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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 08-091

RELATING TO WATER POLLUTION CONTROL, AMENDING SECTIONS IN
CHAPTER 7.53 SNOHOMISH COUNTY CODE

WHEREAS, in Washington State, the Washington State Department of Ecology (Ecology) administers National Pollutant Discharge Elimination System (NPDES) permits, which are part of the federal Clean Water Act; and

WHEREAS, Ecology reissued an NPDES Phase 1 municipal stormwater permit on January 17, 2007, to Snohomish County and five other municipalities; and

WHEREAS, the NPDES municipal stormwater permit mandates that Snohomish County adopt legal authority to require the implementation of stormwater pollution source control best management practices (BMPs) and the adoption of technical guidance for source control BMPs equivalent to Volume 4 of Ecology's 2005 Stormwater Management Manual for Western Washington; and

WHEREAS, the NPDES Phase 1 municipal stormwater permit requires adoption of this legal authority and technical guidance by August 16, 2008; and

WHEREAS, this ordinance is intended to meet the legal authority requirements for stormwater pollution source control set forth in the NPDES Phase 1 municipal stormwater permit;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 7.53.020, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.020 Declaration of purpose.

The purpose of this code is to protect the quality of Snohomish County's ~~((surface-water and groundwater))~~ receiving waters and groundwater, and to protect the integrity of public drainage facilities, by providing minimum requirements for the control of discharges of contaminants to ~~((public))~~ drainage facilities, natural drainage systems, ~~((surface and storm water and ground water in the county))~~ stormwater, receiving waters, and groundwater in Snohomish County.

Section 2. Snohomish County Code Section 7.53.040, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.040 Administration--Authority of directors.

The directors of public works and planning and development services are authorized to adopt and amend administrative rules pertaining to their responsibilities as established in this chapter for the purpose of implementing and enforcing the provisions of this chapter. Copies of all administrative rules and amendments thereto shall be available to the public at the respective departments.

Section 3. Snohomish County Code Section 7.53.050, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.050 Snohomish (~~County water pollution control guidance manual--director of public works' authority~~) County Drainage Manual.

The director of public works is authorized to develop, adopt and amend (~~a Water Pollution Control Guidance Manual containing~~) technical guidelines and best management practices for implementing the requirements of this chapter. (~~This manual~~) These guidelines and best management practices may be a separate document, or may consist of all or a portion of the Snohomish County Drainage Manual developed by the director of public works as authorized by (~~Chapter~~) chapter 30.63A(-040) SCC. Prior to adoption of the manual or amendments thereto, the director shall allow a public review period of not less than 30 days. Upon adoption, a copy of the manual shall be filed with the clerk of the county council and shall also be available to the public at the department of public works.

Section 4. Snohomish County Code Section 7.53.060, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.060 Definitions.

In this chapter, unless the context clearly requires otherwise,

(1) "Best management practices" or "BMPs" (~~mean~~) means (~~the best available and reasonable physical, structural, managerial, or behavioral activities~~) physical objects, structures, managerial practices, or behaviors, that when used singly or in combination, eliminate or reduce the (~~contamination of surface and/or ground waters~~) introduction of contaminants to stormwater, receiving waters, or groundwater.

(2) "Chapter " means this chapter and any administrative rules and regulations adopted to implement and enforce it.

(3) "Clean Water Act" means 33 U.S.C. 1251 et. seq., as now existing or hereafter amended.

(4) "Connection" means a plumbing or hydraulic connection.

(5) "Contaminant" means a solid, liquid, or gaseous substance that, if discharged to a drainage facility, natural drainage system, (~~surface or storm water, or~~

1 ~~ground-water))~~receiving waters or groundwater, will alter the physical, chemical, or
2 biological properties thereof to the extent that the discharge will render the facility,
3 system, or water harmful, detrimental, or injurious to the public health, safety, or
4 welfare, or to domestic, commercial, industrial, agricultural, recreational, or other
5 legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.
6 Contaminants may include, but are not limited to the following: trash or debris;
7 construction materials; petroleum products including but not limited to oil, gasoline,
8 grease, fuel oil or heating oil; antifreeze and other automotive products; metals in either
9 particulate or dissolved form; flammable or explosive materials; radioactive material;
10 batteries; acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes;
11 degreasers and solvents; drain cleaners; pesticides, herbicides, or fertilizers; steam
12 cleaning wastes; soaps, detergents, or ammonia; chlorine, bromine, or other
13 disinfectants; heated water; animal wastes; sewage; animal carcasses; food wastes;
14 bark, soils, sediment, rock and other fibrous materials; collected lawn clippings, leaves,
15 or branches; dyes, except as allowed in SCC 7.53.090(11); and wastewater generated
16 by commercial or industrial activities.

