



Planning & Development Services

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Supplemental Staff Report

2022 Water Pollution Amendments

To: Skagit Board of County Commissioners
From: Jenn Rogers, Assistant Long Range Planner
Date: July 21, 2022
Re: Amendments to Skagit County Code 16.32 Water Pollution

Summary

Planning and Development Services (PDS) is providing this supplementary staff report in advance of the July 26, 2022, Board of County Commissioners (BoCC) meeting to deliberate on amendments to the water pollution code. This report supplements the June 22, 2022, staff report by providing responses from PDS staff to written comments received from the Port of Skagit on July 14, 2022.

Water Pollution Code Deliberation

On June 28, 2022, the BoCC held a work session with staff from PDS and Public Works to discuss the proposed water pollution code update. The BoCC then held a public hearing on July 12, 2022, and a public comment period was open from June 23, 2022, through July 14, 2022. The Port of Skagit submitted written comments to the Department on July 14, 2022. This report will address those comments and provide the Board with a recommendation on appropriate action.

Port of Skagit July 14th Submitted Comments

Issue 1. The MS4 Permit only requires the County to prevent and reduce, not eliminate, pollutants in runoff from areas that discharge to the MS4

Summary:

The Western Washington Phase II Municipal Storm Sewer System Permit (MS4 Permit) only requires the County to implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4. The proposed amendments have prohibited the elimination of discharge to stormwater. The Port believes the elimination of all contaminants to stormwater is impractical and not required by the MS4 or other Ecology NPDES permits. The Stormwater Manual additionally defined water pollution as pollution specifically impacting waters of the State. If the runoff does not discharge to waters of the state then it should not be subject to the proposed requirements.

The Port of Skagit requests the following changes:

1. SCC 16.32.010 – Purpose: Remove subsection (1); keep subsections (2) – (6), with revisions as follows:
 - a. Add in the requirement that the covered discharges be to waters of the State.
 - b. SCC 16.32.010 (4): Revise to: “Protect the function and integrity of the County’s Stormwater Infrastructure.”

Staff Response:

The proposed language for 16.32.010 is:

(1) Prohibits the discharge of contaminants into surface water, stormwater, or groundwater, and outlines preventive measures to restrict contaminants from entering those waters.

(2) Comply with the requirements of the Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) and the most current Stormwater Management Manual for Western Washington (Stormwater Management Manual).

(3) Protect the quality of the County’s aquatic resources, including receiving waters, groundwater, and aquatic sediments, from the discharge of contaminants and the adverse impacts of stormwater runoff.

(4) Protect the function and integrity of County drainage infrastructure, including County roads, associated rights-of-way, and drainage facilities.

(5) Reduce, prevent, and ameliorate the adverse impacts of contaminated discharges on public health, safety and welfare.

(6) Protect, maintain, and improve the quality of the County’s water resources for fish and wildlife habitat, human recreation and other ecological and aesthetic purposes and beneficial uses.

16.32.010(1-6) is designed to lay out the general purpose of this code. The Port’s recommendation to remove subsection 1 is supported by the following main points:

1. The stormwater permit requires that the County “implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4” and “authorizes discharge of stormwater to surface waters and to groundwaters of the State from MS4s owned and operated by each Permittee [such as the County] covered under this Permit...”.

2. The recognition that “pollution” is not defined by the stormwater permit but that it is in the Stormwater Management Manual for Western Washington 2019. In that definition it requires that the impact be to waters of the state, so only facilities which drain to waters of the state should be included in the program.
3. That there are certain allowable discharges by other permits, such as the Industrial Stormwater General Permit (ISGP). Therefore, the code cannot prohibit all discharges without recognizing allowable discharges under other State or Federal permits.

Staff can adjust the language in 16.32.010(1) to address the first main concern identified in bullet point 1 above, but it is critical language for compliance. We propose dropping the language that says, “Prohibits the discharge of contaminants” and swapping it for “Prohibits illicit discharges.” Regarding bullet point 2, this code would not apply to stormwater that did not discharge to County stormwater infrastructure or waters of the State. Bullet point 3 will be addressed by language being added to 16.32.050, which will acknowledge all allowable non-stormwater discharges covered by a NPDES or State Waste Discharge Permit issued by Ecology or EPA. The following options would still comply with the NPDES permit conditions:

16.32.010(1). Prohibits illicit discharges into surface water, stormwater, or groundwater, and outlines preventive measures to restrict contaminants from entering those waters.

Issue 2. The Definitions in the Amendment expand, alter, and conflict with the definitions in the MS4 Permit and Stormwater Manual, which are incorporated by reference into the Amendment.

Summary:

The Port believes some of the proposed definitions conflict with the Stormwater Manual and the MS4 permit definitions. Below are the changes the Port is requesting:

- SCC 16.32.020(3)(d) – *Discharge* should either refer to or restate the Stormwater Manual Definition: runoff leaving a new development or redevelopment via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed a cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.
- SCC 14.04.020 – *Receiving Waters* should either refer to or restate the MS4 Permit / Stormwater Manual definition. Receiving Waterbody or Receiving Waters means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.

- SCC 16.32.020 (3)(c) – *Director* should be changed to “Public Works Official” or some other term not already defined in the MS4 Permit.
- SCC 16.32.020 (3)(g) – *Illicit Connection* should either refer to or restate the MS4 Permit definition. Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in the MS4 Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connection, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.
- SCC 16.32.030 – Change references to “the County’s drainage system” to the MS4 (i.e. the County’s Stormwater infrastructure)
- SCC 16.32.060 – Revise the preamble paragraph as follows:
 - The following categories of non-stormwater discharges may be allowed only if:

Staff Response:

Staff agrees with Port as far as aligning definitions with those found in the Stormwater Management Manual or the stormwater permit. This includes definitions for “discharge, receiving waters, and illicit connection”. Staff agrees with changing references to the “county’s drainage system” to the “County’s stormwater infrastructure”. Staff also agrees to revising the preamble in 16.32.060.

