



THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works

BOARD AGENDA # *C-3

Urgent Routine

AGENDA DATE June 30, 2015

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance to Amend Stanislaus County Code, Chapter 14.14 Relating to Stormwater Management and Discharge Control

STAFF RECOMMENDATIONS:

- 1) Find that the adoption of this ordinance is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the Section 15307 of the CEQA Guidelines.
- 2) Introduce and Waive the First Reading of an ordinance to amend Stanislaus County Code, Chapter 14.14 relating to Stormwater Management and Discharge Control.

FISCAL IMPACT:

There is no fiscal impact associated with amending Stanislaus County Code, Chapter 14.14 relating to Stormwater Management and Discharge Control. This amendment is needed to meet the requirements of the Phase II Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit.

BOARD ACTION AS FOLLOWS:

No. 2015-312

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien
and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, De Martini, and Chairman Withrow

Noes: Supervisors: None

Excused or Absent: Supervisors: Monteith

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1165

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-U-4

Approval to Introduce and Waive the First Reading of an Ordinance to Amend Stanislaus County Code, Chapter 14.14 Relating to Stormwater Management and Discharge Control

DISCUSSION:

The need to amend Stanislaus County Code was described and is a part of the stormwater implementation plan that the Board of Supervisors adopted on February 10, 2015. The 2013 Phase II MS4 NPDES Permit requires the County to modify our ordinances in order to have the ability to enforce the terms of the permit.

The changes to Stanislaus County Code include:

- All construction projects, regardless of size, having soil disturbance or activities exposed to stormwater must, at a minimum, implement best management practices for erosion and sediment controls, dewatering, source controls, pollution prevention and prohibited discharges.
- County, through Public Works, will set stormwater compliance inspection frequencies, based upon the project's threat to water quality.
- County will ensure that projects comply with Low Impact Development Standards and incorporate hydromodification measures to mitigate the difference between pre- and post-peak flow rates and volumes.
- County will check businesses for compliance with the Industrial Activities Permit and the Construction General Permit as issued by the State Water Resources Control Board when we have reasonable cause.
- The enforcement official may order the immediate cessation of any activities that cause an illicit discharge or cause or potentially cause uncontrolled pollutants to enter the stormwater conveyance system when, in the opinion of the enforcement official, the activities present an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES Permit.
- Other non-substantive clean up language that aligns our ordinance with the NPDES Permit.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing A Healthy Community and A Well Planned Infrastructure System by revising County Code to help enforce the NPDES Permit that protects the waters of Stanislaus County.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4153.

DL:dm

**AN ORDINANCE AMENDING TITLE 14 OF THE STANISLAUS COUNTY
CODE**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE
OF CALIFORNIA DO ORDAIN AS FOLLOWS:

Section 1. **Section 14.14.030** of the Stanislaus County Code is hereby
amended to read as follows:

“14.14.030 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply
unless the context clearly indicates or requires a different meaning.

A. “Best management practices” or BMPs mean schedules of
activities, prohibitions of practices, general good housekeeping practices,
pollution prevention and education practices, maintenance procedures, and other
management practices found in the SWPPP to prevent or reduce, to the
maximum extent practicable, the discharge of pollutants directly or indirectly to
waters of the United States (33 CFR Sect. 328.3). Best Management Practices
also include treatment requirements, operating procedures, and practices to
control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage
from raw material storage.

B. “Construction activity” means activities subject to the current State
of California NPDES general permit for stormwater discharges associated with
construction activity. 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.

C. “Development” means any construction, rehabilitation,
redevelopment or reconstruction of any public or private residential project
(whether single- or multifamily planned unit development); industrial, commercial,
retail and other nonresidential projects, including public agency projects; or
grading for future construction. It does not include routine maintenance to
maintain original line and grade, hydraulic capacity, or original purposes of a
facility, nor does it include emergency construction activities required to
immediately protect public health and safety.

D. “Enforcement official” means the director of public works, or his or
her designee, or any agent of Stanislaus County authorized to enforce
compliance with this chapter.

E. "Hazardous waste" means any material, including any substance, waste or combination thereof, that, because of its quality, 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 (California Health and Safety Code Section 25117).

F. "Illicit discharge" means any discharge to the stormwater conveyance system that violates this chapter, or is prohibited by federal, state or local laws, or that degrades the quality of receiving waters in violation of any plan standard.

G. "National pollution discharge elimination system (NPDES) permit" means a permit issued by the Regional Water Quality Control Board or the State Water Resources Control Board, pursuant to Division 7, Chapter 5.5 of the California Water Code (commencing with Section 13370), to control discharges from point sources to waters of the United States.