17 (6) "County " means Snohomish County.

18 (7) "Director" means the director of planning and development services unless
19 otherwise specified.

20 ~~((7))~~(8) "Discharge" means to throw, drain, release, dump, spill, empty, emit, or
21 pour any matter into ~~((water))~~receiving waters, groundwater, a natural drainage system,
22 or a drainage facility, or to cause or allow matter to be thrown, drained, released,
23 dumped, spilled, emptied, emitted or poured into ~~((water))~~ receiving waters,
24 groundwater, a natural drainage system, or a drainage facility, or to cause or allow
25 matter to flow, run, or seep from land into ~~((water))~~receiving waters, groundwater, a
26 natural drainage system, or a drainage facility.

27 ~~((8))~~(9) "Drainage facility" means any part of a man-made physical system
28 ~~((that collects, conveys, or stores surface and storm water runoff))~~ designed or
29 constructed to collect, treat, convey, store, or control the flow of stormwater. Drainage
30 facilities include, but are not limited to, storm water conveyance and containment
31 facilities, including pipelines, constructed channels and ditches, infiltration facilities,
32 retention and detention facilities, stormwater treatment facilities, erosion and
33 sedimentation control facilities, and all other drainage structures and appurtenances.

34 ~~((9))~~(10) ~~("Ground-water"))~~"Groundwater" means all waters that exist beneath
35 the land surface or beneath the bed of any stream, lake, or reservoir, or other body of
36 surface water, whatever may be the geological formation or structure in which such
37 water stands, flows, percolates or otherwise moves.

38 ~~((40))~~(11) "National Pollutant Discharge Elimination System" or "NPDES"
39 means the national program authorized under the Clean Water Act for controlling
40 pollutants from point and nonpoint source discharges into waters of the United States.

41 ~~((41))~~(12) "National Pollutant Discharge Elimination System permit" or "NPDES
42 permit" means a permit issued by the Washington State Department of Ecology
43 (Ecology) acting on behalf of the United States Environmental Protection Agency
44 (EPA), to implement the requirements of the Clean Water Act.

45 ~~((42))~~(13) "Natural drainage system" means the physical beds and boundaries
46 of ~~((natural surface water features such as rivers, streams, springs, seeps, ponds, lakes~~

1 ~~or wetlands that convey or contain surface and storm water~~) receiving waters, including
2 those natural drainage systems that have been altered by human actions.

3 ~~((13))~~(14) "Person" means any individual, government agency, municipality,
4 corporation, limited liability corporation, partnership, association, firm, or any other legal
5 entity ~~((whatsoever))~~.

6 ~~((14))~~(15) "Public drainage facility" means any drainage facility owned or
7 operated by Snohomish County, including but not limited to all drainage facilities
8 located within the public right-of-way or on other County property and easements,
9 including natural drainage systems located therein.

10 (16) "Receiving waters" means lakes, rivers, ponds, streams, wetlands, brackish
11 or salt waters including any part of Puget Sound within Snohomish County, and all other
12 naturally occurring surface waters and watercourses, including those for which the
13 physical beds and boundaries have been altered by human actions.

14 (17) "Snohomish County Drainage Manual" or "Manual" means the manual
15 adopted pursuant to SCC 7.53.050.

16 (18) "Source control best management practices" or "source control BMPs"
17 means structures, equipment, supplies, or operations that are intended to prevent
18 pollutants from coming into contact with stormwater through physical separation of
19 areas or careful management of activities that are sources of pollutants.

20 (19) "State Sediment Management Standards" means those standards
21 established by Ecology for sediment, as set forth in Chapter 173-204 of the Washington
22 Administrative Code.