Staff recommends keeping the term “Director” in place. In other sections of the code, the County uses the term “Administrative Official,” which is specific to the Planning and Development Services Department. The term “Director” can refer to multiple positions within the County, such as Public Works or Planning & Development Services Director. In this instance, “Director” is the more appropriate fit as both the Public Works director and Planning and Development Services director have a role within the pollution source control program.

The following options would still comply with the NPDES permit conditions:

- SCC 14.04.020 Definitions
 - Discharge: Runoff leaving a new development or redevelopment via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.
 - Receiving waterbody or receiving waters: Naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes,

wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.

- Illicit connection: Any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.
- SCC 16.32.030 - Change references to the “County’s drainage system” to the “County’s stormwater infrastructure.”
- We agree with the Port to change the preamble in SCC 16.32.060 from “The regulatory mechanism may allow the following types of non-stormwater discharges...” with “The following categories of non-stormwater discharges may be allowed only if they meet the stated conditions:” This removes the vague term, “regulatory mechanism.”

Issue 3: The amendment could be interpreted as not allowed discharges by holders of state waste discharge permits.

Summary:

The MS4 Permit includes a list of non-stormwater discharges that are not prohibited as an illicit discharge. The proposed amendments would not include “non-stormwater discharges authorized by another NPDES or state waste discharge permit” as an allowed discharge. This implies the County would not allow these types of discharges even while they are allowed under the State discharge permit. The amendments additionally give the Director of Planning & Development Services the authority to determine if a discharge is causing or likely to cause pollution of surface water or groundwater. The Port would recommend the following changes:

- SCC 16.32.050 – Add the allowable discharge identified in the MS4 Permit S5.C.c.i(i) for “Non-stormwater discharges authorized by another NPDES or state waste discharge permit.”
- SCC 16.32.050 – Change “Administrative Official” to the new defined term referring to the Public Works Director, or designee (see above comment on definition of “Director”)
- Revise preamble paragraph of SCC 16.32.050 to the following (underline language added):
 - The following types of discharges are not illicit discharges for the purpose of this Chapter unless the [insert new defined term for Public Works Director, or

designee] determines that the type of discharge, whether singly or in combination with others is causing or is likely to cause pollution of the waters of the State, whether in surface water or groundwater.

Staff Response:

Staff agrees to addressing the concern over 16.32.050 with new, proposed language found below. Staff agrees to changing “Administrative Official” to the new, defined term “Director.”

Staff disagrees with revising the preamble paragraph for 16.32.050 and keeping the original, proposed language in place, except for repealing “Administrative Official” with “Director.” As mentioned above, staff recommends keeping the term “Director” in place. In other sections of the code, the County uses the term “Administrative Official,” which is specific to the Planning and Development Services Department. The term “Director” can refer to multiple positions within the County, such as Public Works or Planning & Development Services Director. In this instance, “Director” is the more appropriate fit as both the Public Works director and Planning and Development Services director have a role within the pollution source control program.

The following options would still comply with the NPDES permit conditions:

- SCC 16.32.050(m) Non-stormwater discharges covered by a NPDES or State Waste Discharge Permit issued by Ecology or EPA.
- We are replacing the preamble sentence found in SCC 16.32.050, “The following types of discharges are not illicit discharges for the purpose of this Chapter unless the Administrative Official determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:” with “The following types of discharges are not illicit discharges for the purpose of this Chapter unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater.”

Issue 4: The enforcement on a “responsible party” should place the primary obligation of compliance with the person or entity directly responsible for the violation.

Summary:

The proposed amendments would provide that a property owner, tenant or licensee, and party who caused the violation are all obligated to remediate a violation. The Port is concerned that as a lessor of multiple commercial and industrial properties, the Port could be held responsible for

the actions of tenants. The County should place primary obligation for the violation with the party responsible for the act itself. The Port would request the following changes:

- SCC 16.32.020(3)(i) – Revise definition of “responsible party”
- SCC 16.32.080, SCC 16.32.100 and 16.32.110 – Remove these sections from the current proposed Amendment in order to work with the Port and any other interested stakeholders to refine the notice and enforcement processes by the January 1, 2023 implementation deadline.
- SCC 16.32.120 – Revise first sentence of the paragraph to the following (strike through language to be deleted, underline language to be added)
 - The County will use education as a first step toward achieving compliance with the chapter and offer ~~property owners~~ any and all responsible parties the opportunity to correct violations before imposing fines.
- SCC 16.32.160 – Delete the first sentence.

Staff Response:

Staff disagrees with revising the definition of “responsible party” in SCC 16.32.020(3)(i). Legal felt the definition was sufficient and should be left as originally proposed.

Staff disagrees with removing sections SCC 16.32.080, SCC 16.32.100 and 16.32.110. Code language supporting the implementation of the source control program is to be adopted by August 1, 2022. These subsections are important with maintaining compliance as of August 1, 2022. The County is also required to implement a “Progressive Enforcement Policy” by January 1, 2023. County staff plan to meet with relevant Port representatives, and any other interested stakeholders, before implementation of the program. The discussion will focus on program policy matters including enforcement steps. The source control program will operate as a technical support resource, relying on education and outreach practices, to help businesses maintain compliance with state law regarding source control stormwater pollution Best Management Practices.

