

**County of Sacramento Environmental Management Department
Water Protection Division Stormwater Compliance Section
Stormwater Enforcement Policy**

PURPOSE AND INTENT

The purpose and intent of this document is to provide a framework for inspections and enforcement actions taken by County of Sacramento Environmental Management Department (EMD) Stormwater Compliance Section (SCS) pursuant to Chapter 15.12 of the Sacramento County Code (Stormwater Ordinance) and the stormwater ordinances of the cities of Sacramento, Folsom, Citrus Heights, Galt, Elk Grove and Rancho Cordova (which defer to Chapter 15.12 in matters relating to stormwater enforcement at businesses that EMD regulates).

Effective enforcement against dischargers of pollutants to County and municipal storm drainage systems is a requirement of the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit (MS4 Permit) and EMD has agreed to regulate nine required categories of businesses for stormwater compliance on behalf of the MS4 Permittees.

Implementation and interpretation of this policy should be consistent with local stormwater ordinances (hereafter referred to as “Stormwater Ordinance”), including but not limited to, the protection of water quality and compliance with the provisions of the MS4 Permit.

DEFINITIONS

- A. **Best Management Practices (BMPs).** Best Management Practices or BMPs are defined in section 15.12.130 (b) of the County Stormwater Ordinance and includes policies, practices, structures, and any other means of reducing or eliminating the discharge of pollutants and non-stormwater discharges to the storm drain system.
- B. **Enforcement Official.** An enforcement official is any person authorized to conduct inspections and/or issue enforcement actions pursuant to the Stormwater Ordinance. Within the Environmental Management Department, SCS staff will be primarily responsible for enforcing the stormwater ordinance, although, Environmental Health Division and Hazardous Materials Division staff may also enforce.
- C. **Fine.** A fine is a monetary Administrative Civil Penalty assessed under the authority of County Section 15.12.560 of the County Stormwater Ordinance and corresponding sections of municipal stormwater ordinances.
- D. **General Permit.** The Industrial General Stormwater Permit is a permit issued by the California State Water Resources Control Board, under the National Pollutant Discharge Elimination System provisions of the Federal Clean Water Act. The Industrial General Permit applies to facilities that discharge stormwater associated with industrial activities as defined in 40 CFR 122.26 (b)(14) *i-ix* and *xi*. The MS4

Permit requires inspection of these facilities on a triennial basis.

- E. **Hearing Officer.** The hearing officer is any person approved by the Board of Supervisors or Stormwater Program Administrator to conduct administrative hearings as provided by Chapter 15.12.
- F. **MS4 Permit.** The Municipal Separate Storm Sewer System Permit is a permit issued by the Regional Board under the Federal Clean Water Act National Pollutant Discharge Elimination System for discharges from Municipal Separate Storm Sewer Systems. For the purposes of this policy, MS4 Permit is NPDES Permit number CAS082597 and any successor permits, issued to the County of Sacramento and the Cities of Citrus Heights, Elk Grove, Folsom, Galt, Rancho Cordova and Sacramento.
- G. **Operator.** Any individual that runs, manages, or owns a business.
- H. **Receiving Water Limitations.** Receiving water limitations are those limitations included in Provision B of the MS4 Permit.
- I. **Regional Board.** The Regional Board is the California Regional Water Quality Control Board, Central Valley Region.
- J. **Stormwater Compliance Section (SCS).** SCS is the group within the Water Protection Division that manages EMD's Commercial / Industrial Stormwater Compliance Program.
- K. **Storm Drain System.** The storm drain system or stormwater conveyance system, are those public facilities within the County which are owned, operated, maintained or controlled by the County or cities, by which stormwater may be conveyed to waters of the United States, including, but not limited to, any roads with drainage systems, municipal streets, roadside drainage ditches, catch basins, water quality basins, detention basins, constructed wetlands, artificial channels, aqueducts, curbs, gutters, ditches, sumps, pumping stations, and storm drains. The storm drain system also includes natural creeks and streams which are identified as receiving waters by the MS4 Permit, but does not include the Sacramento, American, Mokelumne, or Cosumnes rivers, or navigable waters of the Delta.
- L. **Stormwater Ordinance.** Stormwater Ordinance refers to Chapter 15.12 of the Sacramento County Code, and/or any equivalent ordinance adopted by a City that establishes authority under which the Environmental Management Department provides stormwater inspection and enforcement services. Each of the incorporated cities within the County (except Isleton) has a stormwater ordinance that has been modified to provide inspection and billing authority to EMD for stormwater compliance. Each of the city ordinances refer to County chapter 15.12 for enforcement matters at businesses that EMD regulates for stormwater on their behalf, to allow for consistent, county-wide enforcement.

