

13.26A.005 Introduction.

- A. Purpose. The purpose of this chapter is to protect the county's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants and stormwater flows. The board of county councilors finds this chapter is necessary to protect the health, safety and welfare of the residents of Clark County and the integrity of the county's resources for the benefit of all.
- B. Applicability.
1. This chapter applies to the discharge of contaminants to surface water, stormwater and groundwater as set forth in Section [13.26A.025](#) and requires certain sites and activities to utilize best management practices as set forth in Section [13.26A.035](#) and stormwater facility maintenance practices set forth in Section [13.26A.040](#).
 2. The board of county councilors also recognizes that the implementation of successful pollution control practices is most likely through a pollution prevention (water resources) education effort for business owners and the general public. In implementing this chapter, the county will primarily rely on education and technical assistance to show individuals how to implement pollution control practices. Enforcement actions will normally be implemented when education and technical assistance measures are unsuccessful at protecting the public interest or when a person willfully contaminates the water resources of Clark County.
 3. The board of county councilors recognizes that implementation of this chapter is required under the federal Clean Water Act, [33 U.S.C. 1251](#) et seq. In meeting the intent of the Clean Water Act the board of county councilors also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals.
 4. The county's clean water division manages the requirements of the Washington Department of Ecology's Phase I NPDES municipal stormwater permit. ~~that became effective August 1, 2013 (amended December 2014) and is due to expire July 31, 2018, for Clark County.~~
- C. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

AKART	"AKART" means "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methodology that can reasonably be required for preventing, controlling or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.
Best management practices or BMPs	"Best management practices (BMPs)" are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, or structural features approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.
Chapter	"Chapter" means this chapter and any administrative rules and regulations adopted to implement this chapter.

Clark County Stormwater Manual	“Clark County Stormwater Manual” means the Stormwater Manual adopted by Ordinance 2015-11-24.
Clean Water Act	“Clean Water Act” means 33 U.S.C. 1251 et seq., as amended.
Contaminants	<p>“Contaminants” include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1. Trash or debris; 2. Construction materials; 3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil or heating oil; 4. Antifreeze and other automotive products; 5. Metals in either particulate or dissolved form; 6. Flammable or explosive materials; 7. Radioactive material; 8. Batteries; 9. Acids, alkalis, or bases; 10. Paints, stains, resins, lacquers or varnishes; 11. Degreasers and/or solvents; 12. Drain cleaners; 13. Pesticides, herbicides or fertilizers; 14. Steam cleaning wastes; 15. Soaps, detergents, or ammonia; 16. Swimming pool backwash; 17. Chlorine, bromine, and other disinfectants; 18. Heated water; 19. Domestic animal wastes; 20. Sewage; 21. Recreational vehicle waste; 22. Animal carcasses, excluding salmonids; 23. Food wastes; 24. Bark and other fibrous materials; 25. Collected lawn clippings, leaves or branches; 26. Silt, sediment, or gravel; 27. Dyes (except as stated in Section 13.26A.025(C)(1)); 28. Chemicals not normally found in uncontaminated water; 29. Swimming pool water; 30. Water discharged during water well disinfection; 31. Potable water; 32. Potable water line flushing; and 33. Any hazardous material or waste not listed above.
County	“County” means the municipality of Clark County, Washington.
Discharge	“Discharge” means to throw, drain, release, dump, spill, empty, emit or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.
Forest practices	“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, as defined in Chapter 222-16 WAC.
Groundwater	“Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body (WAC 173-200-020).
NPDES (National	“NPDES (National Pollutant Discharge Elimination System) permit” means

Pollutant Discharge Elimination System) permit	an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington Department of Ecology to implement the requirements of the NPDES program under the Clean Water Act.
Person	“Person” means an individual, or their agents or assigns; a municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.
Responsible official	“Responsible official” means the Clark County manager or his/her appointed designee for the purposes of this chapter.
Source control BMP	“Source control BMP” means a structure or operation that is 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. This manual separates source control BMPs into two (2) types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are nonstructural practices that prevent or reduce pollutants from entering stormwater.
State waste discharge permit	“State waste discharge permit” means an authorization, license, or equivalent control document issued by the Washington Department of Ecology in accordance with Washington Administrative Code.
Surface water and stormwater	“Surface water and stormwater” means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow groundwater.
Treatment BMP	“Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater.

(Exh. A of Ord. 1998-11-17; amended by Sec. 3 (Exh. B) of Ord. 2000-07-34; amended by Sec. 3 (Exh. 2) of Ord. 2009-01-01; amended by Sec. 4 of Ord. 2015-11-24)

13.26A.025 Discharges into Clark County waters.

A. Prohibited Discharges.

1. It is unlawful for any person to discharge any contaminants, as defined in Section [13.26A.005\(C\)](#), into the municipal separate storm sewer system (MS4), surface water, stormwater, or groundwater.
2. Illicit Connections. Any connection that could convey anything not composed entirely of surface and stormwater, directly to surface water, stormwater, groundwater or into the county's municipal separate storm sewer system, is considered an illicit connection and is prohibited with the following exceptions:
 - a. Connections conveying allowable discharges; or
 - b. Connections conveying discharges pursuant to an NPDES permit or a state waste discharge permit.
3. Connections to the county storm sewer system made in violation of county stormwater and erosion control standards are a prohibited discharge.

B. Allowable Discharges. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the responsible official determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of surface and stormwater or groundwater:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Lawn watering;
3. Street and sidewalk wash water, water used to control dust, and building washdown that does not include detergents or pollutants;
4. Swimming pool water if dechlorinated to a concentration of 0.1 parts per million or less, pH adjusted and controlled to prevent erosion and sediment transport. Water temperature shall be controlled to minimize impact to receiving waters. Wastewater and filter backwash are not allowable;
5. Materials placed as part of an approved habitat restoration or bank stabilization project;
6. Air conditioning condensate;
7. Flows from riparian habitats and wetlands;
8. Springs;
9. Diverted stream flows;
10. Rising groundwaters;
11. Uncontaminated groundwater infiltration (as defined at CFR 35.2005(20));
12. Uncontaminated pumped groundwater;

13. Foundation drains;
14. Footing drains;
15. Irrigation water from agricultural sources that is commingled with urban stormwater;
16. Potable water sources if dechlorinated to a concentration of 0.1 parts per million or less, pH adjusted and controlled to prevent erosion and sediment transport;
17. Discharges from emergency fire-fighting activities; and
18. Nonstormwater discharges authorized by another NPDES permit or state waste discharge permit.

C. Exceptions.

1. Dye testing is allowable but requires notification to the responsible official at least one (1) day prior to the date of test. Clark County or a sewer service purveyor is exempt from this requirement.
2. If a person has properly designed, constructed, implemented and is properly maintaining BMPs, and is carrying out AKART as required by this chapter or through another federal or state regulatory or resource management program, and contaminants continue to enter surface and stormwater or groundwater, then that person shall not be in violation of Section [13.26A.025\(A\)](#).
3. If a person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site, then that person shall not be in violation of Section [13.26A.025\(A\)](#).
4. 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, shall be exempt from this section. The responsible official may specify actions that qualify for this exception in county procedures. The person responsible for emergency response activities should take steps to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Exh. A of Ord. 1998-11-17; amended by Sec. 3 (Exh. B) of Ord. 2000-07-34; amended by Sec. 3 (Exh. 2) of Ord. 2009-01-01; amended by Sec. 1 (Att. A § 2) of Ord. 2011-08-08; amended by Sec. 6 of Ord. 2015-11-24)