Staff agrees with the Port on recommended changes to 16.32.120.

Staff recommends a minor language change noted below.

The following options would still comply with the NPDES permit conditions:

- SCC 16.32.130 Enforcement of this chapter will be achieved using procedures set in SCC 14.44. When enforcing this statute, the primary obligation for compliance shall primarily be on the party responsible for the act or omission leading to the violation.

- SCC 16.32.120 The County will use education as a first step toward achieving compliance with this chapter and offer any and all responsible parties the opportunity to correct violations before imposing fines. The County will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.
- SCC 16.32.160 The ultimate obligation of compliance with this chapter is placed upon the person holding title to the property. There is no language contained in this chapter intended to be, or shall be construed, to create or form a basis for liability for the County, the department, its officers, employees, or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the County, department, its officers, employees or agents.

Issue 5: Other Miscellaneous Revisions

The Port suggests the following changes:

- SCC 16.32.090(3) – Amendment references “County Stormwater Management Manual” – is this intended to reference the Western Washington Stormwater Management Manual?
- SCC 16.32.060(e) refers to “pollution prevention plan” but SCC 16.32.090(3) refers to “stormwater pollution prevention plan” – recommend using consistent language and clearly defined terms.

Staff Response:

Staff does not support changing SCC 16.32.090(3) to reflect the Port’s recommendation because the State manual is adopted in 14.32.040(1)(a).

Staff agrees with the Port’s recommendation to change “pollution prevention plan” to “stormwater pollution prevention plan” in proposed code 16.32.060(e).

The following options would still comply with the NPDES permit conditions:

- We will add “stormwater” in section 16.32.060(e), as the Port requested. The new proposed language is: “Other non-stormwater discharges. The discharges must be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed by the Permittee which addresses control of such discharges.”

Attached:

- July 14, 2022 Port of Skagit Water Pollution Comments
- SCC 14.04 and 16.32 Redline Code



July 14, 2022

Skagit County Board of County Commissioners
1800 Continental Place, Suite 100
Mount Vernon, WA 98273

RE: Comments on Proposed Amendments to Water Pollution Code
(Chapter 14.04 SCC and Chapter 16.32 SCC)

Dear Commissioners:

Please accept this letter as comments from the Port of Skagit (the “Port”) on the above-referenced proposed amendments to the County Water Pollution Code, Chapter 16.32 SCC (the “Amendment”).

As indicated in comment letters submitted to the County Commissioners by the Port in May and June 2022 on proposed amendments to the stormwater management standards, the Port operates Bayview Business Park and Skagit Regional Airport on Bayview Ridge within the Phase II Municipal Separate Storm Sewer System (MS4) permit coverage area for Skagit County. Currently, the Port is home to 75 businesses and provides good paying jobs for 1,155 people.

The Port appreciates the important role the County plays in controlling pollution from the MS4 and protecting the waters of the State. The Amendment, as currently written, goes beyond the requirements of the MS4 Permit and contains definitions that alter and in some cases are in conflict with the MS4 Permit and Ecology Stormwater Manual. Please accept these comments with the intended spirit of finding a win-win for both Skagit water quality protection and Skagit business, including value-added agricultural businesses, that also need reasonable, clear, and unambiguous regulations to move forward and continue to invest in this community. The Port encourages the County Commissioners and staff to re-examine the Amendment, including the areas discussed in more detail in this letter.

1. The MS4 Permit only requires the County to prevent and reduce, not eliminate, pollutants in runoff from areas that discharge to the MS4.

The Western Washington Phase II Municipal Separate Storm Sewer System Permit (“MS4 Permit”) requires that the County “implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4.”¹ However, a prohibition or elimination of discharges of all contaminants to stormwater, as called for in the Amendment [SCC 16.32.010], is not consistent with the allowances in the MS4 Permit itself; specifically, Section S.2.A which “authorizes discharge of stormwater to surface waters and to groundwaters **of the State** from MS4s owned and operated by each Permittee [such as the County] covered under this Permit...”² The Port understands the importance of water quality

¹ MS4 Permit, Section S5.A.8, pg. 28.

² MS4 Permit, Section S2.A, pg. 5 (emphasis added).

protection, but elimination of all contaminants to stormwater is impractical in today's built environment and is not required by the MS4 or other Ecology NPDES permits.

Additionally, the Amendment does not limit its purpose to discharges to waters **of the State**, which is what the Permit covers. The term "pollution" is not defined in the MS4 Permit, but the Department of Ecology Stormwater Management Manual for Western Washington 2019 (the "Stormwater Manual") does define pollution.³ Pollution specifically requires impacts to waters of the State. If a conveyance does not discharge to waters of the State, then it is not an MS4 subject to the MS4 Permit.

For example, consider a retention facility that does not release any waters to the MS4. Such a facility would not be governed by the MS4 Permit and therefore should not be subject to the inspection and enforcement provisions of the Amendment. Yet, as written, the Amendment definitions of discharge and receiving waters could encompass a retention facility that does not discharge to waters of the state, even though the MS4 Permit does not mandate or even authorize such an action.

The Amendment states its purpose is to prohibit the discharge of contaminants to water, but a stormwater permit holder (e.g., a holder of an Industrial Stormwater General Permit "ISGP") is permitted to discharge up to a certain amount of contaminants in accordance to their permit. The County, as a Permittee in compliance with the MS4 Permit, is not liable for water quality standard violations or receiving water impacts caused by industries or other Permittees covered, or who should be covered, under a different NPDES permit, such as an ISGP, issued the Department of Ecology.⁴ Accordingly, while the County is required to reduce discharge of pollutants to the Maximum Extent Practical, the County need not prohibit or eliminate all discharges of contaminants to stormwater to comply with the MS4 Permit requirements.

