

Wenatchee Valley Stormwater Management Program

Illicit Discharge Detection & Elimination

Appendix C

Illicit Discharge Detection and Elimination

Illicit Discharge Detection & Elimination

Introduction:

The Illicit Discharge Detection and Elimination Program is required under S5(B)(3) of the Eastern Washington Phase II Municipal Stormwater permit. The IDDE program requirements for secondary permittees are in section S6(D)(3) of the permit.

An illicit discharge is defined as any discharge to the storm sewer system that is not composed entirely of stormwater. Illicit discharges may come from an illegal connection to the storm sewer, spills or intentional dumping of wastewater or pollutants into a storm drain.

Objective:

The primary objective is to eliminate illicit discharges to surface water and groundwater. This will be accomplished through detection of illicit discharges, the removal of illicit connections, stormwater education and enforcement of the local stormwater regulations.

Performance Measures (IDDE Program Elements):

I. Storm Inventory & Maps

Each jurisdiction uses GIS to maintain a map of the storm sewer system. Secondary permittees will maintain a storm sewer system map.

These maps will include the following elements:

- i. Location of all known and new connections to the system authorized and approved by the local jurisdiction
- ii. All known outfalls
- iii. Names and locations of all waters of the state that receive stormwater discharges
- iv. Areas served by discharges to ground

Stormwater maps are updated at least annually to include new subdivisions and stormwater facilities. Each jurisdiction has a procedure for maintaining documentation of information included on the maps, this can be found in the Operation and Maintenance Plan.

II. Local Regulation

Each local jurisdiction has adopted an ordinance or resolution to prohibit illicit discharges, including discharges occurring on private property, and authorize enforcement action. The Illicit Discharge Detection and Elimination Ordinances and Resolutions can be found in Appendix H. The local regulations will be updated to meet the new permit requirements before

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February 2, 2019. At a minimum the updates will include adding dechlorinated spa discharges to the list of conditionally allowable discharges.

Based on the local ordinance or resolution an IDDE Response Plan has been developed. The plan includes:

- i. An enforcement matrix/flowchart
- ii. Escalating enforcement actions including:
 1. Verbal/Written Warning
 2. Administrative Action
 3. Administrative Action with Fine and/or Cost Recovery
 4. Legal Action

The complete IDDE Response Procedures can be found in Appendix C1.

Secondary permittees will implement policies to prohibit illicit discharges and to ensure compliance with the local IDDE ordinances or resolutions. This policy will include an enforcement plan to ensure compliance. They will also implement a spill response plan that includes coordination with qualified spill responders.

III. Detection and Identification of Illicit Discharges and Connections

Illicit discharges and connections will continue to be detected through field assessments, the investigation of complaints, and from monitoring data. The local jurisdiction will respond to potential illicit discharges within 7 days. Potential illicit connections to the storm sewer system must be investigated no later than 21 days from the time of the initial report or discovery.

A. Priority Areas

The local agencies have determined priority areas likely to have illicit discharges based on the following criteria:

- i. Land use and associated business/industrial activities that may cause illicit discharges
- ii. Past illicit discharge incidents and reports received
- iii. Areas with storage of large quantities of materials or hazardous substances that could result in spills and negative environmental impacts

The list of priority areas is periodically reviewed and updated as needed. Field surveys are conducted based on the list of priority areas and outfalls.

B. Field Assessments

Field assessments are conducted to include evaluating outfalls and priority areas. These assessments should occur during dry weather to detect any potential illicit discharges and will be scheduled based on a prioritized list. Recordkeeping in the

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field is done using either a field log book or an inspection report form. The jurisdiction may also use an electronic database to track inspection information. Reports include information on suspected illicit discharges, the date, time, location, observations, test results and if a sample was collected for further analysis.

C. Stormwater Hotline

Each jurisdiction will continue to maintain and publicize a telephone number for the public reporting of spills and other illicit discharges. In Wenatchee the phone number is 888-3235, in Chelan County the number is 667-6415 and in Douglas County and East Wenatchee the number to call is 886-3728. These phone number are publicized using the following methods: websites, brochures, phone book, and public outreach materials like refrigerator magnets.

D. Public Education

As part of the Public Involvement, Education and Outreach plan, a list of target audiences and relevant topics was developed. This list can be found in WVSWM Appendix B.