H. "Individual residential car washing" means the washing of vehicles on private property in which no commercial enterprise or non-profit fund-raising is being conducted in the washing of those vehicles.

I. "Nonstormwater discharge" means any discharge to the stormwater conveyance system that is not entirely composed of stormwater.

J. "Person" means any person, firm, corporation, business entity, or public agency, whether principal, agent, employee or otherwise.

K. "Pollutant" means any contaminant that can degrade the quality of the receiving water in violation of any water quality standard or NPDES permit.

L. "Public works director" means the public works director of Stanislaus County.

M. "Stormwater" means surface runoff and drainage associated with storm events, which is free of pollutants.

N. "Stormwater conveyance system" means those artificial and natural facilities within Stanislaus County, whether publicly or privately owned, by which stormwater may be conveyed to a watercourse or waters of the United States, including without limitation, any roads with drainage systems, streets, catch basins, natural and artificial channels, aqueducts, stream beds, gullies, curbs, gutters, ditches, open fields, parking lots, impervious surfaces used for parking, and natural and artificial channels or storm drains.

O. "Stormwater pollution prevention plan (SWPPP)" means a document that describes the best management practices to be implemented by the owner or operator of a business, commercial development, residential development, or construction project, to eliminate nonstormwater discharges and/or to reduce, to the maximum extent practicable (as defined by the State of California Regional Water Quality Control Board), pollutant discharges to the stormwater conveyance system.

P. "Surface water" means all water naturally open to the atmosphere (rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, etc.) and all springs, wells, or other collectors directly influenced by surface water.

Q. "Watercourse" means any natural stream, whether flowing continuously or not, that is fed from permanent or natural sources, and includes, without limitation, rivers, creeks, runs and rivulets.

R. Any term(s) defined in the Federal Clean Water Act, as amended, and/or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency, as amended, and which are not specifically defined in this section, shall, when used in this chapter, have the same meaning as set forth in such act or regulation. (Ord. CS 1047 §1, 2008).

S. "MS4" means Stanislaus County's Municipal Separate Storm Sewer System."

Section 2. Section 14.14.060 (B) of the Stanislaus County Code is hereby amended to read as follows:

"B. Discharges from the following activities, which do not cause or contribute to the violation of any NPDES Permit:

1. Water line flushing and other discharges from potable water sources,
2. Incidental runoff from landscaped areas defined as unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use,
3. Rising ground waters or springs,
4. Passive foundation and footing drains,
5. Water from crawl space pumps and basement pumps,
6. Air conditioning condensation,

7. Natural flows from riparian habitats and wetlands,
8. Flows from fire suppression activities, including fire hydrant flows,
9. Waters not otherwise containing wastes as defined in California Water Code Section 13050(d) and California Health and Safety Code Section 25117,
10. Diverted stream flows,
11. Uncontaminated ground water infiltration or pumped to separate storm sewers;
12. Any discharge that the enforcement official, the local health officer or the Regional Water Quality Control Board determines, in writing, is necessary for the protection of the public health and safety;
13. Any discharge caused by flooding or other natural disaster, which could not have been reasonably foreseen or mitigated for in advance by the discharger, as determined by the enforcement official.
14. Individual residential car washing on private property in which no commercial enterprise or non-profit fund raising is being conducted in the washing of those vehicles. (Ord. CS 1047 §1, 2008)."

Section 3. Section 14.14.120 of the Stanislaus County Code is hereby amended to read as follows:

“14.14.120 REDUCTION OF POLLUTANTS IN STORMWATER

Any person engaged in activities that may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of non-stormwater discharge and/or pollutant discharge.

A. Business-related activities.

1. Stormwater Pollution Prevention Plan (SWPPP). The enforcement official may require any business in the county engaged in activities that may result in pollutant discharges to develop and implement a SWPPP, which shall include an employee training program. An employee training program is a documented employee training program that may be required to be implemented by a business pursuant to a SWPPP for the purpose of educating its employees on methods of reducing discharge of pollutants to the stormwater conveyance system. Business activities that may require a SWPPP include, but are not limited to, maintenance, storage, manufacturing, assembly, equipment

operations, vehicle loading or fueling, or cleanup procedures carried out partially or wholly out of doors.