- The City of Folsom's stormwater ordinance are sections 8.70.010 – 420
- The City of Sacramento's stormwater ordinance are sections 13.16.010 – 200
- The City of Galt's stormwater ordinance are sections 16.10.010 – 220
- The City of Elk grove's stormwater ordinance are sections 15.12 010 - 560
- The City of Citrus Heights and Rancho Cordova refer to the County's ordinance

AUTHORITY

- **Source of Authority.** The authority for this enforcement policy is established in the stormwater ordinance. All enforcement actions must be generally in accordance with the provisions of chapter 15.12, the County Stormwater Ordinance.
- **Delegation of Authority.** Authority for the interpretation, implementation and enforcement of the stormwater ordinance has been delegated to the Director of EMD by the Administrator of the County OF Sacramento's Municipal Services Agency and through agreements with city departments responsible for administering stormwater ordinances.

FLEXIBILITY

This policy is intended to provide a reasonable framework for selecting and conducting enforcement actions in a manner that is fair, consistent, and well-documented. However, this policy can not anticipate all factors or define all situations that are relevant to determining the proper enforcement action for all violations. Therefore, EMD staff who are responsible for conducting enforcement of the Stormwater Ordinance are expected to exercise a reasonable amount of discretion in implementation of this policy.

RECORDKEEPING

Records shall be kept that include inspection reports, warning letters, violation notices, and other pertinent documents that demonstrate the effort made to bring the violator into compliance. All enforcement records should be imaged and photo should be placed on the I: drive, and/or other appropriate file.

INSPECTION

Types of Businesses:

The MS4 Permit requires triennial stormwater compliance inspections and stormwater complaint response at the following categories of businesses:

- Businesses covered under the State's General Industrial Stormwater Permit
- Auto repair
- Auto body
- Auto dealers (dealers with over 5000 sq-ft of outdoor display space)

- Equipment rental businesses (facilities with over 200 sq-ft of outdoor storage or display space)
- Nurseries (small retailers that do not apply pesticides, fertilizers are excluded)
- Kennels (facilities with over 400 sq-ft. of space devoted to dog kenneling)
- Retail gasoline outlets
- Restaurants and related non-mobile food prep facilities

Stormwater Inspection Compliance Criteria:

- No prohibited discharges to the storm drain system are evident
- No illicit connections to the storm drain system are evident
- No prohibited conditions are evident that are likely to result in pollutant discharges to the storm drain system upon contact with rainfall irrigation overflows, etc. such as:
 1. Poor housekeeping resulting in pollutants on the ground and other outdoor areas
 2. Inadequate spill response resulting in unattended spills and leaks on outdoor areas throughout the facility, or indoor areas that could impact outdoor areas.
 3. Uncovered stored wastes, materials, or inventory items that may be expected to be transported to storm drain system by rainfall, irrigation runoff, etc.
 4. Open waste receptacles such as tallow bins, dumpsters and compactors that contain pollutants that may be made to wash or leak out by rainfall, and/or leak wastes that may be expected to be transported to storm drain system by rainfall, irrigation runoff, etc.
 5. Leaky or contaminated equipment stored or used outdoors that are likely to result in wash-off or leakage of significant pollutants
 6. Track-out of sediment or other materials to street or outdoor areas where it may be expected to be transported to storm drain system by rainfall, irrigation runoff, etc.

Checklist / Notice of Violation (NOV)

Two types of checklists / NOV's are utilized:

1. Food facility checklists / NOV's
2. All other facilities (non-food) checklist / NOV's

When stormwater compliance inspections are conducted, the specialist will always fill out and issue a stormwater checklist and NOV to the facility operator. If there are no violations, the specialist will write "no violations noted" on the NOV form. The checklist and NOV are to be signed by the business operator and is left with a copy of each. In all instances, appropriate compliance literature is provided to the facility operator.

Corrective Actions

The specialist will require the facility operator to correct violations within the 19/35 day time frame, as described in the NOV section below. A re-inspection may be avoided by the facility operator if he/she submits clear proof of compliance to the specialist within the required time frame, or submits an acceptable request for extension prior to the compliance due date.