23 ~~((15))~~(20) "State Waste Discharge Permit" means a permit issued by ~~((the~~
24 ~~Washington State Department of)~~ Ecology in accordance with Chapter 173-216 of the
25 Washington Administrative Code.

26 ~~((16))~~(21) "State Water Quality Standards" means those water quality
27 standards established by ~~((the Department of))~~ Ecology for surface waters, as set forth
28 in Chapter 173-201A of the Washington Administrative Code, and for ~~((ground~~
29 ~~waters))~~groundwater, as set forth in Chapter 173-200 of the Washington Administrative
30 Code.

31 ~~((17))~~ "Surface and storm water" means ~~vagrant or diffuse waters produced by~~
32 ~~rain, melting snow or springs. Surface and storm water is found in drainage facilities,~~
33 ~~rivers, streams, springs, seeps, ponds, lakes and wetlands, as well as shallow ground~~
34 ~~water.))~~(22) "Stormwater" means surface water runoff resulting from rainfall, snowmelt,
35 or other precipitation, prior to discharge to a receiving water or groundwater.

36 ~~((18))~~ "Water Pollution Control Guidance Manual" or "Manual" means the current
37 ~~edition of the manual adopted pursuant to SCC 7.53.050.))~~
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Section 5. A new section is added to Chapter 7.53 of the Snohomish County Code to read:

7.53.065 Violations.

Violations of any provision of this chapter are subject to enforcement action under this chapter as set forth herein. A violation consists of any of the following:

- (1) Discharge of a contaminant into a drainage facility, natural drainage system, receiving water, or groundwater within Snohomish County;
 - (2) Failure to notify the director of public works of a prohibited discharge or dye testing as required by this chapter;
 - (3) Failure to implement technical guidelines or BMPs required by this chapter;
 - (4) Failure to comply with the terms of a citation issued under SCC 7.53.180;
- and
- (5) Failure to comply with any requirement established in this chapter or performing or allowing to be performed any act or activity prohibited by this chapter.

Section 6. Snohomish County Code Section 7.53.070, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.070 Prohibited discharges.

~~((1) It is unlawful for any person to discharge one or more contaminants into any public drainage facility, natural drainage system, surface and storm water found in these systems, ground water, or any part of Puget Sound that is within Snohomish County, such that the discharge either:~~

~~— (a) causes or contributes to a violation of State Water Quality Standards; or~~

~~— (b) causes or contributes to a violation of any NPDES permit or State Waste Discharge permit issued to the County.~~

~~(2) "Contaminant" shall have the definition set forth in SCC 7.53.060. Contaminants may include, but are not limited, to the following:~~

- ~~(1) — trash or debris;~~
- ~~(2) — construction materials;~~
- ~~(3) — petroleum products including but not limited to oil, gasoline, grease, fuel oil or heating oil;~~
- ~~(4) — antifreeze and other automotive products;~~
- ~~(5) — metals in either particulate or dissolved form;~~
- ~~(6) — flammable or explosive materials;~~
- ~~(7) — radioactive material;~~
- ~~(8) — batteries;~~
- ~~(9) — acids, alkalis, or bases;~~
- ~~(10) — paints, stains, resins, lacquers, or varnishes;~~
- ~~(11) — degreasers and solvents;~~
- ~~(12) — drain cleaners;~~
- ~~(13) — pesticides, herbicides, or fertilizers;~~
- ~~(14) — steam cleaning wastes;~~

- (15) ~~soaps, detergents, or ammonia;~~
(16) ~~chlorine, bromine, or other disinfectants;~~
(17) ~~heated water;~~
(18) ~~animal wastes;~~
(19) ~~sewage;~~
(20) ~~animal carcasses;~~
(21) ~~food wastes;~~
(22) ~~bark, soils, sediment and other fibrous materials;~~
(23) ~~collected lawn clippings, leaves, or branches;~~
(24) ~~dyes, except as allowed in 7.53.090(g);~~
(25) ~~process waste water; and~~
(26) ~~chemicals not normally found in uncontaminated water.)~~

Except as allowed in SCC 7.53.090 or conditionally allowed in SCC 7.53.095, the following discharges to any drainage facility, natural drainage system, receiving water, or groundwater within Snohomish County are prohibited:

- (1) Any discharge not completely composed of stormwater;
(2) Any discharge that causes or contributes to a violation of State Water Quality Standards or State Sediment Management Standards;
(3) Any discharge that causes or contributes to a violation of any NPDES permit or State Waste Discharge permit issued to the county;
(4) Any discharge that causes the county to be in violation of the State Underground Injection Control Program (Chapter 173-218 WAC); and
(5) Any discharge that contains contaminants.