IV. Illicit Discharge Elimination Program

Each jurisdiction has implemented an IDDE program to address illicit discharges, including spills, and illicit connections to the stormwater system. The program outlines steps to take to characterize the nature of the discharge, to trace the source and to eliminate the discharge. The primary difference in the plans is the enforcement action allowed under the local regulations. The complete IDDE Response Procedures for each jurisdiction can be found in Appendix A.

Per the permit, any illicit discharge into a stormwater system which could constitute a threat to human health, welfare or the environment will be investigated immediately and the appropriate action taken to correct or minimize the threat. The response may include referral of the violation to another appropriate agency such as the local emergency response team or the Department of Ecology.

The local jurisdictions will investigate any complaints or reports of potential illicit discharges within 7 days. Potential illicit connections to the storm sewer system will be investigated no later than 21 days from the time of the initial report or discovery. Upon confirmation of an illicit connection the local jurisdiction will work with the responsible party to have the connection eliminated within 6 months.

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V. Training

IDDE program training has been provided to all municipal staff including office and field staff. Follow-up training will be provided as needed for new staff members and to address changes in procedures.

- i. Stormwater utility and code enforcement staff were trained on identification, investigation, termination, cleanup, and reporting of illicit discharges including spills, and illicit connections.
- ii. Office staff was trained on procedures for documenting an incident or complaint.
- iii. Other municipal staff including but not limit road maintenance crews and building inspectors were trained on identifying spills and illicit discharges and the proper procedures for reporting and documenting.
- iv. The local jurisdictions have also coordinated with the fire departments and DOE for emergency spill response of hazardous materials.

VI. Recordkeeping

Each jurisdiction maintains records of all field assessments, complaints of spills, suspected illicit discharges and illicit connections, and investigations using the procedures outlined in the IDDE Response Plan. Records are kept on training that was offered and a list of staff members who attended.

Timelines listed in this section of the permit:

- *Revise ordinance or resolution, if necessary to meet the requirements of the permit, no later than February 2, 2019.*
- *Field assessing at least 40% of the MS4 no later than December 31, 2018.*
- *Field assessing on average 12% of the MS4 each year thereafter.*

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Chelan County Response Plan

Illicit discharges will be detected through field assessments, investigation of complaints, and from monitoring data. Illicit discharges include any discharge to the municipal storm system that is not rain or snowmelt, with a few exceptions allowed under Chelan County Code chapter 13.14. An illicit discharge may include a connection to the system that has been in place for an extended period of time, such as a manufacturer with a connection that is hard piped to the storm infrastructure; or it may be a discharge released directly to a catch basin or an area with the potential to run into surface water. Illicit discharges from construction activities are covered under a separate program.

I. Response Timeline

The county will respond on average within 7 days. The response may include an investigation by the responsible jurisdiction or a referral of the violation to another appropriate agency such as the local emergency response team or Department of Ecology. Illicit connections and discharges to the storm sewer system involving hazardous materials must be investigated no later than 21 days from the time of the initial report or discovery.

II. Field Investigation Steps

While conducting any field investigation, county staff are required to follow all safety procedures. Before entering private property, county staff will attempt to contact the property owner.

- 1) Locate the illicit discharge and begin documentation.
 - a) Look for possible infrastructure connections
 - b) Did the spill discharge to a water body?
- 2) Determine the level of hazard and if additional help is needed. This can be done by surveying the immediate area for the source of the discharge, looking for physical characteristics including odor, color, staining of floatable material, or pulling samples for field testing such as pH, residual chlorine, turbidity or temperature.
 - a) If hazardous, immediately call 911 and the DOE Spill Response Team
 - b) If non- hazardous, look for the responsible party.
 - c) If a responsible party is not present or able to handle the discharge, contact additional county staff as needed.
 - i) Large Volume & Non-hazardous—Public works crews
 - ii) Non-hazardous, small volume under 18" diameter—Environmental & public works crews
- 3) Look for ways to contain or stop the discharge.
- 4) If the source of the discharge is not clear, use one of the following methods for tracking the discharge:
 - a) Inspect area and storm drain system using the storm sewer system map and inventory
 - b) Trace using an identified characteristic: pH, color, or damage to infrastructure.
 - c) Sample collection

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- d) Video inspection of storm sewer
- e) Dye testing
- f) Review aerial photographs

III. Document field investigation

Documenting an incident of illicit discharge begins at the time the report is acknowledged and continues throughout the investigation, clean-up, and enforcement of the incident. Initially the incident is documented on a stormwater complaint spreadsheet. If this is not done by the person receiving the phone call, it will be done by the environmental manager or environmental technician who receives the forwarded complaint.