Acceptable proof of compliance submittals may include photos, receipts, or invoices that clearly demonstrate correction. In many instances, statements from the operator explaining how he/she intends to change practices to correct and/or avoid repeating violations and/or training logs showing that employees have been trained may be appropriate, in addition to other proof of compliance.

In some instances, it may not be feasible for a facility operator to make necessary corrections within the required time frame, especially when corrections include major repairs or facility modifications. Extensions may be granted but the specialist should require an action plan or statement to be submitted by the facility operator within the initial compliance time frame. The action plan or statement should specify the corrections that are to be made and should provide a time frame for completion.

PROGRESSIVE ENFORCEMENT:

The following steps will be taken to ensure return to compliance at facilities found to be in violation of the Stormwater Ordinance:

Notice of Violation (NOV)

A NOV will be left with the operator after the inspection, regardless of whether violations were found or not. If there are **no** violations found, the NOV will clearly state that there are no violations.

Depending upon the nature of violations noted, the NOV will specify the following compliance deadlines:

- **14 days to correct violations and 19 days to provide proof of compliance** in situations involving unauthorized non-stormwater (prohibited) discharges to the storm drain system or illicit connections.

Although 14 days are allowed to make corrections, unauthorized non-stormwater discharges should be stopped immediately, especially if the discharge contains hazardous constituents, or hazardous levels of non hazardous constituents.

However, if a prohibited discharge results from vehicle washing activities at an auto dealer, the operator may be allowed to continue discharging the vehicle wash water for 14 days as he/she explores compliance options (see Commercial Vehicle Wash Policy).

- **30 days to correct violations and 35 days to provide proof of compliance** for violations that are not prohibited discharges.

Cease and Desist Order

The County's Stormwater Ordinance (section 15.12.520) says that a Cease and Desist Order may be issued as an alternative to a NOV when immediate action by the responsible party is necessary to eliminate a continuing or threatened serious violation of the Stormwater Ordinance.

Extensions of Compliance Deadlines

There will be instances when a business operator will not be able to comply with requirements within the time frame specified. The specialist may grant an extension to the operator if the inspector determines that an extension is warranted. **A request for extension must be received in writing** (mail, e-mail, fax, hand delivered, etc) **by the inspector by no later than the specified compliance deadline date.** It is strongly recommended that a business operator discusses the extension request with the inspector well before the deadline to determine if the inspector is likely to grant the extension. The extension request must include an explanation as to why the extension is needed, as well as a summary of actions taken to date by the operator to comply with requirements of the NOV.

Typically, it will be more appropriate to allow extensions for violations involving pollutant exposure problems that require the implementation of a broad set of BMPs, or significant facility cleanup or remediation.

In general, extensions should not be granted to allow the continuation of unauthorized non-stormwater discharges (NSDs). Exceptions may be made, however, in situations involving vehicle washing. When extensions are allowed for the continuation of NSDs, the extension must be made with the condition that storm drain filters are installed and other appropriate measures implemented in order to help mitigate continuing discharges during the extension period.

Re-Inspections

A facility will be subject to a stormwater compliance re-inspection within 8 weeks to ensure return to compliance for the following conditions:

- Illicit connections are found.
- Operator fails to provide clear proof of compliance, or fails to request (and is granted) an extension within the NOV specified time frame (19/35 days). The specialist will review the facility file to determine if a re-inspection is warranted. If the specialist believes that the operator has failed to bring the facility into compliance, a re-inspection should occur within 8 weeks of the initial inspection.
- Operator fails to submit proof of compliance or an extension request within the specified time frame, the specialist should re-inspect as time allows. The facility

operator should be informed at time of the first inspection that he/she may be subject to a re-inspection and fee for failure to submit RTC information on time.

- The specialist may chose to call the operator or send a letter requiring submission of proof of compliance within a given time frame instead of re-inspecting, for minor and moderate violations. An inspection must be conducted if proof of compliance is not submitted within the extended time frame given.

Charging for re-inspections and complaint responses.

The cost of performing one complaint response visit and one re-inspection, if necessary, for each facility every three years is included in the stormwater inspection program fees approved by the Board of Supervisors.