Requested Changes:

- A. SCC 16.32.010 – Purpose: Remove subsection (1); keep subsections (2) - (6), with revisions as follows:
- B. Add in the requirement that the covered discharges be to waters of the State.
- C. SCC 16.32.010 (4): Revise to: "Protect the function and integrity of the County's Stormwater Infrastructure."

2. The Definitions in the Amendment expand, alter, and conflict with the definitions in the MS4 Permit and Stormwater Manual, which are incorporated by reference into the Amendment.

³ "Pollution" is contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life. Stormwater Manual, pg. 1071.

⁴ MS4 Permit, Section S5.C.8.a.iii, pg. 29.

The definitions in the Amendment are problematic in several respects and would likely add to confusion related to the enforcement provisions required by the MS4 Permit.

The Amendment states that the definitions in the MS4 Permit are incorporated by reference, however there are direct conflicts between the definitions in the Amendment and the MS4 Permit. The Amendment defines “discharge” much broader than the MS4 Permit definition. The Amendment, by reference to SCC 14.04.020, also defines “receiving waters” such that it does not require a discharge be from the MS4 to be governed by the Code. The consequence of this definition, if adopted, would subject the release of anything to any naturally occurring waterbody to the Code. This is not what the MS4 Permit is intended to govern. The Amendment should incorporate the terms “discharge” and “receiving waters” as defined in the MS4 Permit and Stormwater Manual.

In a similar departure from the MS4 Permit definitions, the Amendment omits from its definition of “illicit connection” non-stormwater discharges allowed by the MS4 Permit. It is worth noting that under the Stormwater Manual, the definition of illicit discharges includes the requirement that the discharge “cause or contribute to a violation of state water quality, sediment quality or ground water quality standards,”⁵ which is yet another indication of the focus of the MS4 Permit on preventing discharges in waters of the State.

Other defined terms in the Amendment conflict with the defined terms in the MS4 Permit. For example, “Director” is defined in the MS4 Permit as the Director of Ecology, but in the Amendment “Director” is separately defined as the County’s Director of Public Works. “Director” as a defined term can only have one meaning between the Amendment and the MS4 Permit, which is incorporated in the Amendment by reference.

Under SCC 16.32.030 – Illicit Discharges Prohibited, the Amendment includes an undefined phrase “County drainage system.” This appears to be in reference to the County’s Stormwater Infrastructure, which is defined as the MS4. See Amendment SCC 14.04.020. If the County is referring to the stormwater system, then MS4 is the appropriate term of art to be referenced in this section. Another undefined phrase in the Amendment is “regulatory mechanism” in SCC 16.32.060 and would benefit from similar revisions for clarity.

Requested Changes:

- A. SCC 16.32.020(3)(d) – *Discharge* should either refer to or restate the Stormwater Manual Definition: runoff leaving a new development or redevelopment via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day.
- B. SCC 14.04.020 – *Receiving Water* should either refer to or restate the MS4 Permit / Stormwater Manual definition: Receiving Waterbody or Receiving Waters means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams,

⁵ Stormwater Manual, pg. 1058.

rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges.⁶

- C. SCC 16.32.020(3)(c) – *Director* should be changed to “Public Works Official” or some other term not already defined in the MS4 Permit.
- D. SCC 16.32.020(3)(g) – *Illicit Connection* should either refer to or restate the MS4 Permit definition: Illicit Connection means any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in the MS4 Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4.
- E. SCC 16.32.030 – Change references to “the County’s drainage system” to the MS4 (i.e., the County’s Stormwater Infrastructure).
- F. SCC 16.32.060 – Revise the preamble paragraph as follows:

The following categories of non-stormwater discharges may be allowed only if:

3. The Amendment could be interpreted as not allowing discharges by holders of state waste discharge permits.

The MS4 Permit includes a list of non-stormwater discharges that are “allowable discharges” and therefore need not be prohibited as an illicit discharge.⁷ A major category of allowable discharges under the MS4 Permit that is **NOT** included in the Amendment’s allowable discharges in the Amendment SCC 16.32.050 is “non-stormwater discharges authorized by another NPDES or state waste discharge permit.” This implies that the County is not allowing discharges by holders of State discharge permits (e.g., ISGP). Further SCC 16.32.050 gives authority to the “Administrative Official” a term not defined in the Amendment, but identified as the Director of Planning and Development Services in Chapter 14.04 SCC. As currently written, the Administrative Official, has the authority to determine if the discharge is causing or likely to cause pollution of surface water or groundwater, but without the limitation intended by the MS4 Permit of pollution of the waters of the State.

Requested Changes:

- A. SCC 16.32.050 - Add the allowable discharge identified in the MS4 Permit S5.C.5.c.i(i) for “Non-stormwater discharges authorized by another NPDES or state waste discharge permit.”
- B. SCC 16.32.050 - Change “Administrative Official” to the new defined term referring to the Public Works Director, or designee (see above comment on definition of “Director”).

⁶ MS4 Permit, pg. 53, Stormwater Manual, pg. 1075.

⁷ MS4 Permit, S5.C.5.c.i, pg. 18-19.

- C. Revise preamble paragraph of SCC 16.32.050 to the following (underline language added):

The following types of discharges are not illicit discharges for the purpose of this Chapter unless the [insert new defined term for Public Works Director, or designee] determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of the waters of the State, whether in surface water or groundwater:

4. The enforcement on a “responsible party” should place the primary obligation of compliance with the person or entity directly responsible for the violation.