Section 7. Snohomish County Code Section 7.53.080, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.080 Prohibited plumbing or sewer connections.

Plumbing or sewer connections that could discharge contaminants to a ((public)) drainage facility, natural drainage system, ((surface and storm water found in these systems, ground water, or any part of Puget Sound that is)) receiving waters, or groundwater within Snohomish County, in violation of ((Section)) SCC 7.53.070 ((SCC)) are prohibited except:

- (1) ((connections)) Connections conveying discharges allowed by ((a)) an NPDES permit or a State Waste Discharge Permit; or
(2) ((connections)) Connections conveying effluent to subsurface soils from onsite sewage disposal systems authorized by the Snohomish Health District or the Washington State Department of Ecology, provided that such discharges do not otherwise violate ((Section)) SCC 7.53.070((SCG)).

Section 8. Snohomish County Code Section 7.53.090, last amended by Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

7.53.090 Allowed discharges.

~~((Discharges that do not violate SCC 7.53.070 are not prohibited by this chapter. Such discharges may include, but are not limited to, the following:~~

- ~~(1) potable water;~~
- ~~(2) uncontaminated water from crawl space pumps or footing drains;~~
- ~~(3) runoff from landscape irrigation;~~
- ~~(4) water from pools or spas that does not contain contaminants as defined in Section 7.53.060(5);~~
- ~~(5) materials used in County approved habitat restoration or bank stabilization projects;~~
- ~~(6) marine engine exhaust and cooling water; and~~
- ~~(7) non-toxic dye used for identifying and testing sewer connections.))~~

The following discharges are allowed if the discharge does not contain contaminants:

- (1) Naturally occurring surface water and groundwater;
- (2) Diverted stream flows;
- (3) Uncontaminated groundwater entering drainage facilities via pipe joints, pipe connections, manholes, defective pipes, or via seepage from the earth into open drainage structures such as ditches or ponds;
- (4) Pumped groundwater;
- (5) Water discharged from foundation drains, footing drains, and crawl space pumps;
- (6) Air conditioning condensation;
- (7) Irrigation water from agricultural sources that is commingled with stormwater;
- (8) Runoff from lawn watering and landscape irrigation;
- (9) Materials used or structures installed as part of capital construction projects, habitat restoration projects, bank stabilization projects, scientific research, or similar projects, as approved by Snohomish County, the State of Washington, or the federal government;
- (10) Marine engine exhaust and cooling water;
- (11) Non-toxic dye used for identifying and testing sewer connections; and
- (12) Non-stormwater discharges covered by another NPDES or State Waste Discharge Permit issued by Ecology or EPA.

Section 9. A new section is added to Chapter 7.53 of the Snohomish County Code to read:

7.53.095 Conditionally allowed discharges.

The following discharges are allowed only if the discharges do not contain contaminants:

- (1) Potable water discharges, including water line flushing, fire hydrant system flushing, and pipeline hydrostatic testing, when the discharge contains less than 0.1

1 milligram per liter of chlorine, has a pH between 6.5 and 8.5, and does not cause
2 resuspension of sediment in the public drainage system;

3 (2) Swimming pool and spa discharges other than swimming pool cleaning
4 wastewater and filter backwash, when the discharge contains less than 0.1 milligram
5 per liter of chlorine and does not contain algicides other than chlorine or bromine
6 compounds; and

7 (3) Discharges of water from washing streets, sidewalks, and building exteriors,
8 and water used to control dust, when the discharge does not contain soap or detergent,
9 and when streets and sidewalks associated with active construction sites are swept
10 prior to washing.

