

**Division B11 1/2  
NONPOINT SOURCE POLLUTION\***

**CHAPTER 1.  
GENERAL PROVISIONS**

**Sec. B11 1/2-1. Purpose and authority of division.**

This division adds Chapter 1 to Division B11 1/2 of the Santa Clara County Ordinance Code for the purposes of protecting the state's and County's watercourses, complying with federally mandated nonpoint source pollution control measures, the County's storm water management goals, and compliance with applicable National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits. NPDES Storm Water Discharge Permits require the County and any co-permittees to implement control measures and best management practices to reduce pollutants in storm water discharges to the maximum extent practicable. The County Nonpoint Source Pollution Control Program's storm water management plan (plan), also known as the urban runoff management plan, serves as the framework for identification, assignment, and implementation of control measures. The permit(s), the plan, and handbooks of best-management practices are on file with the County's Nonpoint Source Pollution Control Program within the environmental resources agency.

The authority for this chapter is contained in the Health and Safety Code Section 5471, the Water Quality Act of 1987 Section 402(p), and in applicable NPDES Storm Water Discharge Permit(s) issued to the County.

(Ord. No. NS-517.71, § 1, 1-14-03)

**Sec. B11 1/2-2. Definitions.**

[For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:]

County: Santa Clara County, in the State of California.

Department of Environmental Health: A department of the Environmental Resources Agency of Santa Clara County authorized to enforce all regulations pertaining to hazardous, toxic, or potentially hazardous or toxic materials.

Director: The Director of the Environmental Resources Agency of Santa Clara County, or designee.

NPDES permit: National pollutant discharge elimination system permit. A permit issued by the California Regional Water Quality Control Board under mandate from the federal environmental protection agency to control discharges to national and state water bodies.

Person: Any person, firm, association, organization, partnership, business trust, joint venture, corporation or company, including the United States, the State of California, the County of Santa Clara, special purpose districts and any officer or agency thereof.

Petroleum product: fuel oil, sludge, oil refuse, oil mixed with waste, gasoline, motor fuel, motor oil, gear oil, and grease.

Program: The County of Santa Clara Nonpoint Source Pollution Control Program.

Refuse: Putrescible and nonputrescible solid or liquid materials or waste, whether combustible or noncombustible, and including garbage, rubbish and food processing waste.

Soil sediments: The soil washed away by water. As used in this division "soil sediments" refers to the loss of soil caused by land disturbance and does not apply to naturally occurring erosion on undisturbed land.

Storm drain: Any inlet, pipe, conduit, swale, channel or creek designed or used for the disposal of storm and surface waters and drainage, but excluding any sanitary sewer system.

Storm water: Unpolluted water which has no added constituents that would render it unacceptable for disposal to storm or natural drainage channels, or directly to surface waters.

Storm water system: The system of inlets, drains, pipes, swales, channels, creeks, which collects, directs and transports storm water runoff.

Unincorporated area: Those portions of the County which lie outside municipal boundaries of the cities within the County.

Watercourse: A channel, either manmade or natural, in which a flow of water occurs, either continuously or intermittently.

(Ord. No. NS-517.71, § 1, 1-14-03)

## **CHAPTER II. DISCHARGES TO STORM WATER SYSTEM**

### **Sec. B11 1/2-3. Discharge prohibition.**

It shall be unlawful to discharge, or cause, allow or permit to be discharged into any part of the storm water system or watercourses any sewage, industrial wastes, hazardous waste, anti-freeze, petroleum or petroleum products, coal tar, chemicals, detergents, solvents, paints, contaminated or chlorinated swimming pool water, pesticides, herbicides, fertilizers, soil sediments, washwater, cans, bottles, refuse, animal wastes,

cement powder, concrete waste, broken concrete, construction-site waste or debris, motor or other vehicles or parts thereof, or any material that may be deleterious to aquatic life.

(Ord. No. NS-517.71, § 1, 1-14-03)

**Sec. B11 1/2-4. Exceptions to discharge prohibitions.**

The provisions of this division shall not prohibit any discharge in compliance with a valid NPDES permit issued to the discharger.

(Ord. No. NS-517.71, § 1, 1-14-03)

**CHAPTER III.  
ENFORCEMENT**

**Sec. B11 1/2-5. Violation--Misdemeanor.**

Any person who intentionally or negligently violates any provision of this division shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Penal Code Section 19 as a separate violation for each day in which the violation occurs or continues. The County's share of any fine collected pursuant to this section shall be deposited into the County Nonpoint Source Pollution Control Program account.

(Ord. No. NS-517.71, § 1, 1-14-03)

**Sec. B11 1/2-6. Violation--Civil penalty.**

Any person who intentionally or negligently violates any provision of this division or any provision of any permit issued pursuant to this division shall be subject to civil penalties in a sum not less than one thousand dollars (\$1,000) or more than twenty-five thousand dollars (\$25,000.00) for each day of violation. The civil penalty provided in this section is cumulative and not exclusive, and shall be in addition to all other remedies available to the County under state and federal law and local ordinance. Any civil penalties collected pursuant to this section shall be deposited into the Nonpoint Source Pollution Control Program account.

In determining the penalty, the court shall consider all relevant circumstances, including but not limited to the following:

- (a) The extent of harm or potential harm caused by the violation;
- (b) The nature and persistence of the division;
- (c) The frequency of past violations;
- (d) Corrective action, if any taken by the violator.

In any civil action brought pursuant hereto, in which the County prevails, the court shall determine and impose reasonable expenses, including attorney's fees, incurred by the County in the investigation and prosecution of the action.

(Ord. No. NS-517.71, § 1, 1-14-03)

**Sec. B11 1/2-7. Enforcement Authority.**

Pursuant to Section 836.5 of the California Penal Code, the Director of the Environmental Resources Agency or designees are hereby authorized to enforce the provisions of this division and to issue citations for violations thereof.

Whenever necessary for the purpose of determining compliance or enforcing the provisions of this division, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises any condition which constitutes a violation of this division, the officers may enter the structure or premises at all reasonable times to inspect, or to perform any duty imposed upon any of the officers by law; provided that if the structure or premises is occupied, the officer shall first present proper credentials and request entry, and further provided, that if the structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from the firm or corporation and request entry, except in emergency circumstances. If entry is refused, the officer seeking entry will have recourse to every remedy provided by law to secure entry.

There will be no civil liability on the part of, and no cause of action will arise against, any enforcement officer acting pursuant to this section and within the scope of authority.

(Ord. No. NS-517.71, § 1, 1-14-03)