As currently written, the Amendment provides that a property owner, tenant or licensee, and party who caused the violation are all obligated to remediate a violation. The definition of responsible party essentially creates a strict liability scheme, which can be enforced on any party with a connection to a site at the discretion of the County Public Works Director. See Amendment SCC 16.32.020(3)(i), SCC 16.32.080, and SCC 16.32.110. Additionally, the Amendment provides that the “primary obligation of compliance with this chapter is placed upon the person holding title to the property.” See Amendment SCC 16.32.160. Yet, the MS4 Permit only requires “implementation [of] a progressive enforcement policy that requires **sites** to comply with stormwater requirements within a reasonable period of time...”⁸ Thus, the County has flexibility under the MS4 Permit to structure an enforcement program to achieve compliance from liable owners or operators on sites.

As a lessor of commercial and industrial property, the Port is concerned that in the event of a violation the Port may be looked to first under the provision in the Amendment indicating the primary obligation of compliance is upon the person holding title to the property, even when the Port is not the party responsible for the act or omission leading to the violation. The Port makes significant efforts to work with businesses located on Port property to help those businesses navigate environmental regulation in a way that supports the business, while also protecting Port property and the environment from contamination and damage. That said, each business assumes liability for management of their business practices, including management of stormwater discharge and waste. The Port is concerned that a policy that effectively separates a business owner’s management practices from responsibility for resulting liability will lead to less diligent management practices and wasted public resources.

Given the enforcement focused nature of the Amendment, the primary obligation should first be on the party responsible for the act or omission leading to the violation. A lessee or site operator is in a much better position than the Port (as lessor) to manage risk and report and respond to violations as the operator of the site. A lessor property owner should only have the responsibility to respond to enforcement actions under the Amendment if a responsible party tenant is non-responsive. This progressive enforcement model does not absolve a lessor property owner, but rather puts the primary obligation of compliance on the site operators as their actions lead to the violation.

⁸ MS4 Permit, Section S5.C.8.b.iv, pg. 30.

Lastly, it is worth noting that the MS4 Permit allows until January 1, 2023, for the implementation of an inspection program and enforcement policy.⁹ Accordingly, the County has time to refine the language of the Amendment to clarify the enforcement upon a responsible party consistent with the requirements in the MS4 Permit. The Port requests an opportunity to meet with County staff to discuss how the inspection and enforcement provisions of the Amendment can be improved.

Requested Changes:

- A. SCC 16.32.020(3)(i) – Revise definition of “responsible party”.
- B. SCC 16.32.080, SCC 16.32.100 and 16.32.110 – Remove these sections from the current proposed Amendment in order to work with the Port and any other interested stakeholders to refine the notice and enforcement processes by the January 1, 2023 implementation deadline.
- C. SCC 16.32.120 - Revise first sentence of the paragraph to the following (strike through language to be deleted, underline language added):

The County will use education as a first step toward achieving compliance with the chapter and offer ~~property owners~~ any and all responsible parties the opportunity to correct violations before imposing fines.
- D. SCC 16.32.160 - Delete the first sentence of SCC 16.32.160.

5. Other Miscellaneous Revisions

- A. SCC 16.32.090(3) – Amendment references “County Stormwater Management Manual” – is this intended to reference the Western Washington Stormwater Management Manual?
- B. SCC 16.32.060(e) refers to “pollution prevention plan” but SCC 16.32.090(3) refers to “stormwater pollution prevention plan” – recommend using consistent language and clearly defined terms.

Thank you for your consideration of these requests and comments. The Port would appreciate an opportunity to meet with County staff to review the requests and assist with drafting language that will meet the Port and County’s shared goals of managing stormwater and protecting water quality while also supporting business and economic development and jobs in Skagit County.

Sincerely,



Heather A. Rogerson
Director of Planning and Development

⁹ MS4 Permit, Section S5.C.8.b.iii and .iv, pg. 29-30.

2022 Amendments to Water Pollution Code—DRAFT

Plain text = existing code with no changes
~~Strikethrough~~ = existing code to be deleted
Underlined = new code to be added
~~Double Strikethrough~~ = existing code moved to another location
Double Underline = existing code moved from another location
Italics = Instructions for code reviser/reviewer

Markup DRAFT May 13, 2022

Chapter 14.04 Definitions

Chapter 16.32 Water Pollution

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Chapter 14.04 Definitions

14.04.020 Definitions

County's Stormwater Infrastructure: the County's municipal separate storm sewer system (MS4), that is the conveyance, or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, which are owned and operated by Skagit County and designed or used for collecting and conveying stormwater.

Discharge: Runoff leaving a new development or redevelopment via overland flow, built conveyance systems, or infiltration facilities. A hydraulic rate of flow, specifically fluid flow; a volume of fluid passing a point per unit of time, commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, gallons per day, or millions of gallons per day. ~~throw, drain, release, dump, spill, empty, emit, or pour any matter into receiving waters, groundwater, a natural drainage system, or a drainage facility, or 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, or a drainage facility.~~

Drainage facility: has the same meaning as "stormwater facility".

Receiving waterbody or ~~Receiving-receiving~~ waters: Naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries, and marine waters, or groundwater, to which a MS4 discharges. ~~means lakes, rivers, ponds, streams, wetlands, brackish or salt waters, portions of Puget Sound, and any other naturally occurring surface waters or watercourses, and groundwater located within the unincorporated county, including those for which the physical beds and boundaries have been altered by human actions. Puget Sound, tidally influenced areas of rivers and streams discharging into Puget Sound where streambank or shoreline erosion will not occur or those rivers, streams, lakes, marine waters, estuaries, wetlands or other bodies of water having been identified as a regional stormwater facility, Water Resource Inventory Area or receiving basin as approved to accept stormwater from a control facility.~~

Stormwater system means all natural and manmade systems that function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater and drainage facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate, or divert stormwater.

