

ORDINANCE NO. 09 137

AN ORDINANCE GOVERNING ILLICIT DISCHARGE DETECTION AND ELIMINATION OF POLLUTANTS IN STORMWATER DISCHARGES AND THE REGULATION OF NON-STORMWATER DISCHARGES TO THE STORMWATER DRAINAGE SYSTEMS OF COWLITZ COUNTY

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COWLITZ COUNTY, WASHINGTON:

Section 1. A new Chapter is hereby added to the Cowlitz County Code, to read as follows:

Chapter 15.50

Illicit Discharge Detection and Elimination

Sections:

- 15.50.010 Purpose
- 15.50.020 Authority
- 15.50.030 Definitions
- 15.50.040 Applicability
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- 15.50.090 Inspection and Sampling
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- 15.50.140 Cost of Abatement of the Violation
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15.50.010 Purpose.

The purpose of this Chapter is to protect the quality of Cowlitz County's surface and groundwater and protect the integrity of public drainage systems and facilities, by providing minimum requirements for reducing and controlling pollutants and non-stormwater discharges to drainage systems and facilities, natural drainage systems, receiving waters, and groundwater in Cowlitz County. The County recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this Chapter prohibits the discharge of pollutants into the County's Municipal Separate Storm Sewer System or MS4.

The County finds this Chapter as necessary to protect the health, safety, and welfare of the residents of Cowlitz County and the integrity of the County's water resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic and biotic integrity of the water. The objectives of this Chapter are:

- A. To promote public awareness of the hazards of illicit discharges;
- B. To regulate the contribution of pollutants through non-stormwater discharges to the stormwater drainage system by any user;
- C. To prohibit illicit connections and discharges to the stormwater drainage system; and
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter.

Implementation of this Chapter is required under the Western Washington Phase II Municipal Stormwater Permit issued by the Washington Department of Ecology under Sections 307, 402, 318, and 405 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Permit and the Clean Water Act by these provisions, the County also recognizes the importance of maintaining economic viability while providing necessary environmental protection.

15.50.020 Authority

Under the provisions of the Federal Clean Water Act, 33 U.S.C. 1251 et seq., Cowlitz County is required to establish rules and regulations to control the discharge of pollutants into Cowlitz County's municipal stormwater facilities.

15.50.030 Definitions.

For the purposes of this chapter, the words or phrases below shall have the following meanings.

Best Management Practices or BMPs means the schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other structural or managerial practices that, when used singly or in combination, promote the prevention or reduction of pollutant discharges

and other adverse impacts to waters of Washington State or the stormwater drainage system. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

CFR means Code of Federal Regulations.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity means those activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

County means Cowlitz County Department of Public Works or as indicated by the context, may mean the Director of Public Works, or other employee or agent representing the County in the discharge of his or her duties.

Director means the Director of Public Works or his/her designee.

Discharge means to cause or allow matter to be thrown, drained, released, dumped, spilled, emptied, emitted or poured into receiving waters, groundwater, a natural drainage system, or a drainage facility, or to cause or allow matter to flow, run, or seep from land into receiving waters, groundwater, a natural drainage system, a drainage facility, or the MS4.

Groundwater means all waters that exist beneath the land surface or beneath the bed of any stream, lake, or reservoir, or other body of surface water, or whatever may be the geological formation or structure in which such water stands, flows, percolates or otherwise moves.

Hazardous Materials means 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.

Hyperchlorinated Water means water that contains more than 10mg/liter chlorine.

Illicit Discharge means any direct or indirect pollutant or non-stormwater discharge into the MS4, except as expressly exempted in Section 15.50.060 of this chapter.

Illicit Connections means any man-made conveyance that is connected to the MS4 without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

Industrial Activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

May/Shall – “May” is permissive, “Shall” is mandatory.