Documentation of the field investigation not only includes written documentation, but also may include photographs of the spill location and any infrastructure or water bodies associated with the illicit discharge. Sample collection for laboratory analysis may also occur at this time. If sampling is necessary they need to be pulled and analyzed within an appropriate timeframe to assure the data is valid. Chain of Custody forms need to be completed for all samples.

IV. Notify DOE

If there is a discharge to the storm system with potential harm to health or the environment, it is required that the DOE be notified within 24 hours. Any water quality violations require notification of DOE in writing within 30 days of the incident.

V. Disposal of cleanup materials

The party responsible for the illicit discharge is also responsible for cleanup of the discharge. The environmental department may provide technical assistance such as DOE contacts, hazardous waste contractors, materials for cleanup, etc. Cleanup materials must be disposed of in a proper manner. The hazardous waste may need to be disposed of by a hazardous waste contractor.

VI. Equipment

The appropriate vehicles are maintained continuously with spill response equipment necessary to clean a non-hazardous small spill. Field testing and sampling equipment is also maintained in the vehicles. Additional equipment may be needed depending on the level of hazard of spill, particularly a large or hazardous spill that requires the street, utility, collection or professional clean-up crew.

VII. Enforcement

Enforcement actions for an illicit discharge will follow provisions of Title 13.14.090 of Chelan County Code and the IDDE Enforcement Action Plan. Actions may include verbal/written warnings, administrative action, fines and/or cost recovery, and legal action.

Chelan County

IDDE Enforcement Action Plan

September 24, 2009

I. Purpose:

The purpose of the Enforcement Action Plan (EAP) is to set forth Chelan County's policies and procedures for investigating and responding to instances of noncompliance with regards to the county's municipal separate storm sewer system (MS4)

Specifically, the EAP:

- Establishes guidelines for appropriate enforcement actions to ensure consistent and equitable responses and that violations are corrected in a timely manner;
- Identifies the County staff members responsible for responding to instances of noncompliance; and
- Reflects the County's responsibility to enforce all applicable standards and requirements to protect human health, the storm sewer system, and the Wenatchee and Columbia River.

II. References

1. Clean Water Act (33 U.S.C. 1251 et seq.)
2. Chelan County Code Title 13.14

III. Administration

The EAP will be administered by the Environmental Coordinator under the supervision of the County Engineer. Documentation of inspections and enforcement actions will be kept electronically and in files maintained by the Engineering Division. Staff responsibilities for responding to violations and enforcement actions can be found in Appendix A: Enforcement Response Guide.

IV. Means of Detection

Instances of noncompliance will be detected by the following means:

1. Detection by county staff
2. Notification of a spill/accidental discharge
3. Complaint by a citizen or business
4. Detection through random & targeted monitoring
5. Detection during an inspection of an industrial or commercial facility

V. Investigation & Response

A. Investigation

Investigations will be conducted in accordance with the Illicit Discharge Detection and Elimination Response Plan.

B. Response

Chelan County will respond on average within 7 days. Illicit connections and discharges to the storm sewer system involving hazardous materials must be investigated no later than 21 days from the time of the initial report or discovery. Suspected violations and complaints will be thoroughly investigated before enforcement action is taken.

VI. Enforcement Actions

A. Available Enforcement Actions

The following enforcement actions (EA) are allowed by Chelan County Code 13.14:

- Voluntary Compliance Agreement (VCA)

- Notice of Violation (NOV)
- Emergency Cease and Desist Orders
- Suspension of Storm Sewer Services
- Compensatory Action
- Recovery of Costs
- Civil Penalties
- Criminal Prosecution

In addition, the County has the right to take any, all or any combination of these actions concurrently or sequentially against a non-compliant user or take other actions as warranted by the circumstances.