2. Coordination with hazardous materials release response plans and inventory. Any business requiring a hazardous materials release response and inventory plan, under Chapter 6.95 (commencing with Section 25500) of Division 20 of the California Health and Safety Code, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting nonstormwater discharges and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

3. Coordination with hazardous waste generator contingency plan and emergency procedures. Any business requiring a hazardous waste generator contingency plan and emergency procedures, pursuant to California Code of Regulations, Title 22, Sections 66265.51 to 66265.56, shall include in that plan provisions for compliance with this chapter, including the provisions prohibiting non-stormwater discharge and illegal discharges, and requiring the release of pollutants to be reduced to the maximum extent practicable.

B. Construction.

1. Any person performing construction activities in the county shall prevent pollutants from entering the stormwater conveyance system and comply with all applicable federal, state and local laws, ordinances or regulations, including but not limited to, the current State of California NPDES general permit for stormwater discharges associated with construction activity (CGP) and the County Stormwater Management and Discharge Control Ordinance. All construction projects, regardless of size, having soil disturbance or activities exposed to stormwater must, at a minimum, implement BMPs for erosion and sediment controls, dewatering, source controls, pollution prevention and prohibited discharges.

2. Any person subject to the CGP shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to, or as a condition of, a subdivision map, site plan, building permit, grading permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause. Prior to issuance of a construction permit or approval of the proposed improvement plans, for projects subject to the CGP, a copy of the Waste Discharge Identification Number (WDID) and the SWPPP shall be submitted to the county. For projects with less than an acre of soil disturbance or not subject to the CGP, an Erosion and Sediment Control Plan must be submitted to the county.

3. The county will set stormwater compliance inspection frequencies at construction sites based upon the project's threat to water quality. Project

threat to water quality includes soil erosion potential, site slope, project size and type, sensitivity of receiving water bodies, proximity to receiving water bodies, non-stormwater discharges, projects more than one acre that are not subject to the CGP (sites that have obtained an Erosivity Waiver from the CGP) and any past record of non-compliance by the operator of the construction site. The county will use the following categories, which correlate with the CGP, to assess threat to water quality: Not subject to CGP; Erosivity Waiver; Risk Level 1 / LUP Type 1; Risk Level 2 / LUP Type 2; and Risk Level 3 / LUP Type 3. Since LUP projects can have multiple risk types, the county will use the highest risk type for a specific LUP project to assess threat to water quality. If a project has been issued two consecutive Notices of Violation or does not correct a previously issued Notice of Violation by the due date set by the inspection, the project's threat to water quality will be elevated to the next highest risk category. Inspection frequencies will be as follows:

(a) Projects not subject to the CGP or that have obtained an Erosivity Waiver will have a pre-soil disturbance inspection and a project completion inspection.

(b) Projects that are a Risk Level 1 / LUP Type 1 or Risk Level 2 / LUP Type 2 will have a pre-soil disturbance inspection, monthly inspections and a project completion inspection.

(c) Projects that are a Risk Level 3 / LUP Type 3 will have a pre-soil disturbance inspection, bi-monthly (twice per month) inspections and a project completion inspection

C. Development. The enforcement official may require controls as appropriate to minimize the long-term, post-construction activity discharge of stormwater pollutants from new development(s) or modifications to existing development(s). Controls may include source control measures to prevent pollution of stormwater and treatment controls designed to remove pollutants from stormwater, low impact development measures, and/or hydromodification measures to offset the difference between the pre- and post-construction peak flow runoff rates and volumes. Proponents of all applicable development and redevelopment projects must meet the requirements and follow the design standards specified in the current State of California Phase II MS4 NPDES Permit.

D. Compliance with the current State of California NPDES general permit for discharges of stormwater associated with Industrial Activities (IGP) or the current General Permit for Stormwater Discharges Associated with Construction Activity (CGP).

1. Any person subject to the IGP shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form

acceptable to the enforcement official upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

2. Any person subject to the CGP shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the enforcement official prior to or as a condition of a subdivision map, site plan, building permit, and development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

E. Compliance with Best Management Practices (BMPs). Every person or entity, including the above listed categories, undertaking any activity or use of premises that may cause or contribute to stormwater pollution or contamination or illicit discharges shall comply with BMPs consistent with the California Stormwater Quality Association (CASQA) Best Management Practices Handbooks or equivalent guidelines (Ord. CS 1047 §1, 2008).”

Section 4. Section 14.14.150 of the Stanislaus County Code is hereby amended to read as follows:

“14.14.150 ENFORCEMENT AUTHORITY

A. General Enforcement Authority.

1. Except as otherwise provided herein, the director of public works shall administer, implement and enforce the provisions of this chapter (Title 1, Chapter 1.24.040).

2. The Director of public works may delegate any powers granted to or duties imposed upon the director of public works to other Stanislaus County personnel.