Municipal Separate Storm Sewer System or MS4 means any part of a man-made physical system operated by the County designed or constructed to collect, treat, convey, store, or control the flow of stormwater, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, constructed channels and ditches, stormwater conveyance and containment facilities, including, infiltration facilities, retention and detention facilities, stormwater treatment facilities, erosion and sedimentation control facilities, pumping facilities and all other drainage structures and appurtenances which are within the County and are not part of a publicly owned treatment works as defined at 40 CFR Section 122.2.

National Pollutant Discharge Elimination System or NPDES means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of Ecology.

Natural Drainage System means the physical beds and boundaries of receiving waters, including those natural drainage systems that have been altered by human actions.

Non-Stormwater Discharge means any discharge to the MS4 that is not composed entirely of stormwater. Examples may include but are not limited to sanitary wastewater, laundry wastewater, noncontact cooling water, radiator flushing wastewater, spills from roadway accidents, and improperly disposed motor oil, solvents, lubricants, and paints.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means any potentially undesirable substance which can be physical, chemical or biological that 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 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.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

RCW means the Revised Code of Washington.

Stormwater Drainage Systems and Facilities means the Municipal Separate Storm Sewer System.

Stormwater means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

Stormwater Pollution Prevention Plan or SWPPP means a written plan to implement Best Management Practices to identify, prevent, and control the contamination of stormwater discharges to stormwater, stormwater drainage systems, MS4 and/or receiving waters to the maximum extent practicable.

WAC means the Washington Administrative Code.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Water body means lakes, rivers, ponds, streams, wetlands, inland waters, sloughs, ditches, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Western Washington Phase II Municipal Stormwater Permit or Permit means a permit issued by the Washington Department of Ecology under Sections 307, 402, 318, and 405 of the Federal Clean Water Act that authorizes the discharge of pollutants to surface waters of the state. Also known as an NPDES permit.

15.50.040 Applicability.

Unless explicitly exempted herein, this Chapter shall apply to all persons/entities responsible for discharges to the MS4 generated on all lands in the unincorporated urbanized areas adjacent to the Cities of Longview and Kelso within Cowlitz County as defined by the latest decennial census conducted by the U.S. Bureau of Census. This area is depicted on the map appended to this chapter as Exhibit "A".

15.50.050 Responsibility for Administration.

The Department of Public Works shall administer, implement, and enforce the provisions of this Chapter. Any powers granted or duties imposed upon the Department of Public Works may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the department.

15.50.060 Discharge Prohibitions.

A. Prohibition of Illicit Discharges.

All illicit or non-stormwater discharges, as defined in this Chapter, made either directly or indirectly into the MS4, are prohibited and constitute a violation of this Chapter.

1. Allowable Non-Stormwater Discharges.

The following categories of non-stormwater discharges are not prohibited:

- 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 urban stormwater.
 - h. Springs.
 - i. Water from crawl space pumps.
 - j. Footing drains.
 - k. Flows from riparian habitats and wetlands.
 - l. Non-stormwater discharges covered by another NPDES permit.
 - m. Discharges from emergency fire fighting activities.
2. Conditionally Allowed Non-Stormwater Discharges.
- The following categories of non-stormwater discharges are not prohibited if the stated conditions are met, and unless they are identified as a significant source of pollution:
- 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 de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the stormwater drainage system.
 - b. Dechlorinated swimming pool, hot tub and similar discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
 - c. Non-stormwater discharges covered by another NPDES permit, provided, that the discharger is in compliance with that permit, waiver, or order and other applicable laws and regulations; and granted that written approval has been granted for discharge to the MS4.
 - d. Discharges specified in writing by the Director of Public Works as being necessary to protect public health and safety.
 - e. Dye testing is an allowable discharge, but requires a verbal notification to the County at least one working day prior to the date of the test.
 - f. Discharges from lawn watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities and water conservation efforts.
 - g. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of water used is minimized. These discharges shall be minimized through, at a minimum, public education activities and water conservation efforts.
 - h. Discharges from individual residential car washing. These shall be minimized through, at a minimum, public education activities and other water conservation efforts.