B. Criteria for determining EA

The following criteria along with the Enforcement Response Guide in Appendix A will be used to determine the appropriate EA:

- Magnitude of the violation
- Duration of the violation
- Effect of the violation on the Columbia River
- Effect of the violation on the storm sewer system
 - Causes damage to the system
 - Causes a violation of the NPDES permit
- Compliance history of the person(s)
- Good faith of the person(s)

If a person appears to be acting in good faith to comply with the requirements, enforcement actions should be on a more cooperative level than if the person does not appear to be acting in good faith. However, one should be aware that the Clean Water Act requires exemplary efforts to comply with its requirements in a timely way. Congress expresses the standard by which good faith must be measured:

The Act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business as usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing the good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial reviews are sought on the discharger's own time.

Legislative History of the Clean Water Act

Number 95-14, Volume 3, Page 463

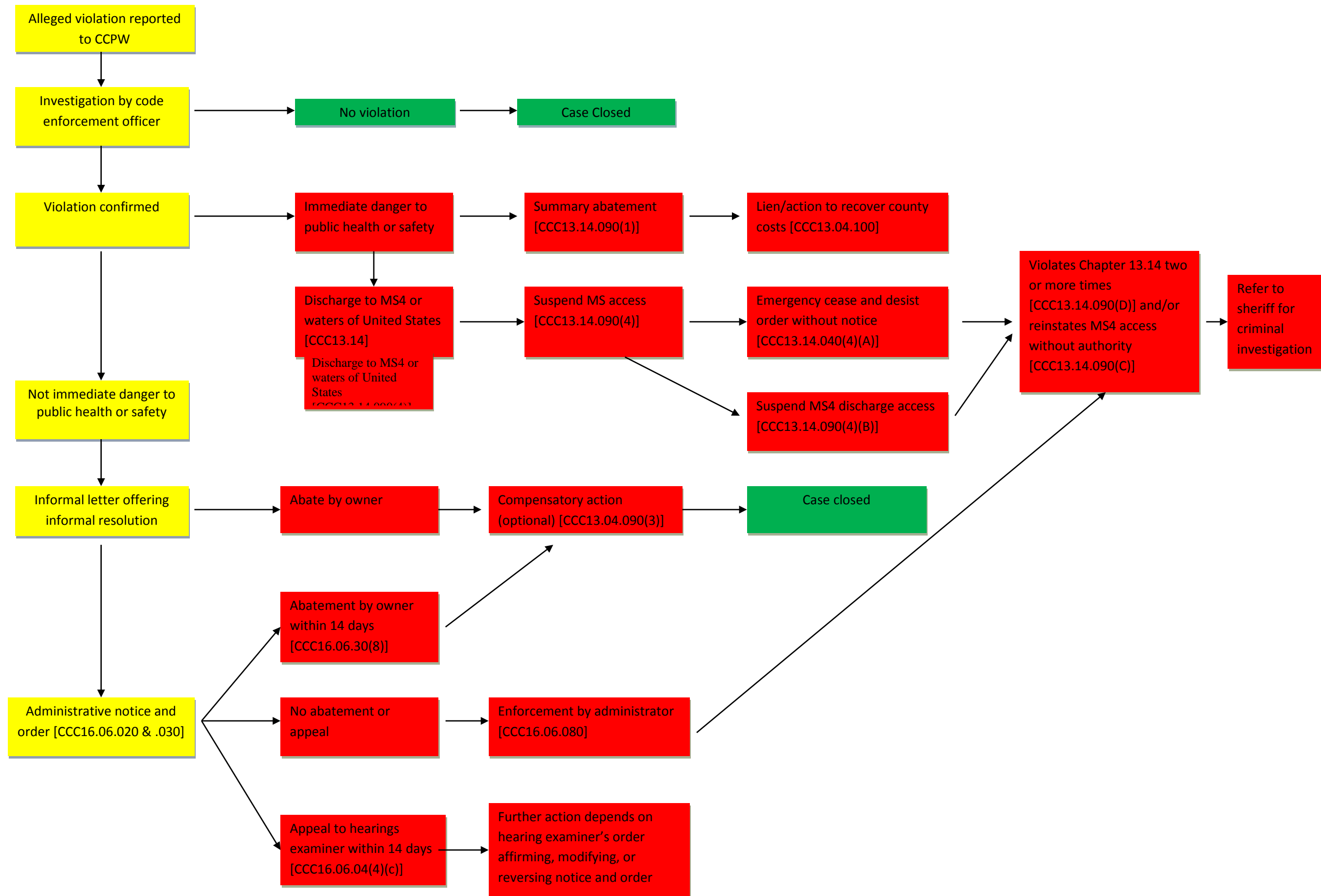
Therefore, if a person challenges a requirement and delays progress toward compliance, the person is assuming the risk that it will be upheld on judicial review. If a decision is not made in favor of the person and it is only after the adverse decision that the person proceeds aggressively to come into compliance, the person cannot be considered to have acted in good faith. Additionally, if a person follows business as usual procedures, it cannot be considered to have acted in good faith.

