enjoined as provided by the Statutes of the State of Washington.

(Ord. 2008-59s § 1 (part), 2008; Ord. 96-47 § 1 (part), 1997)

11.05.100 Records Retention.

All Persons subject to these regulations shall retain and preserve for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to operation, maintenance, monitoring, sampling, and chemical analysis made by or on behalf of a person in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the Director pursuant to this Chapter shall be retained and preserved by the Person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 96-47 § 1 (part), 1997)

11.05.110 Construction – Intent.

This Chapter is enacted as an exercise of the County's power to protect and preserve the public health, safety, and welfare. Its provisions shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This Chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this Chapter.

The primary obligation of compliance with this Chapter is placed upon the person holding title to the property. Nothing contained in this Chapter is intended to be or shall be construed to create or form a basis for liability for the County, the Department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property (owner of record) to comply with the provisions of this Chapter, or by reason or in consequence of any act or omission to act in connection with the implementation or enforcement of this Chapter by the County, the Department, its officers, employees, or agents.
(Ord. 96-47 § 1 (part), 1997)

11.05.120 Severability.

If any Section, clause, or provision of this Chapter is declared invalid by the courts, the same shall not affect the validity of the Chapter as a whole or any part thereof, other than the part declared invalid. (Ord. 96-47 § 1 (part), 1997)