Chapter 16.32 Water Pollution

16.32.010 Purpose.

The purpose of this Chapter is to: ~~protect the County's surface and groundwater quality by controlling the discharge of pollutants and comply with the County's NPDES permit.~~

(1) ~~Prohibits illicit discharges~~ ~~Prohibits the discharge of contaminants into surface water, stormwater, or groundwater, and outlines preventive measures to restrict contaminants from entering those waters.~~

(2) Comply with the requirements of the Western Washington Phase II Municipal Stormwater Permit (NPDES Permit) and the most current Stormwater Management Manual for Western Washington (Stormwater Management Manual).

(3) Protect the quality of the County's aquatic resources, including receiving waters, groundwater, and aquatic sediments, from the discharge of contaminants and the adverse impacts of stormwater runoff.

(4) Protect the function and integrity of County's stormwater ~~County drainage~~ infrastructure, including County roads, associated rights-of-way, and drainage facilities.

(5) Reduce, prevent, and ameliorate the adverse impacts of contaminated discharges on public health, safety and welfare.

(6) Protect, maintain, and improve the quality of the County's water resources for fish and wildlife habitat, human recreation and other ecological and aesthetic purposes and beneficial uses.

16.32.015 Applicability

(1) Unless specifically exempted herein, this chapter applies to all discharges that occur in the unincorporated areas of the County.

(2) This chapter applies to the discharge of contaminants to surface water, stormwater, and groundwater requires certain sites and activities to utilize best management practices as set forth in Section 16.32.100 and drainage facility maintenance practices set forth in chapter 14.32 SCC.

16.32.020 Definitions.

(1) The definitions in SCC 14.04.020 apply to this Chapter and are incorporated by reference.

(2) The definitions and acronyms provided in the NPDES Permit apply to this chapter and are incorporated by reference.

(2) For purposes of this chapter, the terms below have the following definitions:

(a) **Connection** means a plumbing or hydraulic connection.

(b) **Contaminant** means a solid, liquid, or gaseous substance that, if discharged to a drainage facility, natural drainage system, receiving waters or groundwater, will alter the physical, chemical, or biological properties thereof to the extent that the discharge will render the facility, system, or water harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life. Contaminants may include, but are not limited to, the following: trash or debris; construction materials; petroleum products including but not limited to oil, gasoline, grease, fuel oil or heating oil; antifreeze and other automotive products; metals in either particulate or dissolved form; flammable or explosive materials; radioactive material; batteries; acids, alkalis, or bases; paints, stains, resins, lacquers, or varnishes; degreasers and solvents; drain cleaners; pesticides, herbicides, or fertilizers; steam cleaning wastes; soaps, detergents, or ammonia;

chlorine, bromine, or other disinfectants; heated water; animal wastes; sewage; animal carcasses; food wastes; bark, soils, sediment, rock and other fibrous materials; collected lawn clippings, leaves, or branches; dyes, except as allowed in SCC 16.32.070, and wastewater generated by commercial or industrial activities.

(c) **Director** means the Director of the Department of Public Works or the Department of Planning and Development Services, as applicable or their respective designee(s), unless otherwise specified.

(d) **Discharge** means to throw, drain, release, dump, spill, empty, emit, or pour any matter into receiving waters, groundwater, a natural drainage system, or a drainage facility, or 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, or a drainage facility.

(e) **Drainage facility or Stormwater facility** means any part of a manmade physical system designed or constructed to collect, treat, convey, store, or control the flow of stormwater. Drainage facilities include, but are not limited to, stormwater conveyance and containment facilities, including pipelines, constructed channels and ditches, infiltration facilities, retention and detention facilities, stormwater treatment facilities, erosion and sedimentation control facilities, and all other drainage structures and appurtenances.

(f) **Farm management plan** means a comprehensive site-specific plan developed by the farm owner in cooperation with the Skagit Conservation District taking into consideration the responsible party's objectives while protecting water quality and related natural resources.

(g) **Illicit connection** Any infrastructure connection to the MS4 that is not intended, permitted or used for collecting and conveying stormwater or non-stormwater discharges allowed as specified in this Permit (S5.C.5 and S6.D.3). Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the MS4. ~~means any human-made connection to the storm drain system, surface water or groundwater that the director determines based on an investigation or other evidence is not composed entirely of stormwater. For the purposes of this subsection, "human-made connections" include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, hoses, above-ground piping or outlets, that discharge directly to the storm drain system, surface water or groundwater.~~

(h) **Illicit Discharge** means any discharge to the County's Stormwater Infrastructure that is not composed entirely of stormwater or of nonstormwater discharges allowed as specified in this chapter.

(i) **Natural drainage system** means the physical beds and boundaries of receiving waters, including those natural drainage systems that have been altered by human actions.

(j) **Responsible party** means the person obligated to remediate a particular violation, and includes all of the following persons:

(i) The fee owner of the real property on which the violation exists or occurred.

(ii) The tenant, licensee or other person entitled to use, occupy, or otherwise control the real property on which the violation exists or occurred.

(iii) The person who performed or committed the acts or omissions causing or leading to the violation (if applicable).

(iv) Any other person causing or contributing to an action regulated by this chapter.

(k) **Source control BMPs** means structures, equipment, supplies, or operations intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs include but are not limited to BMPs described in Volume IV of the Stormwater Management Manual.