C. Reporting to Department of Ecology

The following instances of the noncompliance will be reported to the appropriate division of the WA State Department of Ecology:

- Violations resulting in NPDES permit violations
- Violations involving hazardous waste

Code Enforcement Flow Chart For Compliance



Chelan County

List of Priority Areas and Outfalls

Four outfalls are located within Chelan County's municipal permit boundary and discharge to the Columbia River or infiltration facilities. The following criteria were used for prioritizing the outfalls:

- 1. Potential public risk*
- 2. Potential for erosion or damage to the outfall*
- 3. Land Use*
 - a. Commercial Industrial*
 - b. Residential*
- 4. Past illicit discharges*

The Field Assessment Prioritization List is as follows:

I. High Priority

- a. Old Station regional stormwater facility*
- b. Downs Road detention facility*
- c. Loop Trail biofiltration swale*
- d. Squilchuck Creek stormwater outfall*

Outfall Field Survey Report

OUTFALL NAME: _____

DATE: _____

TIME: _____

DIRECTIONS: _____

WEATHER: _____

SAFETY HAZARDS: _____

	Y	N
OUTFALL VISIBLE	<input type="checkbox"/>	<input type="checkbox"/>
UNDER WATER	<input type="checkbox"/>	<input type="checkbox"/>
DYE TESTED	<input type="checkbox"/>	<input type="checkbox"/>

NOTES: _____

PICTURES TAKEN	<input type="checkbox"/>	<input type="checkbox"/>
SAMPLES TAKEN	<input type="checkbox"/>	<input type="checkbox"/>

OTHER OBSERVATIONS:

INSPECTOR SIGNATURE _____

DATE _____

INSPECTOR SIGNATURE _____

DATE _____

Stormwater IDDE Report & Response

I. Incident Report

Date/Time: _____ AM / PM Received By: _____

Location: _____

Initial Report of Conditions: _____

Reported By: _____ Phone: _____

II. Investigation

Date: _____ By: _____

Storm Drain ID/Outfall: _____

Entered Storm Drain System/Receiving Waters? ____ Yes ____ No

Material Type

- ☐ Hazardous
- ☐ Sediment
- ☐ Wastewater
- ☐ Oil/Grease
- ☐ Other _____
- ☐ Unknown

Est. Quantity: _____

Additional Information: _____

Sample(s) Collected: ____ Yes ____ No

Observed Land Use

- ☐ Residential
- ☐ Commercial/Industrial Stormwater Permit ____ Yes ____ No ____ Unknown
- ☐ Public

Direct/Constructed Connections Found? ____ Yes ____ No

Description: _____

Source/Responsible Party: _____

III. Action and Closure

Referred To: _____ Date: _____

Action Taken: _____

Date Closed: _____

RESOLUTION NO. 2009-80

Re: Establishment of an Illicit Discharge Detection and Elimination Program

WHEREAS, Chelan County is designated as a National Pollution Discharge Elimination System (NPDES) Phase II primary permittee by the State of Washington, and

WHEREAS, Chelan County has applied for and received a General Municipal Phase II Storm Water Permit For Eastern Washington from the Washington State Department of Ecology, and

WHEREAS, the General Municipal Phase II Storm Water Permit For Eastern Washington requires Chelan County to establish an Illicit Discharge Detection and Elimination program,

NOW, THEREFORE BE IT RESOLVED by the Chelan County Board of County Commissioners, as follows:

**SECTION I – STORMWATER ILLICIT DISCHARGE DETECTION AND
ELIMINATION**

13.14.010 PURPOSE

The purpose of this resolution is to provide for the health, safety, and general welfare of the citizens of the Chelan County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This resolution establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this resolution are:

- (1) To regulate the contribution of pollutants to the MS4.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this resolution.