- i. Discharges from car washing events of less than two consecutive days for charity and non-profit fund raising. These shall be minimized through, at a minimum, public education activities and other water conservation efforts such as pump kits, wash bays, coupon sales and locating the car washing event where the discharge will disperse across a grassy area and filter into the ground.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 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 Chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
4. Improper connections in violation of the Chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.
5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the MS4, shall be located by the owner or occupant of that property upon receipt of a Written Warning or Notice of Violation from the County requiring that such locating be completed. Such notice will specify a reasonable time within which the location of the drain or conveyance is 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 MS4, storm drainage system, sanitary sewer system or other discharge be documented and provided to the County.

15.50.070 Suspension of Stormwater Drainage System Access.

A. Suspension due to Illicit Discharges in Emergency Situations

The County may, without prior notice, suspend stormwater drainage system 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 stormwater drainage system or waters of the state. 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 stormwater drainage system or waters of the state, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge.

Any person discharging to the stormwater drainage system in violation of this Chapter may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The County will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the County for a reconsideration and hearing.

C. Reinstatement of Access.

A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Section, without the prior approval of the County.

15.50.080 Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to the allowing of discharges to the MS4.

15.50.090 Inspection and Sampling.

The County is authorized to develop inspection procedures and requirements for all stormwater drainage systems in the County.

A. Inspections.

Inspections for compliance with the provisions of this Chapter shall be allowed as follows:

1. Construction and Development Inspection.

A County representative or designee shall have access to any site for which a permit requiring a stormwater facility has been issued, during regular business hours, for the purpose of review of erosion control practices and private stormwater drainage systems, and to ensure compliance with the terms of such permit. Applicants for any such permit shall agree in writing, as a condition of permit issuance that such access shall be permitted for such purposes. Inspection procedures shall be as outlined in Section 15.50.090(B)

2. Inspection for Cause.

Whenever there is cause to believe that a violation of this Chapter has been or is being committed, the County or designee is authorized to inspect the property during regular business hours, and at any other time reasonable in the circumstances. Inspection procedures shall be as outlined in Section 15.50.090(B).

3. Inspection for Maintenance and Source Control Best Management Practices.

A County representative or designee may inspect private stormwater drainage systems in order to ensure continued functioning of the facilities for the purposes for which they were constructed, and to ensure that maintenance is being performed in accordance with the standards of this Chapter and any maintenance schedule adopted during the plan review process for the property. The County also may enter the site for the purposes of observing source control BMPs. The property owner or other person in control of the site shall allow any authorized representative of the County access during regular business hours or at any other time reasonable in the circumstances, for the purpose of inspection, sampling, and records examination.

B. Inspection Procedure.

Prior to making any inspections, the County representative or designee shall present identification credentials, state the reason for the inspection and request entry of the owner or other person having charge or control of the property, if available, or as provided below.

1. Unoccupied Building.

If the property or any building or structure on the property is unoccupied, the County representative or designee shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

2. Imminent Hazard.

If, after reasonable effort, the County representative or designee is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the site or of the private stormwater drainage system creates an imminent hazard to persons or property, the inspector may enter.

C. Special Inspection Warrant

If the County representative or designee has been refused access to any part of the premises from which stormwater is discharged, and the County is able to demonstrate probable cause to believe that there may be a violation of this chapter, 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.

D. Water Sampling and Analysis.

Water sampling and analysis for determination of compliance with this Chapter shall be allowed as follows:

1. Sample Collection.

When the County has reason to believe that a violation exists or is occurring on a property, the County shall have the authority to set up on the site such devices as are necessary to conduct sampling, inspection, compliance monitoring, or flow measuring operations.

2. Sample Analysis.

Analysis of samples collected during investigation of potential violations shall be analyzed by a laboratory certified by the Department of Ecology as competent to perform the required analysis using standard practices and procedures.