Within any given 3-year period beginning with either the start of the stormwater inspection Program in July 2004, or the addition of a given facility to the inspection inventory, which ever best applies, each facility is entitled to one complaint response visit and one re-inspection visit, if needed, without charge (except as noted below).

Any second complaint response or second re-inspection is to be charged for at the current EMD hourly Rate in six minute increments, rounded up, including drive time. If, however, the inspector wishes to reward compliance or provide a compliance incentive, he/she may waive the fee for a second complaint or re-inspection visit, upon his/her discretion. All third or subsequent complaint or re-inspection visits within the 3 year period will be charged.

When a re-inspection is necessary to verify compliance because RTC documentation was not submitted, or submittal was incomplete, a re-inspection fee may be charged at the discretion of the inspector even if it is a first re-inspection.

Re-inspection fee in lieu of fine. Re-inspection fees that include inspection, drive time, and associated office time may be assessed as an alternative to a fine, in instances where the re-inspection reveals that a facility operator has failed to correct, or at least make a meaningful effort to correct violations. The fee alone, as an alternative to the fine should not be used in cases involving egregious violations (where a fine and possibly fine and re-inspection billing is more appropriate).

Assessment of Fines

The Stormwater Ordinance (section 15.12.560) authorizes assessment of administrative civil penalties (referred to in this policy as “fines”). In addition to providing the operator the right to appeal the fine or NOV, the assessment of fine amounts will be determined by an assigned Administrative Appeals Hearing Officer except in cases where pre-set fine levels are established by the Board of Supervisors for specific violations. EMD staff will not determine fine levels.

The enforcement notice (typically an NOV) informs the responsible party of the right to a hearing within the given time frame and informs the responsible party regarding the necessary steps to make an appeal.

When a violation involves a continuing violation that does not create an immediate danger to health or safety, as determined by the enforcement official, the violator shall be provided with a reasonable time to correct or otherwise remedy the violation prior to imposition of the penalty. The enforcement official shall determine and notify the violator of the time within which the violator must correct or remedy the violation. The notice shall provide that a fine will be imposed if the continuing violation is not remedied or corrected within the time stated.

When/How to Issue a Fine

Fines should be issued under the following circumstances:

- Despite warning, operator has failed to bring his/her facility into either short or long-term compliance despite having been provided standard compliance time frame (19/35 days) and at least one reasonable extension time frame, if requested. This includes failure to implement appropriate BMPs for pollutant sources/activities.
- Despite warning, operator has failed to submit Proof of compliance, and has refused to allow EMD staff access to re-inspect.
- Operator has committed a repeat violation(s) identical in principal to violation(s) that he/she was issued a violation notice for within the past 5 years.
- Operator has committed an egregious, first time offense that results in serious environmental harm and/or potential or actual threat to human health and offense appears intentional, or is a result of gross negligence.

Note: The preceding conditions will not apply to minor violations such as open dumpster/receptacle lids until such time that pre-set fine amounts are established, unless said minor violations have occurred at least 4 times. Fines shall typically only be issued for moderate to major violations with emphasis on repeat violations and situations where the operator refuses to comply

When the Specialist feels that the imposition of a fine is appropriate he/she shall:

1. Prepare and submit a written report via e-mail or memo regarding the nature of, and circumstances surrounding, the violation to the WPD Chief and gain written approval to proceed with the fine.
2. Prepare all evidence including a summary of the violations, photos, and copies of all notes and notices relevant to the case.
3. Propose a fine level based upon the matrix and guidelines shown below and draft a Notice of Determination (fine letter) to provide to the hearing officer.

4. Contact the assigned Appeals Hearing Officer (or county counsel) to arrange a hearing / fine assessment date
5. Inform County Counsel of intention to issue a fine and provide copies of all pertinent materials.
6. Within 24 hours of setting a hearing date, send fine letter to the business operator informing him/her of the time, date, and location of the hearing.
7. Attend hearing
8. Submit a report to WPD Chief summarizing results of hearing

Draft Fine Matrix: Fine level suggestions are made to the hearing officer based upon authority to impose maximum fines of \$5000 per day, per violation, using the matrix below. Settlement offers may be made to the violator to avoid a hearing. The proposal of a settlement amount should be based upon a percentage (less than 25%) of the total suggested fine amount.