13.14.020 DEFINITIONS.

For the purposes of this resolution, the following shall mean:

- 1) "Best Management Practices (BMPs)" shall mean schedules of activities, prohibitions of practices, general good housekeeping practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems.

- 2) "County" shall mean the Chelan County, Washington, acting by and through its Board of County Commissioners, unless such authority shall be delegated to other persons.
- 3) "Clean Water Act" shall mean the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 4) "Director" shall mean the Chelan County public works director who is charged with certain duties and responsibilities by this chapter, or any other person the director may appoint.
- 5) "Hazardous Materials" shall mean any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 6) "Illicit Discharge" shall mean any direct or indirect non-stormwater discharge to the storm drain system, except as exempted.
- 7) "Illicit Connection" shall mean either of the following:
 - (a) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater 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 the county, or
 - (b) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the county.
- 8) "Municipal Separate Storm Sewer System (MS4)" shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by Chelan County and designed or used for collecting or conveying stormwater, and that is not used for collecting or conveying sewage.
- 9) "National Pollutant Discharge Elimination System (NPDES) Permit" shall mean the national permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 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.

- 10) "Non-Stormwater Discharge" shall mean any discharge to the storm drain system that is not composed entirely of stormwater.
- 11) "Person" shall mean any individual, association, organization, partnership, firm, corporation or other entity public or private and acting as either the owner or as the owner's agent.
- 12) "Pollutant" shall mean anything which causes or contributes to pollution. Pollutants may include, but are not limited to: Paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 13) "Pollution" shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, 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 of the state 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
- 14) "Premises" shall mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 15) "Storm Drainage System" shall mean publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 16) "Stormwater" shall mean runoff during and following precipitation and snowmelt events, including surface runoff, drainage and interflow.

13.14.030 APPLICABILITY.

This resolution shall apply to all discharges entering the storm drain system generated on any developed and undeveloped lands within the Boundary established by the "Surface and Storm Water Management Utility Resolution Chelan County, Washington" unless explicitly exempted by Chelan County.

13.14.040 RESPONSIBILITY FOR ADMINISTRATION.

Chelan County shall administer, implement, and enforce the provisions of this resolution. Any powers granted or duties imposed upon the county may be delegated by the Public

Works Director to persons or entities acting in the beneficial interest of or in the employ of the agency.

13.14.050 DISCHARGE PROHIBITIONS.

(A) Prohibition of Illicit Discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than stormwater. The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this resolution:

- a) Diverted stream flows,
- b) Rising ground waters,
- c) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)),
- d) Uncontaminated pumped ground water,
- e) Foundation drains,
- f) Air conditioning condensation,
- g) Irrigation water from agricultural sources that is commingled with stormwater,
- h) Springs,
- i) Water from crawl space pumps,
- j) Footing drains, and
- k) Flows from riparian habitats and wetlands,
- l) Emergency firefighting activities.
- m) Non-commercial vehicle washing activities.

(2) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit issued to the discharger and administered under the authority of the Washington State Department of Ecology, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system by the county.

(3) The following non-stormwater discharges are prohibited unless the stated conditions are met:

- a) Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
- b) Discharges from lawn watering and other irrigation runoff shall be kept to a minimum and shall not cause damage to public streets or sidewalks;
- c) Swimming pool discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenated if necessary, and volumetrically and

velocity controlled to prevent resuspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash are prohibited from discharge to the MS4;

d) Street and sidewalk wash water, water used to control dust, and routine external building wash down shall not contain soaps or detergents and shall be kept to a minimum. Practices shall be implemented prior to washing to reduce pollutants from entering the MS4 including but not limited to sweeping, picking up litter and controlling velocity of discharge.

e) Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan reviewed by the county which addresses control of such discharges.

(4) Non-stormwater discharges listed above shall be prohibited if identified as a significant source of pollutants to waters of the state.

(B) Prohibition of Illicit Connections.