3. Cost of Sample Collection and Analysis.

If it is determined that a violation of this Chapter exists on the site, the owner of the property shall pay the County's actual costs for collecting samples and for laboratory analysis of those samples. If it is found that a violation does not exist, the County will pay such charges.

15.50.100 Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

The owner or operator of a commercial or industrial establishment, and construction sites, shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the stormwater drainage system or watercourses through the use of structural and non-structural BMPs. The design and selection of BMPs

shall be from the most recent version of the Western Washington Stormwater Management Manual, or other County approved Manual or BMP's with County approval. Further, any person responsible for a property or premise, which is, or may be, the source of an illegal 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 stormwater drainage system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

15.50.110 Notification of Spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response 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 MS4, the stormwater drainage system, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, so as to minimize the impacts of the discharge.

In the event of a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services, and shall also notify the Director of Public Works. In the event of a release of non-hazardous materials, said person shall notify the Director in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Failure to provide notification of a release as provided above is a violation of this ordinance.

15.50.120 Violations, Enforcement and Penalties.

It shall be unlawful for any person(s) to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who violates any of the provisions of this Chapter shall be subject to one or more of the enforcement actions outlined in this Section or may be restrained by injunction or otherwise in a manner provided by law. Violation of any provision of this Chapter shall be deemed a nuisance as provided in RCW 36.32.120(10).

A. Warning Notice.

Whenever any person(s) causes or allows an apparent violation of any provision of this Chapter, or any order issued hereunder, the County may serve upon the responsible person(s) a written Warning Notice if the apparent violation can be corrected within a reasonable amount of time. A Warning Notice is a communication by the County specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. The Warning Notice may also contain recommended

actions that may be taken by responsible persons for the apparent violation in order to potentially avoid the issuance of a Notice of Violation. The Warning Notice shall include the following information:

1. The date of the Warning Notice;
2. The name(s) of the parties believed to be responsible for the apparent violation(s);
3. The address or legal description where each apparent violation has occurred;
4. A description of the activity which is causing or allowing the apparent violation;
5. The specific provision of this Chapter which has been apparently violated;
6. A description of any recommended corrective action;
7. A deadline by which corrective action, if any, must be completed in order to avoid issuance of a Notice of Violation;
8. The signature and written name of the County representative issuing the Notice of Violation;

Within fifteen (15) days of the receipt of the Warning Notice, an explanation of the violation and a plan for the satisfactory correction and prevention of reoccurrence thereof shall be submitted by the alleged violator to the County. If the alleged violator denies that any violation occurred and/or contends that no corrective action is necessary, an explanation of the basis of any such denial or contention shall be submitted to the County within fifteen (15) days of receipt of the Warning Notice. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after the receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the County to take action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

B. Notice of Violation.

Whenever any person(s) violates, or continues to violate, any provision of this Chapter, or any order issued hereunder, the County may serve upon the responsible person(s) a written Notice of Violation, which may include an order to immediately cease the activity causing the violation. The Notice of Violation shall include the following information:

1. The date of the Notice of Violation;
2. The name(s) of the parties determined to be responsible for the violation(s);
3. The address or legal description where each violation has occurred;
4. A brief description of the activity which is causing or allowing the violation;

5. The specific provision of this Chapter which has been violated;
6. A description of any required corrective action;
7. A deadline by which corrective action, if any, must be completed;
8. The amount of monetary penalty, if any, and the date by which payment shall be made;
9. The signature and written name of the County representative issuing the Notice of Violation;
10. Notice of the right to appeal provided in Cowlitz County Code Chapter 2.06.060; and
11. All other content as designated in Cowlitz County Code Chapter 2.06.050.

The County retains the authority to issue a Notice of Violation irrespective of previous issuance of a Warning Notice. The Director of Public Works may refer violations to the Prosecuting Attorney as civil infractions for appropriate action as specified in Cowlitz County Code Chapter 2.06.