11
12 **Section 10.** Snohomish County Code Section 7.53.110, last amended by Amended
13 Ordinance No. 07-030 on May 2, 2007, is amended to read:

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15 **7.53.110 ~~((Public))~~Emergency public fire fighting discharges exempt.**

16
17 ~~((A-discharge))~~Discharges resulting directly from emergency public fire fighting activities
18 ~~((is))are~~ exempt from compliance with this chapter. ~~((However, a-discharge))~~
19 Discharges resulting from maintenance, repair, or operation of fire fighting equipment
20 and facilities that ~~((is))are~~ not directly associated with public fire fighting, including
21 discharges from public fire fighting training exercises, ~~((is))are~~ not exempt from
22 compliance with this chapter.

23
24 **Section 11.** Snohomish County Code Section 7.53.120, last amended by Amended
25 Ordinance No. 07-030 on May 2, 2007, is amended to read:

26
27 **7.53.120 Best management practices (BMPs) required.**

28
29 ~~((Any person causing or allowing a discharge to a public drainage facility, natural
30 drainage system, surface and storm water found in these systems, ground water, or any
31 part of Puget Sound that is within Snohomish County shall control contamination in the
32 discharge so as not to violate SCC 7.53.070, by implementing appropriate best
33 management practices (BMPs). BMPs may include development and implementation of
34 a spill control plan, site operation and maintenance practices, material handling and
35 storage practices, and construction and operation of structural improvements, and other
36 BMPs described in documents such as the Water Pollution Control Guidance Manual,
37 farm plans approved by the Snohomish Conservation District, and pollution prevention
38 plans developed pursuant to NPDES permits.))~~

39 (1) Any person storing or using materials containing contaminants in any
40 manner that may result in a prohibited discharge shall implement the source control
41 BMPs described in Volume 4, Chapter 2 of the Snohomish County Drainage Manual.

42 (2) Any person operating a facility or performing an activity described in Chapter
43 3, Volume 4 of the Snohomish County Drainage Manual shall implement the source
44 control BMPs described therein for the facility or activity.

1 (3) Full implementation of all stormwater BMPs required by an NPDES industrial
2 stormwater permit or State Waste Discharge Permit shall constitute compliance with
3 this section.

4 (4) As an alternative to implementing the BMPs described in SCC 7.53.120(1)
5 through (3), the director of public works or planning and development services may
6 allow or require implementation of BMPs from Volume 4, Chapters 4 or 5 or from
7 Volumes 2, 3, or 5 of the Snohomish County Drainage Manual, or BMPs from other
8 documents such as stormwater pollution prevention plans developed pursuant to farm
9 plans or similar documents, if the director determines the alternative BMPs provide
10 substantially equivalent environmental protection and meet the objectives of safety,
11 function, and maintenance. The director shall document in writing all such
12 determinations and supporting information.

13 (5) Implementation of the source control BMPs described in SCC 7.53.120(1)
14 through (4) is the minimum required step toward preventing prohibited discharges. Full
15 implementation of BMPs required by this section does not exempt a person from also
16 complying with any other requirement of this chapter.

17
18 **Section 12.** Snohomish County Code Section 7.53.130, last amended by Amended
19 Ordinance No. 07-030 on May 2, 2007, is amended to read:

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21 **7.53.130 ((Director's authority where BMPs fail to control pollution.))Inspections**
22 **by the director.**

23
24 ~~((If the director of public works determines that, despite the proper use of best~~
25 ~~management practices, a discharge is causing a violation of SCC 7.53.070, he or she~~
26 ~~shall notify the director of planning and development services of that determination.~~
27 ~~The director of planning and development services may require the person causing or~~
28 ~~allowing the discharge to employ additional or more stringent BMPs. In the alternative,~~
29 ~~the director may order the person to cease discharging altogether.))~~

30 If not otherwise allowed by easements, covenants, or other enforceable documents, the
31 director of either public works or planning and development services may inspect
32 properties or facilities to determine compliance with this chapter, if permission to do so
33 is granted by a property owner or other person with authority to grant such permission.
34 Such inspections may include the following activities:

35 (1) Examination of vehicles, trailers, tanks, or mobile or stationary equipment
36 which could cause a prohibited discharge;