AUTHORITY: SACRAMENTO COUNTY CODE, CHAPTER 15, SECTION 12.560	ACTUAL OR POTENTIAL HARM ▼		
	Major	Moderate	Minor
EXTENT OF DEVIATION ▼			
Major	<u>Maximum:</u> \$5,000	<u>Maximum:</u> \$3,000	<u>Maximum:</u> \$2,000
	<u>Average:</u> \$4,000	<u>Average:</u> \$2,500	<u>Average:</u> \$1,5 00
	<u>Minimum:</u> \$3,000	<u>Minimum:</u> \$2,000	<u>Minimum:</u> \$1,000
Moderate	<u>Maximum:</u> \$3,000	<u>Maximum:</u> \$2,000	<u>Maximum:</u> \$1,000
	<u>Average:</u> \$2,500	<u>Average:</u> \$1,500	<u>Average:</u> \$7500
	<u>Minimum:</u> \$2,000	<u>Minimum:</u> \$1,000	<u>Minimum:</u> \$500
Minor	<u>Maximum:</u> \$2,000	<u>Maximum:</u> \$1,000	<u>Maximum:</u> \$500
	<u>Average:</u> \$1,500	<u>Average:</u> \$750	<u>Average:</u> \$250
	<u>Minimum:</u> \$1,000	<u>Minimum:</u> \$500	<u>Minimum:</u> \$0

Guidelines for using matrix to propose fine levels:

B. Steps in Determining Penalties

1. Initial Penalty. SCEMD will determine an initial penalty for each violation by considering the actual and potential harm and the extent of the deviation from well ordinance requirements. Assigning degrees of actual and potential harm:

- (1) Major – the nature of the violation has the potential to present a major threat to human health or safety or the environment and the circumstances of the violation indicate a high potential for harm, or significant harm has occurred.
- (2) Moderate – the nature of the violation does not present a major threat to human health or safety or the environment and the likelihood of harm from noncompliance is not high, or moderate harm has occurred.
- (3) Minimal – the overall threat to human health or the environment is low or minimal harm has occurred.

b. **Assigning degrees of extent of the deviation.**

- (1) Major – the act deviates from the requirement to such an extent that the requirement is completely ignored or the function of the requirement is rendered ineffective because some of its provisions are not complied with.
- (2) Moderate – the act deviates from the requirement but functions to some extent.
- (3) Minimal – the act deviates from the requirement but functions nearly as intended.

2. **Adjusted Initial Penalty**

a. The initial penalty may be adjusted based on the violator’s intent in committing the infraction. The following factors will be considered as a basis for adjustment.

ADJUSTMENT FACTOR	CIRCUMSTANCES
Downward adjustment of 100%	Violation was completely beyond the control of the violator.
Downward adjustment of 0 to 50%	Violation occurred even though good faith efforts to comply with regulations were made.
No adjustment	Violation indicated neither good faith efforts nor intentional failure to comply.

Upward adjustment of 50 to 100%	Violation was the result of intentional failure to comply.
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- b. Economic Benefit Adjustment. The initial penalty may be increased if, in the opinion of the SCEMD, the violator realized significant economic benefit as a result of the failure to comply.
 - (1) The adjustment to the initial penalty cannot exceed the statutory maximum.
 - (2) Economic benefits to consider include: avoided or delayed costs, or increased profits.

3. ***Combining Multiple Violations. A single penalty may be assessed for multiple violations for the following situations:***

- a. The Respondent has violated the same requirement in different locations or units within a site.
- b. The Respondent has violated the same requirement on different days. This would not be appropriate if the Respondent has been notified of the violation and has had sufficient time to correct the violation.

4. ***Adjustment factors for cooperation.***

Degree of Cooperation/Effort	Adjustment Factor	Circumstance
Extraordinary	Downward adjustment of up to 25 %	Violator exceeded minimum requirements in returning to compliance or returned to compliance faster than requested.
Good Faith	No adjustment	Violator demonstrated a cooperative effort.
Recalcitrance	Upward adjustment of up to 25 %	Violator failed to cooperate, delayed compliance, created unnecessary obstacles to achieving compliance, or the compliance submittal failed to meet requirements.
Refusal	Upward adjustment of 50 to 100 %	Violator intentionally failed to return to compliance with regulations or to allow cleanup operations to take place. This does not include refusal to allow inspection.