(l) **State Waste Discharge Permit** means a permit issued by Ecology in accordance with chapter 173-216 WAC.

(m) **Treatment BMP** means a BMP intended to remove contaminants once they are already introduced into stormwater. Examples of treatment BMPs include oil/water separators, biofiltration swales, and wetponds.

16.32.030 Illicit discharges prohibited.

~~(1) Illicit Discharges Prohibited.~~ No person may throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain, or otherwise ~~discharge into the stormwater system any materials other than stormwater.~~ discharge into ~~discharge any~~ contaminants, as defined in this chapter into the ~~County drainage~~ County's stormwater ~~system~~ infrastructure, surface water, stormwater, or groundwater.

16.32.040 Illicit connections ~~and uses~~ prohibited.

Any connection that could convey anything not composed entirely of surface and stormwater, to surface water, stormwater, groundwater or into the county's drainage system, is considered an illicit connection and is prohibited with the following exceptions:

(a) Connections conveying allowable discharges.

(b) Connections conveying discharges pursuant to an Individual NPDES Permit or a State Waste Discharge Permit.

~~(1) No person may use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater.~~

~~(2) No person may make, allow, use, or allow the continued existence of any connection to the stormwater system that could result in an illicit discharge.~~

~~(3) Connections to the stormwater system from the interiors of structures are prohibited.~~

~~(4) Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and must be eliminated.~~

~~(2)~~ **16.32.050 Allowable Discharges.**

~~The following types of discharges are not illicit discharges for the purpose of this Chapter unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater. The following types of discharges are not illicit discharges for the purpose of this Chapter unless the Administrative Official determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:~~

- (a) Diverted stream flows.
- (b) Rising groundwaters.
- (c) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20).
- (d) Uncontaminated pumped groundwater.
- (e) Foundation drains.
- (f) Air conditioning condensation.
- (g) ~~Irrigation~~ Uncontaminated irrigation water from agricultural sources that is commingled with urban stormwater.
- (h) Springs.
- (i) ~~Water~~ Uncontaminated water from crawl space pumps.
- (j) Footing drains.
- (k) Flows from riparian habitats and wetlands.
- (l) Discharges from emergency firefighting activities.
- (m) Non-stormwater discharges covered by a NPDES or State Waste Discharge Permit issued by Ecology or EPA.

~~(3)~~ **16.32.060 Conditionally ~~Allowed~~-Allowable Discharges.**

~~The following categories of non-stormwater discharges may be allowed only if the regulatory mechanism may allow the following types categories of non-stormwater discharges are not illicit discharges for the purposes of this Chapter only if they meet the stated conditions, unless the Administrative Official determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:~~

- (a) ~~Potable~~ Discharges from potable water sources, including water from line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically in volumes and velocity velocities controlled to

prevent re-suspension of sediments in the ~~stormwater system~~ County's Stormwater Infrastructure.

(b) ~~Lawn Discharges from lawn~~ watering and other irrigation runoff ~~are permitted but must be minimized~~. These discharges will be minimized through, at a minimum, public education activities and water conservation efforts.

(c) Dechlorinated swimming pool, spa, and hot tub discharges.

(i) These discharges must be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized, if necessary, and ~~in volumes volumetrically~~ and ~~velocities velocity~~ controlled to prevent re-suspension of sediments in the ~~stormwater system~~ County's Stormwater Infrastructure. Discharges must be thermally controlled to prevent an increase in temperature of the receiving water.

(ii) Swimming pool cleaning wastewater and filter backwash may not be discharged to the County's Stormwater Infrastructure.

(d) Street and sidewalk wash water, water used to control dust and routine external building wash-down that does not use detergents, ~~are permitted if~~

(i) The County shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts.

(ii) To avoid washing pollutants into the County's Stormwater Infrastructure, Permittees must minimize the amount of street wash and dust control water used is minimized. ~~At active construction sites, street sweeping must be performed prior to washing the street.~~

(e) Other non-stormwater discharges. The discharges must be in compliance with the requirements of a ~~stormwater~~ stormwater-pollution prevention plan (~~SWPPP~~) reviewed ~~and approved~~ by the ~~County~~ Permittee which addresses control of such discharges ~~by applying AKART to prevent pollutants from entering surface or groundwater.~~

~~(4)~~ 14.32.070 Exemptions ~~Exceptions~~.

(a) ~~The following discharges are exempt from the provisions of this Section:~~

~~(i) The regulated effluent from any commercial or municipal facility holding a valid State or Federal wastewater discharge permit or NPDES stormwater permit.~~

~~(ii) Acts of God or nature not compounded by human negligence.~~

~~(iii) Properly operating on-site domestic sewage systems.~~

~~(iv) Discharges from agricultural activities that are compliant with SCC 14.24.120.~~

(1) Dye testing is allowable but requires notification to Skagit County Public Works Storm Stormwater Management at least one working day prior to the date of the test.

(a) The Skagit County Public Health Department is exempt from this requirement.

(b) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this Chapter to avoid an imminent threat to public health or safety, are exempt from this Section. The party responsible for emergency response activities must:

(i) take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible; and

(ii) evaluate BMPs and the site plan, where applicable, to prevent reoccurrence.

(2) Persons engaged in the production of crops or livestock for commercial trade; provided, that such persons must comply with the requirements of SCC 14.24.120 and are fully implementing agricultural BMPs in accordance with a farm management plan to prevent illicit discharges.

(3) Persons engaged in forest practices regulated under Title 222 WAC, except for Class IV general forest practices as defined under Chapter 222-16 WAC.