B. Violations Deemed a Public Nuisance.

1. In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety or welfare, and is thus deemed a nuisance.

2. Any such nuisance may be abated as provided herein.

C. Administrative Enforcement Powers. The enforcement official may also exercise any of the following supplemental enforcement powers as may be necessary or advisable in the enforcement official’s judgment under the circumstances.

1. Notice and Order to Abate.

a. Whenever the enforcement official finds that a discharge has taken place, or is likely to take place, in violation of this chapter, or order issued hereunder, the enforcement official may serve a written notice and order to abate upon the property owner and the person responsible for the discharge, by personal service or by registered or certified mail.

b. Within thirty days of the receipt of this notice, or shorter period as may be prescribed in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the enforcement official.

c. Submission of this plan shall in no way relieve the person of liabilities for violations occurring before or after receipt of the notice and order to abate.

d. Failure to comply with the terms and conditions of a notice and order to abate shall constitute a violation of this chapter. If a person fails to comply with the notice and order to abate, the director of public works may perform, or cause to be performed, such work as shall be necessary to correct the violation. The costs of any such abatement shall be borne by the property owner, and shall be collectable in accordance with the provisions of subsection (C)(6).

2. Contents of Notice.

a. The street address and/or a legal description sufficient for identification of the property where the violation exists and the address of the person responsible for or committing the act that constitutes a violation of this chapter.

b. A brief and concise description of the violation or use of the property or act that constitutes a violation of this chapter.

c. A description of the activities, practices and/or abatement methods to be performed to correct the violation.

d. The date by which the violation must be corrected, which shall be a reasonable period of time.

3. Administrative Citation.

a. If the owner, or person responsible for the violation, fails to correct the violation within the time specified in the notice and order to abate, the director of public works or designee, may cause an administrative citation imposing an

administrative fine or penalty to be issued to the owner of the property (California Government Code Section 53069.4).

b. Any citation issued shall:

- i. Identify the date, time and circumstances of the violation;
- ii. State the amount of the administrative fine or penalty to be imposed;
- iii. Advise the person of their appeal rights as provided herein.

c. The citation shall be served in the same manner as the notice of order to abate. The amount of the administrative fine imposed shall be set by the director of public works or designee; provided, however, where the violation would otherwise be an infraction, the administrative fine or penalty shall not exceed the maximum fine or penalty amounts for infractions set forth in Section 1.36.020. In determining the amount of civil penalty to be assessed, consideration will be given to the following:

i. The extent to which the owner or person responsible for the violation had knowledge or reasonably should have known that the action taken was a violation of this chapter;

ii. The magnitude of the violation;

iii. The extent to which the owner or person responsible for the violation derived a financial benefit from the violation;

iv. Any prior history of related violations by the same person on the subject property or on other parcels within the county; and

v. Any corrective action, or lack thereof, taken by the owner or person responsible to eliminate the violations, and any other mitigating circumstances justifying a reduction of the amount of the penalties.

d. Any person receiving a citation may request an appeal as provided herein.

e. Notwithstanding Chapter 2.88 of the Stanislaus County Code or Section 1094.5 or 1094.6 of the Code of Civil Procedure, within twenty days after the date action is taken by the board of supervisors on the decision of the director of public works, a person contesting that final administrative decision may seek review by filing an appeal in the Stanislaus County municipal court pursuant to subdivision (b) of Section 53069.4 of the Government Code. If no

notice of appeal to the municipal court is filed within the period set forth in this section, the order or decision of the county shall be deemed confirmed.

f. If the owner of the property fails to pay the administrative fine or penalty imposed under this section upon demand by the county, the administrative fine or penalty shall be specially assessed against the parcel. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. A notice of abatement lien shall be recorded and shall become a lien on the property pursuant to the provisions of California Government Code Section 25845. The director of public works is authorized to prepare and record a notice of release of lien against the legal title of the subject property(s), if the administrative fine or penalty is paid in full.

4. Emergency Orders and Abatements.

a. The enforcement official may order the immediate abatement of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition that presents an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES permit. Abatement and cleanup of spills, illicit discharges or dumping to the storm drainage system must occur within 72 hours of notification, or sooner for high risk spills or discharges. For areas of uncontrolled pollutant sources, abatement must be performed within 30 days of notification.

b. In emergency situations, where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, welfare or environment, or a violation of a NPDES permit, the county may perform or cause to be performed such work as shall be necessary to abate the threat or danger, or permit violation.

c. The costs of any such abatement shall be borne by the property owner, and shall be collectable in accordance with the provisions of subsection (C)(6).

d. The enforcement official may order the immediate cessation of any activities that cause an illicit discharge or cause or potentially cause uncontrolled pollutants to enter the stormwater conveyance system when, in the opinion of the enforcement official, the activities present an imminent danger to the public health, safety, welfare or environment, or a violation of a NPDES Permit. Activities may not resume until the enforcement official has verified that the threat to the environment and the County's MS4 has been abated.