- b. Adjustment to create a preventive or deterrent effect. The total base penalty may be adjusted upward or downward to ensure that the penalty is sufficient to provide a deterrent effect on both the violator and/or the regulated community as a whole.
 - c. Adjustment for compliance history. The total base penalty may be adjusted upward or downward based on the Respondent's compliance history.
- (1) General considerations.
 - (a) Previous violations at the site should receive more weight than previous violations at another site owned or operated by the same person.
 - (b) Recent violations should receive more weight than older violations.
 - (c) The same or substantially similar previous violations should receive more weight than previous unrelated violations.
 - (2) Specific guidance.
 - (a) Downward adjustments of up to 5% for each previous consecutive inspection with no violations can be made up to a maximum of 10%.
 - (b) Upward adjustments of up to 100% can be made if a Respondent has a consistent history of noncompliance over the past five (5) years

Project or Training in Lieu of Fine

In lieu of paying a fine, upon approval of the Chief of the WPD, the responsible party may apply all or part of the amount of an imposed fine to complete projects or programs designed to reduce or eliminate the possibility of future violations. Allowable projects or programs may include, but are not limited to, structural BMP installation or staff training, but should generally not include on-going operational or maintenance costs. The cost of the project should roughly equal the amount of the fine to be waived. When considering approval of such projects or programs, the Enforcement Official should consider at, a minimum, the following factors:

- A. Severity of the violation.
- B. Compliance history of the responsible party.
- C. Competitive advantage gained by the responsible party as a result of the violation.

- D. Existence of malicious intent or gross negligence that contributed to the violation.
- E. Environmental benefit

Cost Recovery

When, in association with a complaint response or violation that requires clean-up and/or extensive investigation by county/municipal staff, EMD staff determines who is responsible for a violation, the responsible party may be required to reimburse the County for all costs incurred by the County or city related to the violation, pursuant to County Stormwater Ordinance, or corresponding sections of the appropriate city ordinance

Cost recovery fees that may be collected include, but are not limited to, investigation, enforcement, compliance assistance, damage, control, and clean-up.

Appeals

The County's Stormwater Ordinance (section 15.12.540) requires that any person served with a notice, order, or fine, be provided an opportunity for a hearing before an appeals hearing officer. Any notice, order, or fine issued, must inform the recipient of his/her right to appeal and provide instructions for requesting an appeals hearing.

To request a hearing, the recipient of the notice, order, or fine must submit a written request, along with a fee of \$360 to this department within **30 days** of receipt of the notice, order, or fine. The request is valid if it is postmarked within that **30 day** period. If the appeal is upheld in its entirety by the hearing officer the appellant's fee is to be refunded. If not, the fee is retained.

The hearing must be held within **90 days** of receipt of the hearing request unless a Cease and Desist

Order is being appealed, in which case the hearing must be held within **15 days**. This means that when a cease and Desist Order is issued, the operator should be informed that if he/she wishes to appeal, he/she must notify EMD immediately. When the issuing inspector receives a hearing request, he/she should contact the approved hearing officer within 24 hours, to arrange a hearing date. Within 72 hours, the inspector will send a letter by certified mail, informing the appellant as to the date and location of the hearing, as well as other necessary information.

Referrals to the Regional Board

All significant violations and all NOI non-filers must be referred to the Regional Board within 30 days of determination that a significant violation or NOI non-filer status exists. At a minimum, the following information must be included: Name of facility, name of operator, name of owner, type of activities conducted at the facility and copy of the violation.

Abatement by County

When a responsible party is not available, or is otherwise unable or unwilling to cease or control a condition that results in or is likely to result in further or continuing violations, abatement of the condition by the County may be required. Section 15.12.450 of the Stormwater Ordinance authorizes the County Enforcement Official to abate violations on private property.

Referral of Violations to Other Agencies

A. Regional Board

All significant violations and all NOI non-filers must be referred to the Regional Board within 30 days of determination that a significant violation or NOI non-filer status exists. At a minimum, the following information must be included: Name of facility, name of operator, name of owner, type of activities conducted at the facility and copy of the violation.

B. Other County and City Departments

The County Enforcement Official may defer enforcement action against Stormwater Ordinance violations by referring the violation to other County or city departments for enforcement. This may be done when enforcement against the violation itself, or against the practice or condition that caused the violation, is clearly within the jurisdiction and responsibility of the other department.

C. District Attorney

Severe or continuing violations should be referred to the District Attorney for consideration of criminal charges.