

Calaveras County Code  
Title 13. Public Services  
Chapter 13.01

**STORM WATER QUALITY**

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**Section 13.01.010 Purpose and Scope.**

- A. This Chapter is enacted for the following purposes:
1. To protect public health, welfare, and property and to preserve environmental resources by controlling the discharge of pollutants into County-maintained storm water collection and conveyance systems.
  2. To provide Calaveras County with the local authority needed to fulfill its discharge permit obligations as a “regulated municipal small storm sewer system” operator as designated by the Central Valley Regional Water Quality Control Board.
- B. Where conflicts occur between this Chapter and other local, state, or federal laws or regulations, the most restrictive shall apply.

**Section 13.01.020 Administrative Authority.**

This Chapter of the Calaveras County Code shall be enforced by the Director of the Calaveras County Department of Public Works (Director) or his/her designee. The Director may delegate his/her responsibilities to enforce this Chapter to a code enforcement officer or other designee, either individually or collectively.

**Section 13.01.030 Definitions.**

- A. Board means the Calaveras County Board of Supervisors
- B. County means unincorporated Calaveras County.
- C. Development permit means any permit, whether ministerial or discretionary, that may be required by Calaveras County for the division, development, or use of land.

**Section 13.01.040 Prohibitions.**

- A. Except as provided for in paragraph C, below, it shall be unlawful for any person or business to discharge or to allow non-storm water discharges into County-maintained storm water drainage systems or into a drainage way which flows into the County-maintained storm water drainage system.
- B. Prohibited discharges to County-maintained storm drain systems include, but are not limited to:
1. Oil, grease, or other lubricants;
  2. Hazardous waste materials, including paints, petroleum-based solvents, varnishes, stains, and similar coating materials;
  3. Gasoline or diesel fuel; or
  4. Sanitary wastewater.
- C. The following non-storm water discharges shall be allowed into County-maintained storm drain systems unless such discharges are determined by the Director to be significant contributors of pollutants that may cause the County to be in violation of State Water Resources Control Board Water Quality Order 2003–005–DWQ.
1. Water line flushing
  2. Landscape irrigation and lawn watering

3. Diverted stream flows and springs
4. Rising ground waters, uncontaminated pumped ground water, and uncontaminated ground water infiltration including foundation drains
5. Discharges from potable water sources
6. Air conditioning condensate
7. Irrigation water
8. Crawl space pumps
9. Residential car washing
10. Flows from riparian habitats and wetlands
11. Dechlorinated swimming pool discharges

D. No storm water discharges to County-maintained drainage systems shall be allowed from properties whose off-site discharge of storm water is regulated by the Central Valley Regional Water Quality Control Board or the State Water Resources Control Board unless all of the following conditions have been met:

1. The discharger has applied for and/or received a discharge permit, waiver, or conditional waiver from the appropriate Water Board; and
2. The discharger is in compliance with the terms and conditions of the Water Board-issued discharge permit, waiver, or conditional waiver.

#### **Section 13.01.050 Pollutant Control Measures for Storm Water Runoff.**

A. Whenever the Director determines that storm water pollution from a property is inadequately controlled, has the potential to adversely impact water quality, and may be the basis for enforcement action against the County by the Central Valley Regional Water Quality Control Board, the Director shall issue a written notice of correction to the discharger specifying a timeframe for the implementation of controls necessary to establish compliance with the requirements of this Chapter.

B. The control of erosion and sediment from grading operations shall be in accordance with the requirements of the Chapter 15.05—*Grading and Drainage* of the Calaveras County Code.

#### **Section 13.01.060 Notice of Correction.**

If any storm water discharge to the County-maintained storm drainage systems is determined to be a significant contributor of pollutants, that may cause the County to be in violation of State Water Resources Control Board Water Quality Order 2003–005–DWQ, the discharger shall be issued a notice of correction by the Director citing the nature of the violation and specifying a timeframe for implementation of appropriate control measures to reduce or eliminate pollutant loadings in the storm water runoff.

#### **Section 13.01.070 Penalties for Violation.**

A. Violation of any provision of this Chapter, including the failure to implement required storm water quality control measures within the time frame specified in a notice of correction, is hereby declared a public nuisance subject to Chapter 8.06—Public Abatement of the County Code..

- B. To enforce the provisions of this Chapter, a civil penalty of not more than one thousand dollars (\$1,000.00) may be assessed for the first violation and not more than two thousand dollars (\$2,000.00) for a second violation within a year.
- C. The third, and each successive violation of this Chapter within a one year period, shall be punishable by a fine of not more than five thousand dollars (\$5,000.00).
- D. Each day that a violation continues shall constitute a separate offense punishable as set forth herein.
- E. Proceedings against persons for violations of this Chapter under this section shall not serve as a bar to judicial action for injunctive or declaratory relief.

**Section 13.01.080 Nonexclusive Remedies.**

The remedies provided in this Chapter are not exclusive, and are in addition to any other remedy or penalty provided by law. The available remedies include, but are not limited to, actions taken by the County pursuant to Section 9.02 of the County Code.

**Section 13.01.090 Appeals.**

- A. Decisions made by the Director may be appealed to the Board of Supervisors within ten (10) working days of the date of such decision. The appeal to the Board of Supervisors shall be made in writing and shall list the specific grounds for the appeal. A copy of the appeal shall be provided to the Director.
- B. After due consideration of relevant factors and the grounds for appeal, the Board of Supervisors shall, as appropriate, either uphold the decisions of the Director, modify or eliminate fines and penalties, or impose civil penalties.
- C. The decision of the Board of Supervisors is final, except that an appeal may be undertaken by filing appropriate litigation in a court of competent jurisdiction with the statutory time period established by law from the date of the Board of Supervisors' decision.
- D. Failure to file an appeal as provided herein renders the decision of the Director final.

**Section 13.01.100 Nonexclusive Remedies.**

The remedies provided in this Chapter are not exclusive, and are in addition to any other remedy or penalty provided by law

**Section 13.01.110 Limitations of County Liability.**

Failure of the County to enforce any provision of this Chapter shall not relieve any person from responsibility for damage to any person or property or impose any liability against the County for damage to any person or property.

**Section 13.01.120 Denial of Other Permits and Inspections.**

No development permit shall be issued by the County for a parcel upon which a violation of this Chapter exists.

**Section 13.01.130 Severability.**

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Chapter; and the Board declares that this Chapter and each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Chapter would have been adopted irrespective of the fact that one or more of such sections, subsections, paragraphs, subparagraphs, or sentences, clauses or phrases be declared invalid or unconstitutional.

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