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Chapter 4.100 STORM WATER MANAGEMENT AND DISCHARGE CONTROL

4.100.010 Purpose and intent.

The purpose of this chapter is to ensure the future health, safety, and general welfare of the County of San Mateo citizens by: eliminating non-storm water discharges to the municipal separate storm sewer; controlling the discharge to municipal separate storm sewers from spills, dumping or disposal of materials other than storm water; and reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this Ordinance is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act.

(Prior code § 5009; Ord. 3633, 2/14/95)

4.100.020 Definitions.

When used in this chapter, the following words shall have the meanings ascribed to them in this section:

Authorized Enforcement Official. The Director of Environmental Health or his/her designees is hereby authorized to enforce the provisions of this Ordinance.

Best Management Practices ("BMPs"). Pollution prevention practices as defined and described in the California Storm Water Best Management Practice Handbook prepared by the California State Storm Water Quality Task Force entitled: "Construction Activity, Industrial/Commercial, and Municipal" and on file at the Environmental Health Division.

County. The County of San Mateo.

County Storm Sewer System. Includes but is not limited to those facilities within the County by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR section 122.2.

Discharge. Any addition of any pollutant to navigable waters from any point sources or any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

Illicit Discharge. Any discharge into the County storm sewer system that is not composed entirely of storm water except discharges pursuant to NPDES Permit and discharges resulting from fire fighting and other emergency response activities.

Litter. Any refuse, garbage, rubbish, or other discharged or abandoned objects, articles, and accumulations upon any public or private lot of land in the County, except at lawfully established dumping grounds.

Non-Storm Water Discharge. Any discharge that is not entirely composed of storm water except those noted within an NPDES Permit and this Ordinance.

Nuisance. Anything which 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.

Pollutant. Dredged soil, Solid Waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, wrecked or destroyed equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water. A pollutant shall also include any increment or increase in the total volume of storm water runoff resulting from any activity or development occurring after the effective date of this Ordinance.

Premises. Any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Storm Water. Storm water runoff and surface runoff and drainage.

Watercourse. A natural stream, creek, or man-made uncovered channel through which water flows continuously or intermittently.

(Prior code §§ 5010.0—5010.13; Ord. 3633, 2/14/95)

4.100.030 Responsibility for administration.

This chapter shall be administered for the County by the Director of Environmental Health and his/her designees.

(Prior code § 5011; Ord. 3633, 2/14/95)

4.100.040 Construction and application.

This ordinance shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029921 and any amendment, revision or reissuance thereof.

(Prior code § 5012; Ord. 3633, 2/14/95)

4.100.050 Severability and validity.

If any portion of this Ordinance is declared invalid, the remaining portions of this Ordinance are to be considered valid.

(Prior code § 5013; Ord. 3633, 2/14/95)

4.100.060 Waiver procedures.

It is the intent of this Ordinance to protect the public health and safety and enhance water quality while respecting the rights of private property owners to economically viable use of land. It is not the intent of this Ordinance to prohibit all economically viable use of private lands, nor to result in a confiscatory impact. Accordingly, the purpose of this section is to provide for an administrative procedure for a waiver or modification of a particular provision of this Ordinance in the event that the strict application of this Ordinance would result in the denial of all economically viable use of real property.

An applicant for a waiver of a provision of this Ordinance shall file a waiver application with the Director of the Division of Environmental Health on a form provided by the Director identifying the provision sought to be waived or modified. The applicant shall file a complete form and shall provide all documentation and information

required by the Director to determine whether application of the provision in question will prohibit any economically viable use of the land in question or otherwise have a confiscatory impact.

The Director may approve, deny or conditionally approve a waiver application upon determining whether the application of the provision in question will prohibit any economically viable use of the land in question or otherwise have a confiscatory result and that approval of such a waiver will not result in a public nuisance which would constitute a direct threat to the public health or safety.

(Prior code §§ 5014.0—5014.2; Ord. 3633, 2/14/95)

4.100.070 Discharge of pollutants.

The discharge of non-storm water discharges to the County storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with a NPDES Permit issued for the discharge (other than NPDES Permit No. CA0029921) and this Ordinance.

(Prior code § 5015; Ord. 3633, 2/14/95)

4.100.080 Exceptions to discharge prohibition.

The following discharges are exempt from the prohibition set forth in section 4.100.070:

The prohibition on discharges shall not apply to any discharge regulated under a National Pollutant Discharge Elimination System (NPDES) Permit issued to the discharger and administered by the State of California under authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the Permit and other applicable laws or regulations.

Dischargers from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, municipal street cleaning, municipal park maintenance, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning and condensation, springs, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, or flows from fire fighting and other emergency response activity, and accordingly are not subject to the prohibition on discharges.

(Prior code §§ 5016.0—5016.2; Ord. 3633, 2/14/95)

4.100.090 Discharge in violation of permit.

Any discharge that would result in or contribute to a violation NPDES Permit No. CA0029921, the terms of which are incorporated herein by reference, and which is on file in the County's Health System, Division of Environmental Health, and any amendment, revision or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the Person(s) causing or responsible for the discharge, and such Persons shall defend, indemnify, and hold harmless the County in any administrative or judicial enforcement action relating to such discharge.

(Prior code § 5017; Ord. 3633, 2/14/95; Ord. 4438, 09/09/08)

4.100.100 Illicit discharge.

It is prohibited to commence or continue any illicit discharges to the County storm sewer system. This prohibition applies to all connections made to the storm sewer system and is not limited to existing connections.

(Prior code § 5018; Ord. 3633, 2/14/95)

4.100.110 Reduction of pollutants in storm water.

Any Person engaged in activities which will or may result in pollutants entering the County storm sewer system shall undertake measures to reduce such pollutants. Examples of such activities include ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, in district facilities, commercial facilities, stores fronting County roads and streets, etc.