37 (2) Inspection, sampling, and testing any area, discharge, material, or drainage
38 facility for the purpose of determining the potential for contribution of pollutants to
39 drainage facilities or receiving waters;

40 (3) Investigation of the integrity of drainage facilities on the premises using
41 appropriate tests including but not limited to dye or smoke testing or video surveys;

42 (4) Creating records reasonably necessary to document conditions related to
43 stormwater pollution or BMPs implemented on the premises, including but not limited to
44 photographs, video, measurements and drawings; and

45 (5) Inspection and copying of nonconfidential records relating to site activity or
46 processes presently or previously occurring, including but not limited to material safety

1 data sheets, stormwater pollution prevention plans, spill response plans, hazardous
2 waste manifests, drainage inspection records, state or federal stormwater permits, or
3 other records related to prohibited connections or discharges.
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5 **Section 13.** Snohomish County Code Section 7.53.140, last amended by Amended
6 Ordinance No. 07-030 on May 2, 2007, is amended to read:
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8 **7.53.140 ((Notification of the director regarding discharges.))Inspection,**
9 **maintenance and repair of drainage facilities not owned by Snohomish County.**
10

11 ~~((Any person causing or allowing a discharge in violation of SCC 7.53.070 shall report~~
12 ~~the discharge immediately upon discovery to the director of public works. This reporting~~
13 ~~requirement is in addition to any other notification required under federal, state or local~~
14 ~~laws and regulations.))~~

15 (1) Any owner or operator of a drainage facility of the types described in Volume
16 5, Chapter 3 of the Snohomish County Drainage Manual must inspect the drainage
17 facility in accordance with the inspection procedures set forth in that chapter once
18 before February 15, 2012, and once every five years thereafter.

19 (2) If conditions in a drainage facility indicate that maintenance or repair is
20 needed based on Volume 5, Chapter 3 of the Snohomish County Drainage Manual, the
21 owner or operator shall perform the maintenance and repair actions described in that
22 chapter in accordance with the schedule set forth therein.

23 (3) Inspection and maintenance records shall be retained for a minimum of five
24 years, and shall be made available to Snohomish County upon request.
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26 **Section 14.** Snohomish County Code Section 7.53.150, last amended by Amended
27 Ordinance No. 07-030 on May 2, 2007, is amended to read:
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29 **7.53.150 ((Investigation and testing of prohibited discharges.))Notification of**
30 **discharges required.**
31

32 ~~((If the director of public works determines that a prohibited discharge is occurring or~~
33 ~~has occurred, he or she shall notify the director of planning and development services~~
34 ~~of such discharge. The director of planning and development services may require the~~
35 ~~person causing or allowing the discharge to investigate and test private plumbing,~~
36 ~~sanitary sewers, and drainage facilities, and test water to determine its nature and~~
37 ~~character, or to determine the source or cause of the discharge. Alternatively, the~~
38 ~~director of public works may perform such investigations and tests and recover the~~
39 ~~costs thereof, as part of the enforcement proceedings authorized herein.))Any person~~
40 causing or allowing a prohibited discharge shall report the discharge immediately upon
41 discovery to the director of either public works or planning and development services.
42 This reporting requirement is in addition to any other notification required under federal,
43 state or local laws and regulations.
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1 **Section 15.** Snohomish County Code Section 7.53.160, last amended by Amended
2 Ordinance No. 07-030 on May 2, 2007, is amended to read:

3
4 **7.53.160 ~~((Enforcement authority of departments.))~~ Investigation and testing of**
5 **prohibited discharges.**
6

7 ~~((Whenever the director of public works determines that a condition exists in violation of~~
8 ~~this chapter or a standard required hereunder, he or she shall convey that~~
9 ~~determination to the director of planning and development services. Upon receipt of~~
10 ~~such a determination, the director of planning and development services is authorized~~
11 ~~to commence an enforcement action against the person(s) responsible for such~~
12 ~~violation. In considering whether to initiate enforcement action, the director may~~
13 ~~consider mitigating circumstances, including catastrophic events, that cause failure of~~
14 ~~properly designed and implemented BMPs. The director may request the assistance of~~
15 ~~the prosecuting attorney's office for judicial enforcement of this chapter as deemed~~
16 ~~appropriate by the prosecuting attorney.))~~ If the director of either public works or
17 planning and development services determines either by notification or by testing that a
18 prohibited discharge is occurring or has occurred, he or she may require the person
19 causing or allowing the discharge to investigate and test private plumbing, sanitary
20 sewers, and drainage facilities, and test water to determine the nature and character of
21 the discharge, or to determine the source or cause of the discharge. Alternatively, the
22 director may perform such investigations and tests and recover the costs thereof to
23 enforce this chapter as authorized herein.
24