(4) Persons conducting normal residential activities at property containing a single-family detached dwelling, duplex or triplex and modifications to it on a lot approved for such use, unless the Director determines that these activities create an illicit discharge or pose a hazard to public health, safety or welfare; endanger any property; or adversely affect the safety and operation of county right-of-way, utilities, and/or other property owned or maintained by the county.

~~(b)5) A person does not commit an illicit discharge if:~~

~~(i) That that person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by SCC Chapter 14.32, even if pollutants continue to enter surface and stormwater or groundwater; or~~

~~(ii) That person can demonstrate that there are no additional pollutants being discharged from the site above the background conditions of the water entering the site.~~

16.32.080 Administrative Authority

The Director is authorized to implement and enforce the provisions of this Chapter. The Director will coordinate the implementation and enforcement of this Chapter with other departments of Skagit County government.

(5)16.32.090 Best Management Practices (BMPs).

~~(a)2) Compliance with this Chapter must be achieved through the use of best management practices (BMPs) described in the Stormwater Management Manual or as described below.~~

~~(b)2) BMPs must be applied to any business or residential activity that might result in illicit discharges.~~

~~(a) In applying the Stormwater Management Manual, the Administrative Official/Director must first require the implementation of source control BMPs.~~

(b) If ~~these~~ source control BMPs are not sufficient to prevent pollutants from entering stormwater, the ~~Administrative Official~~ Director may require implementation of treatment BMPs as set forth in AKART ~~(all known, available, and reasonable methods of prevention and treatment technology).~~

(3) Any person implementing BMPs through another federal, state, or local program will not be required to implement the BMPs prescribed in the County's Stormwater Management Manual, unless the director determines that the other program's BMPs are ineffective at reducing the discharge of contaminants or not being implemented. If the other program requires the development of a stormwater pollution prevention plan or other BMP plan, the person must make the plan available to Skagit County upon request. Other federal, state, and local programs include, but following:

1. General Permit, or individual NPDES Permit; or state waste discharge permit from the Washington State Department of Ecology or the United States Environmental Protection Agency.

~~16.32.040 Illicit connections and uses:~~

~~(1) No person may use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater.~~

~~(2) No person may make, allow, use, or allow the continued existence of any connection to the stormwater system that could result in an illicit discharge.~~

~~(3) Connections to the stormwater system from the interiors of structures are prohibited.~~

~~(4) Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and must be eliminated. (Ord. O20150006 § 2 (Att. A))~~

16.32.050-100 Inspections—Entry of Premises and enforcement.

~~The Administrative Official is authorized to carry out inspection and enforcement actions pursuant to SCC Chapter 14.44, Enforcement/Penalties~~ (1) The Director may enter the premises at all reasonable times to inspect or perform any duty imposed by this chapter:

(a) if necessary to make an inspection to enforce any provision of this chapter;

(b) to monitor for proper implementation of BMPs; or

(c) the Director has reasonable cause to believe that violations of this chapter are occurring; provided that if the premises are occupied, the Director shall first make a reasonable effort to locate the owner or other person in control of any building, structure, property or portion thereof and seek permission for entry, or the Director must first obtain entry to the premises as provided per SCC 16.32.100(2).

(2) Prior to entry the Director must obtain a search warrant as authorized by the laws of the state of Washington unless:

(a) entry is consented to by the owner or other person in control of any building, structure, property, or portion thereof; or

(b) conditions are believed to exist which create a threat of immediate and substantial harm.

(3) for purposes of this Chapter, “violation” means the occurrence of any of the following:

(a) Discharge of a contaminant into a drainage facility, natural drainage system, receiving water, or groundwater;

(b) Failure to implement standards or best management practices required by this chapter; or

(c) Failure to comply with any requirement established in this chapter.

16.32.110 Hazards

(1) The ~~D~~irector may determine that any violation of this chapter constitutes a hazard if the violation:

(a)~~1~~. Poses a threat to public health, safety, or welfare;:-

(b)~~2~~. Endangers any property; or-

(c)~~3~~. Adversely affects the safety and operation of any ~~e~~County right of way, utilities, or other property owned or maintained by the ~~C~~ounty.

(2) Upon determining that a violation constitutes a hazard, the ~~d~~irector shall immediately notify the responsible party and shall provide a ~~verbo~~written determination of the hazard that specifies the date by which the hazard must be corrected.

(3) Upon receipt of the Director’s written hazard determination, the responsible party must correct the hazard by the date specified.

(4) Notwithstanding any other provisions of this chapter, upon reasonable belief that any of the conditions described in SCC 16.32.110(1) (~~Hazards~~) exist, and as otherwise allowed under the law, the ~~d~~irector may enter at all times in or upon any public or private property for the purpose of investigating the existence of a hazard.

(5) The director may without prior notice require the immediate discontinuance of any violation causing the hazard. Failure to comply will constitute a willful violation of this chapter.

16.32.120 Education and Technical Assistance

The County will use education as a first step toward achieving compliance with this chapter and offer any and all responsible parties ~~property owners~~ the opportunity to correct violations before imposing fines. The County will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.

16.32.130 Enforcement

Enforcement of this chapter will be achieved using procedures set in SCC 14.44. When enforcing this statute, the primary obligation for compliance shall primarily be on the party responsible for the act or omission leading to the violation.

16.32.140 Criminal Offenses

Criminal violations of this chapter are defined in SCC 14.44.130.

16.32.150 Construction—Intent

This chapter is enacted as an exercise of the County's power to protect and preserve the public health, safety, and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

16.32.160 Non-liability

The ~~primary~~ ultimate obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the County, the department, its officers, employees, or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the County, department, its officers, employees or agents.