5. Appeal.

a. Any person served with a notice and order to abate, or administrative citation, or required to perform monitoring, analyses, reporting and/or corrective activities by an authorized enforcement official, or disputing the costs of enforcement, or otherwise grieved by the decision of the authorized enforcement official, may file a written appeal with the public works director within ten days following the effective date of the notice and order, administrative citation, the enforcement official's decision or the delivery of an invoice for enforcement costs.

b. Upon receipt of the written appeal, the director of public works shall request a report and recommendation from the authorized enforcement official, and shall set the matter for hearing at the earliest practical date.

c. Due notice of the hearing shall be provided to the person appealing.

d. At the hearing, the director of public works may hear additional evidence, and may reject, affirm or modify the authorized enforcement official's decision, or the costs of enforcement.

e. Upon conclusion of the hearing, the director of public works shall serve written notice of his or her decision in the manner provided for service of a notice and order to abate herein. The director of public works shall present the decision to the board of supervisors, and the board may adopt such decision, with or without modification, without further notice of hearing.

f. If all parties involved (at a minimum, the discharger and the county enforcement official) agree that clean-up activities cannot be completed within the original timeframe, a new timeframe may be set as long as notification is made by the county to the Regional Water Quality Control Board in writing, within five business days of the determination that the timeframe requires revision.

6. Enforcement Costs Recovery.

a. The cost of enforcement, abatement and restoration shall be borne by the owner of the property, and the costs therefore shall be invoiced to the owner of the property. Costs recoverable herein include all costs of abatement incurred by the county, including, but not limited to, administrative costs, and any and all costs incurred in the physical abatement (California Government Code Section 25845).

b. If the owner of the property fails to pay the costs upon demand by the county, the board of supervisors may order the costs to be specially assessed against the parcel. The special assessment may be collected at the

same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided for ordinary county taxes. The board of supervisors may also authorize a notice of abatement lien to be recorded. The costs shall become a lien on the property pursuant to the provisions of California Government Code Section 25845. The director of public works is authorized to prepare and record a notice of release of lien against the legal title of the subject property(ies), if the county is fully compensated for the amount of the lien placed upon the property (California Government Code Section 25845).

7. Mitigation. The enforcement official shall have authority to order the mitigation of circumstances that may result in or contribute to illegal discharges.

8. Stormwater Pollution Prevention Plan (SWPPP). The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan, and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.

9. Best Management Practices (BMPs). The enforcement official may establish the requirements of best management practices for any premises.

10. Seasonal and Recurrent Nuisance.

a. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare.

b. Thereafter, such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

D. Civil Action.

1. In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the county.

2. Moneys recovered under this section shall be paid to Stanislaus County to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and/or implementing or enforcing the provisions of this chapter.

3. In any such action, the county may seek, as appropriate, any or all of the following remedies:

a. A temporary and/or permanent injunction;

- b. Assessment of the violator for the costs of any investigation, inspection or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this division;
- c. Costs incurred in removing, correcting or terminating the adverse effects resulting from the violation;
- d. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life; (Ord. CS 1119 §1, 2012; Ord. CS 1047 §1, 2008).
- e. Referral of the discharger to the State Water Board;
- f. Referral of the discharger to the District Attorney for criminal prosecution.”

Section 5. This ordinance shall take effect 30 days from and after the date of its passage and before the expiration of 15 days after its passage it shall be published once, with the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor _____, the foregoing Ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this ____ day of _____, 2015, by the following-called vote:

AYES: Supervisors:
 NOES: Supervisors:
 ABSENT: Supervisors:

 Terrance Withrow, Chairman
 of the Board of Supervisors of the
 County of Stanislaus, State of California

ATTEST:

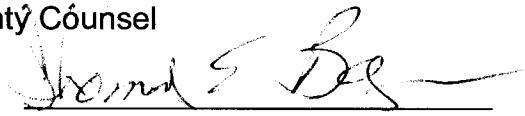
CHRISTINE FERRARO TALLMAN, Clerk of the
 Board of Supervisors of the County of Stanislaus,
 State of California

By _____
 Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By

A handwritten signature in black ink, appearing to read "Thomas E. Boze", written over a horizontal line.

Thomas E. Boze
Assistant County Counsel