25 **Section 16.** Snohomish County Code Section 7.53.180, last amended by Amended
26 Ordinance No. 07-030 on May 2, 2007, is amended to read:

27
28 **7.53.180 Enforcement – ~~((warning,))~~ citation and order to cease violation.**

29 (1) ~~Whenever any condition is found to be in violation of this chapter or~~
30 ~~standards required hereunder, the director ((of planning and development services))~~
31 ~~may cause a ((warning notice or-))~~ citation to be issued to the person(s) causing or
32 allowing the violation, which may include an order to immediately cease the activity
33 causing the violation.

34 (2) ~~The ((warning notice or-))~~ citation shall include the following information:

35 ~~((1))~~ (a) The name(s) of the parties determined to be responsible for the
36 violation(s)(-);

37 ~~((2))~~ (b) The address or legal description of the location where each
38 violation ~~((is alleged to have))~~ has occurred(-);

39 ~~((3))~~ (c) A brief description of the activity which is causing or allowing the
40 violation(-);

41 ~~((4))~~ (d) The specific provision of this chapter which ~~((is believed to~~
42 ~~have))~~ has been violated(-);

43 ~~((5))~~ (e) A description of any required corrective action(-);

44 ~~((6))~~ (f) A deadline by which corrective action, if any, must be
45 completed(-);

1 ((7))(g) The amount of monetary penalty imposed, if any, and the date
2 by which payment shall be made((-));

3 ((8))(h) The signature and written name of the county official issuing the
4 ((warning notice or-))citation((-));

5 ((9))(i) The date of the ((warning notice or-))citation((-)); and

6 ((10))(j) Notice of the right to appeal provided in SCC 7.53.230.

7 (3) A ((warning notice or-))citation may be amended at any time to correct
8 clerical errors, which shall not affect the validity of the ((warning or-))citation.

9 (4) The ((warning notice or-))citation shall be served upon the ((person(s))) party
10 or parties named therein by one of the following methods:((either: (1) personally; (2) by
11 certified mail, sent to the person's last known address; or (3) if unknown, by posting a
12 copy of the warning or citation in a conspicuous place at the site of violation.))

13 (a) By personal service;

14 (b) By certified mail, sent to the last known address of the party or parties
15 named in the citation; or

16 (c) If the address of the party or parties named in the citation is unknown,
17 by posting a copy of the citation in a conspicuous place at the site of the violation.

18
19 **Section 17.** A new section is added to Chapter 7.53 of Snohomish County Code to
20 read:

21
22 **7.53.185 Warning notice as alternative to citation.**

23
24 (1) As an alternative to issuing a citation, the director may issue a warning notice
25 to a person or persons causing or allowing an apparent violation of this chapter if the
26 apparent violation can be corrected within a reasonable amount of time. A warning
27 notice is a communication by the director containing recommended actions that may be
28 taken by a person responsible for an apparent violation in order to potentially avoid the
29 issuance of a citation.

30 (2) The warning notice shall include the following information:

31 (a) The name(s) of the parties determined to be responsible for the
32 apparent violation(s);

33 (b) The address or legal description of the location where each apparent
34 violation has occurred;

35 (c) A brief description of the activity which is causing or allowing the
36 apparent violation;

37 (d) The specific provision of this chapter which has been
38 apparently violated;

39 (e) A description of any recommended corrective action;

40 (f) A deadline by which corrective action should be completed in order to
41 avoid issuance of a citation by the director;

42 (g) The signature and written name of the county official issuing the
43 warning notice; and

44 (h) The date of the warning notice.