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

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this resolution if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(4) Improper connections in violation of this resolution must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the county.

(5) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the county requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the county.

13.14.060 COMPLIANCE MONITORING

(A) Right of Entry: Inspection and Sampling.

The director shall be permitted to enter and inspect premises subject to regulation under this resolution as often as may be necessary to determine compliance with this resolution.

(1) The director shall be allowed ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

- (2) The director shall have the right to set up on any premise such devices as are necessary to conduct monitoring and/or sampling of discharges from the site.
- (3) The director has the right to require the owner or operator to install monitoring equipment as necessary. The sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator. All devices used to measure flow and quality shall be calibrated to ensure accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the premises shall be promptly removed by the owner or operator at the written or oral request of the county and shall not be replaced. The costs of clearing such access shall be borne by the owner of the premise.

(B) Search Warrants.

If the director has been refused access to any part of the premises from which a discharge has occurred or is likely to occur, and the director is able to demonstrate probable cause to believe that there may be a violation of this resolution, 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 resolution or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the county may seek issuance of a search warrant from any court of competent jurisdiction.

13.14.070 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The owner or operator of such activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater or the storm drainage system shall provide, at his or her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural BMPs. Further, any person responsible for a property or premises that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater, to the extent practicable, shall be deemed compliance with the provisions of this section.

13.14.080 SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, said person shall notify the county in person or by phone, email or facsimile.

13.14.090 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

(A) Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this resolution. Any person who has violated or continues to violate the provisions of this resolution, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health or public safety, the county is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The county is authorized to seek costs of the abatement in accordance with all applicable laws and resolutions authorizing such actions.

(B) Enforcement

Enforcement action for a first violation shall be taken in accordance with Chapter 16.06 of the Chelan County Code.

(C) Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this resolution, the county may impose alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, cleanup, or other alternative actions deemed appropriate by the county.

(D) Suspension of MS4 Access.

(1) Emergency Cease and Desist Orders

When the county finds that any person has violated, or continues to violate, any provision of this resolution, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the county may issue an order to the violator directing the person to immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all resolution requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the county may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) Suspension due to Illicit Discharges in Emergency Situations

The county may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or

may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the county may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(3) Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this resolution may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the county.

(4) Criminal Prosecution.

Any person that has violated or continues to violate this resolution two or more times shall be liable to criminal prosecution to the fullest extent of the law, and shall be guilty of a misdemeanor punishable by a fine of not more than \$1000 per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days per violation per day. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

13.14.100 COST OF ABATEMENT OF THE VIOLATION.

The owner of the property or person responsible for the violation will be notified of the cost of abatement, including administrative costs. Payment in full shall be due within thirty (30) days and on the 31st day interest may be applied at a rate of eight percent per annum. After ninety (90) days, if payment in full has not been received, a lien may be filed on the property and foreclosed. The director may approve a payment plan of equal payments evenly spaced over no more than twelve (12) months.

13.14.110 REMEDIES NOT EXCLUSIVE.

The remedies listed in this resolution are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the county to seek cumulative remedies. The county may recover all attorneys' fees, court costs and other expenses associated with enforcement of this resolution, including but not limited to sampling and monitoring expenses.

13.14.120 COMPATIBILITY WITH OTHER REGULATIONS.

This resolution is not intended to modify or repeal any other resolution, ordinance, rule, regulation, or other provision of law. The requirements of this resolution are in addition to the requirements of any other resolution, ordinance, rule, regulation, or other provision of law, and where any provision of this resolution imposes restrictions different from those imposed by any other resolution, ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

13.14.130 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this resolution are minimum standards; therefore this resolution does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION II - SEVERABILITY

The provisions of this resolution are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this resolution or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this resolution.

SECTION III - EFFECTIVE DATE

This resolution shall take effect from and after its passage thirty (30) days after publication as provided by law.

DATED at Wenatchee, Washington this 14th day of August, 2009.

BOARD OF COUNTY COMMISSIONERS

ABSENT

RON WALTER, Chairman


Keith W. Goehner
KEITH W. GOEHNER, Commissioner

Doug England
DOUG ENGLAND, Commissioner

ATTEST: JANET K. MERZ

Janet K. Merz
Clerk of the Board