C. Director's Authority.

After a Notice of Violation is issued but before any court hearing, the Director of Public Works may suspend all or a portion of a civil penalty, on the condition that the defendant agrees in writing to correct the violation by a specified date. If the defendant complies with the agreement, the Director shall so notify the Court and request dismissal of the Notice of Violation.

D. Violation with Immediate Danger.

In the event the violation constitutes an immediate danger to public health or public safety, the Director of Public Works is authorized to enter upon the subject private property, without giving prior notice and to take any and all measures necessary to abate the violation. The County is authorized to seek costs of the abatement as outlined in Section 15.50.130

E. Abatement

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. The County is authorized to seek costs of the abatement as outlined in Section 15.50.130

15.50.130 Cost of Abatement of the Violation by the County.

Within thirty (30) days after abatement of the violation by the County, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days of issuance of the abatement costs notification. If the amount due is not paid within a timely manner as determined by the decision of the Director of Public Works or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment pursuant to the provisions of RCW 36.32.120(10).

15.50.140 Injunctive Relief.

If a person has violated or continues to violate the provisions of this Chapter, in addition to any other remedy provided herein the County may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

15.50.150 Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Chapter, the County may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

15.50.160 Violations deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

15.50.170 Criminal Prosecution.

Any person that has violated or continues to violate any provision of this Chapter, or any order issued hereunder, shall be liable to criminal prosecution to the fullest extent of the law, and shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed one thousand (\$1,000) dollars per violation per day and/or imprisonment for a period of time not to exceed ninety (90) days. Each day shall be a separate violation. Each day of such violation or noncompliance shall constitute a separate offense. The County may recover all attorneys' fees court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

15.50.180 Remedies not Exclusive.

The remedies listed in this Chapter 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.

15.50.190 Water Quality Standards.

Cowlitz County hereby adopts by reference the water quality standards established under the authority of Chapter 90.48.520 RCW and contained within Chapter 173-201A WAC as presently written or hereafter amended.

15.50.200 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this ordinance is not intended to imply, nor does it imply, that compliance by any person will ensure that there will be no pollution or unauthorized discharge of pollutants.

15.50.210 Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter 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 Chapter.

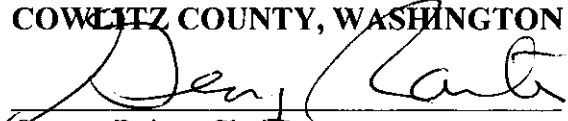
15.50.220 Conflict with Other Regulations.

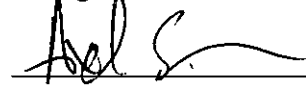
Except as may be expressly provided herein, this Chapter is not intended to modify or repeal any provision of the Cowlitz County Code or any other ordinance, resolution or regulation. The requirements of this chapter are in addition to the requirements of Cowlitz County Code and any other ordinance, resolution or regulation and where any provision of this Chapter is in conflict with any other section of the Cowlitz County Code, ordinances, resolutions, or regulations, the more restrictive regulation or the regulation that imposes higher protective standards for human health or the environment shall apply and such application shall extend to those specific provisions which are more restrictive.


Section 2. Effective Date. This Chapter shall be in full force and effect 30-days after its passage.

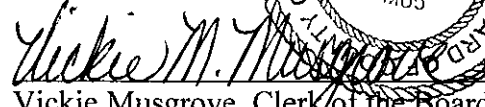
Passed by the Board this 25th day of August, 2009.

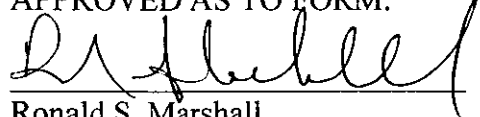
**BOARD OF COUNTY COMMISSIONERS
COWLITZ COUNTY, WASHINGTON**


George Raiter, Chair


Axel Swanson, Commissioner


Kathleen A. Johnson, Commissioner

ATTEST:

Vickie Musgrove, Clerk of the Board

APPROVED AS TO FORM:

Ronald S. Marshall
Prosecuting Attorney's Office