(Prior code § 5019; Ord. 3633, 2/14/95)

4.100.120 Littering.

No Person shall throw, deposit, leave, maintain, keep, or Permit to be thrown, deposited, placed, left, or maintained, any refuse, rubbish, garbage, or other discharged or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land, so that the same might be or become a pollutant, except in lawfully established dumping grounds.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in front of which there is a paved sidewalk, shall maintain said sidewalk free of litter to the maximum extent practicable.

No Person shall throw or deposit litter in any pond, lake, stream or any other body of water.

(Prior code §§ 5020.0—5020.2; Ord. 3633, 2/14/95)

4.100.130 Standard for parking lots and similar structures.

Persons owning or operating park lot, gas station pavement, or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the County storm sewer system.

(Prior code § 5021; Ord. 3633, 2/14/95)

4.100.140 Best management practices for new developments and redevelopments.

Any construction contractor performing work shall provide filter materials at the catch basin to retain any debris and dirt flowing in to the County's storm sewer system. County may establish controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants.

(Prior code § 5022; Ord. 3633, 2/14/95)

4.100.150 Compliance with best management practices.

Every Person undertaking any activity or operation, or operating a facility, which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, shall utilize best management practices to prevent or reduce the discharge of pollutants directly or indirectly to the County's storm sewer system.

(Prior code § 5023; Ord. 3633, 2/14/95)

4.100.160 Watercourse protection.

Every Person owning property through which a watercourse passes, or such Person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for said maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion.

(Prior code § 5204; Ord. 3633, 2/14/95)

4.100.170 Authority to inspect.

The County Health Officer or other duly authorized representative of the County shall visit all premises from time to time and examine the sanitary conditions of said premises and determine whether the provisions of this Ordinance are complied with.

(Prior code § 5025; Ord. 3633, 2/14/95)

4.100.180 Authority to sample and establish sampling devices.

The County shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

(Prior code § 5026; Ord. 3633, 2/14/95)

4.100.190 Notification of spills.

As soon as any Person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed release of materials, pollutants, or waste which may result in pollutants or non-storm water discharges entering the County storm sewer system, such Person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the County of the occurrence by telephoning 372-6200 and confirming the notification by correspondence to the Division of Environmental Health, 2000 Alameda de las Pulgas, Suite 100, San Mateo, CA 94403. In the event that a hazardous material is released, all other applicable reporting requirements must be adhered to.

(Prior code § 5207; Ord. 3633, 2/14/95; Ord. 4438, 09/09/08)

4.100.200 Requirement to test or monitor.

Any authorized enforcement official may request that any Person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, and/or discharge of non-storm water to the storm water system, undertake such monitoring activities and/or analyses and furnish such reports as the official may specify.

(Prior code § 5028; Ord. 3633, 2/14/95)

4.100.210 Violations constituting misdemeanors.

Violations of any provision of this chapter, or failure to comply with any of the mandatory requirements of this chapter shall constitute a misdemeanor; except that notwithstanding any other provisions of this chapter, any such violation constituting a misdemeanor under this chapter may, at the discretion of the District Attorney, be charged and prosecuted as an infraction.

(Prior code § 5029; Ord. 3633, 2/14/95)

4.100.220 Infractions.

Every violation determined to be an infraction is punishable by: a fine not exceeding one hundred dollars (\$100) for a first violation; a fine not exceeding two hundred dollars (\$200) for a second violation of the ordinance within one year; a fine not exceeding five hundred dollars (\$500) for each additional violation of the ordinance within one year.

(Prior code § 5029.1; Ord. 3633, 2/14/95)

4.100.230 Responsibility for violations.

The owner, manager, or operator of any facility is responsible for any violation by an employee of any provision of this chapter or any regulation adopted pursuant to this chapter.

(Prior code § 5029.2; Ord. 3633, 2/14/95)

4.100.240 Continuing violations.

Unless otherwise provided, a Person, firm, corporation or organization, shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the Person, firm, corporation or organization and shall be punishable accordingly as herein provided.

(Prior code § 5029.3; Ord. 3633, 2/14/95)

4.100.250 Concealment.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

(Prior code § 5029.4; Ord. 3633, 2/14/95)

4.100.260 Civil actions.

In addition to any remedies provided in this section, any violation of this section may be enforced by civil action brought by the County. In any such action, the County may seek, and the court shall grant, as appropriate, any or all of the following remedies or any such remedy deemed appropriate by county;

A temporary and/or permanent injunction.

Assessment of the violator for the costs of any investigations, inspections, or monitoring surveys which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.

Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation, including reasonable attorney's fees and court costs.

(Prior code §§ 5030.0—5030.3; Ord. 3633, 2/14/95)

4.100.270 Administrative enforcement powers.

In addition to the other enforcement powers and remedies established by this Ordinance, any authorized Enforcement Official has the authority to utilize administrative remedies.

(Prior code § 5301; Ord. 3633, 2/14/95)

4.100.280 Remedies not exclusive.

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Prior code § 5032; Ord. 3633, 2/14/95)

4.100.290 Coordination with hazardous materials inventory and response program.

The first revision of the business plan for any facility subject to the County's hazardous materials inventory and response program shall include a program for compliance with this chapter, including the prohibitions on non-storm water discharges and illicit discharge, and the requirement to reduce storm water pollutants to the maximum extent practicable.

(Prior code § 5033; Ord. 3633, 2/14/95)

4.100.300 Fees.

Owners and/or operators shall be charged fees in accordance with the San Mateo County Ordinance Code section 5.120.040.

(Prior code § 5034; Ord. 3633, 2/14/95; Ord. 3991, 08/22/00)