45 (3) The director retains the authority to issue a citation for a violation of this
46 chapter irrespective of previous issuance of a warning notice.

1 **Section 18.** Snohomish County Code Section 7.53.190, last amended by Amended
2 Ordinance No. 07-030 on May 2, 2007, is amended to read:

3
4 **7.53.190 Enforcement--Civil penalties and costs.**

5
6 Whenever a condition is found to be in violation of this chapter or standards required
7 hereunder, the director ~~((of planning and development services))~~ may impose a
8 monetary penalty upon the person(s) causing or allowing the violation in an amount not
9 less than ~~(((\$15.00)))~~\$100.00 but not more than \$1,000.00 per day, for each violation.
10 The director shall develop written policies governing the imposition or suspension of
11 penalties under this section which shall be forwarded to the ~~((Council))~~ county council
12 for approval by written motion. In addition to any other penalty or method of
13 enforcement authorized by this chapter, upon the request of the director, the
14 prosecuting attorney may bring a civil action in superior court to enforce this chapter. In
15 addition to any penalties imposed under this section, the person cited shall be liable for
16 all costs, including costs of mitigating or remediating any damage caused by the
17 unlawful discharge and the costs of suit and reasonable attorney's fees~~((;))~~ incurred by
18 the ~~((County))~~ county in enforcing this chapter.

19
20 **Section 19.** Snohomish County Code Section 7.53.220, last amended by Amended
21 Ordinance No. 07-030 on May 2, 2007, is amended to read:

22
23 **7.53.220 Voluntary compliance agreements.**

24
25 (1) Whenever the director ~~((of planning and development services-))~~ finds that it
26 is in the county's best interests to enter into a contract with a person cited under this
27 chapter for the purpose of ordering corrective action or the performance of mitigation or
28 remediation work to the site impacted or damaged by a violation of this chapter, the
29 director may recommend to the county executive that a voluntary compliance
30 agreement be executed with such person. By entering into such an agreement, the
31 person cited waives any right to appeal a citation issued under this chapter.


32 (2) The voluntary compliance agreement shall specify the work or actions to be
33 taken and the deadline by which the same shall be accomplished. By entering into
34 such an agreement, the person cited consents to the entry of the county onto their
35 property for purposes of inspection of the required work provided that the county shall
36 endeavor to notify the person cited before the inspection.

37 (3) The director may suspend penalties under a voluntary compliance
38 agreement contingent upon the satisfactory completion of all work required thereunder.
39 However, the agreement shall provide that if the responsible party fails to comply with
40 the terms of the agreement, any penalties suspended during the term of the agreement
41 may be tripled and imposed upon the person cited, beginning from the date of the
42 violation. Upon successful completion of all requirements set forth in the agreement,
43 the department shall issue written confirmation of such completion to the responsible
44 party.

1 **Section 20. Severability.** If any section, sentence, clause or phrase of this ordinance
2 is held to be invalid or unconstitutional by a court of competent jurisdiction, such
3 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
4 section, sentence, clause, or phrase of this ordinance. Provided, however, that if any
5 section, sentence, clause, or phrase of this ordinance is held to be invalid by a court of
6 competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to
7 the effective date of this ordinance shall be in full force and effect for that individual
8 section, sentence, clause, or phrase as if this ordinance had never been adopted.
9

10
11 PASSED this 30th day of July, 2008.
12
13

14 SNOHOMISH COUNTY COUNCIL
15 Snohomish County, Washington

16 
17 Chairperson

18
19 ATTEST:

20
21 
22 Clerk of the Council
23

24
25 ☒ APPROVED

26
27 () EMERGENCY

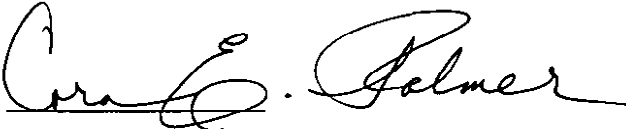
28
29 () VETOED

30
31
32 DATE: 8/11/08

33 
34 County Executive

35 MARK SOINE
36 Deputy Executive

37
38 ATTEST:

39 
40

41 Approved as to form only:

42
43 _____
44 Deputy Prosecuting Attorney

D-16