

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 1 of 18

=====

WHEREAS, The Ramsey County Board proposes to adopt the Ramsey County Illicit Discharge and Connection Storm Water Ordinance in accordance with actions identified in the County's Storm Water Pollution Prevention Plan and to fulfill requirements of the County's National Pollutant Elimination Discharge System General Permit for Municipal Separate Storm Sewer Systems; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter further provides that the public hearing shall be held no sooner than ten (10) days after the first reading; and

WHEREAS, The Ramsey County Board of Commissioners waived the first reading of the proposed Illicit Discharge and Connection Storm Water Ordinance and set February 28, 2012 as the date of the public hearing (Resolution 2012-051 and Resolution 2012-052, respectively); and

WHEREAS, The public hearing notice was published in the County's legal newspaper, *Ramsey County Review*, on February 15, 2012; and

WHEREAS, The Ramsey County Board of Commissioners waived the second reading of the proposed Ramsey County Illicit Discharge and Connection Storm Water Ordinance (Resolution 2012-071); and

WHEREAS, The Ramsey County Board of Commissioners conducted the public hearing to receive public comments on the proposed Ramsey County Illicit Discharge and Connection Storm Water Ordinance; Now, Therefore, Be It

ORDAINED, The Ramsey County Board of Commissioners approves the following Ramsey County Illicit Discharge and Connection Storm Water Ordinance.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 2 of 18

=====

Illicit Discharge and Connection Storm Water Ordinance

SECTION 1.00 PURPOSE and AUTHORITY

1.01 Purpose. The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Ramsey County through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system ("MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System Permit ("NPDES Permit") process. The objectives of this Ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

1.02 Authority. This Ordinance is adopted pursuant to the Water Pollution Control Act (33 U.S.C. § 1251 et seq.), 40 C.F.R. Part 122, Minnesota Statutes Chapters 115, 375, and 429, Minnesota Rules Chapter 7090, and the Ramsey County Home Rule Charter.

SECTION 2.00 ADMINISTRATION

2.01 Administration. Ramsey County is required to administer this Ordinance pursuant to the terms of the MS4 Permit No. MNR040000 issued by the Minnesota

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 3 of 18

=====
Pollution Control Agency. Activities authorized by this Ordinance include but are not limited to:

- (1) Mapping of the County MS4 and supporting structures;
- (2) Inspection of the County outfall structures for non-storm water discharges;
- (3) Screening, sampling and identification of any discovered non-storm water discharges when feasible;
- (4) Identification of facilities with NPDES Permits discharging to the County MS4;
- (5) Identifying areas or activities not covered under a NPDES Permit with high potential for illicit discharges;
- (6) Determining the need for increased monitoring of areas with high risk for or repeated occurrences of illicit discharges;
- (7) Inspection of facilities suspected of producing illicit discharges, providing supervision of remediation and prevention activities, and reviewing any facility discharge sampling directed under this ordinance.

2.02 Most Restrictive Provision Controls. Where requirements imposed by the provisions of this Ordinance differ from comparable conditions imposed by any other applicable law, ordinance, rule, and regulation, the provision that establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall apply.

2.03 Administrative Procedures. All of the provisions of the Ramsey County Administrative Ordinance shall apply as if fully set forth herein.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 4 of 18

=====
2.04 False Information. Omission of any information or submission of false information required by a provision of this Ordinance is unlawful and may be punished as provided by law.

SECTION 3.00 DEFINITONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

3.01 Best Management Practices ("BMPs"). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

3.02 Clean Water Act. The Water Pollution Control Act (33 U.S.C. § 1251 et seq.), as amended from time to time.

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

3.04 County. The County of Ramsey.

3.05 County Board. The Board of Ramsey County Commissioners and their authorized representatives.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 5 of 18

=====
3.06 Department. The Ramsey County Public Works Department or any other part, division, bureau, sub-unit, or branch of the County authorized by the County Board to carry out or enforce any provision of a County Ordinance.

3.07 EPA. The United States Environmental Protection Agency.

3.08 Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

3.09 Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 5.00 of this Ordinance.

3.10 Illicit Connections. An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by Ramsey County or,
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the Department.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 6 of 18

=====
3.11 Industrial Activity. Activities subject to NPDES Permits as defined in 40 CFR, Section 122.26 (b)(14).

3.12 MPCA. The Minnesota Pollution Control Agency.

3.13 Maximum Extent Practicable. A standard for water quality that applies to all MS4 operators regulated under the NPDES program.

3.14 Municipal Separate Storm Sewer System ("MS4"). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by Ramsey County and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

3.15 National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit (NPDES Permit). A permit issued by EPA or the MPCA that regulates the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

3.16 Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

3.17 Person. Any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

3.18 Pollutant. Any substance which, when discharged has potential to or does any of the following:

Interferes with state designated water uses;

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 7 of 18

=====

Obstructs or causes damage to Waters of the State;
Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
Adds an unnatural surface film on the water;
Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
Degrades the quality of ground water; or
Harms human life, aquatic life, or terrestrial plant and wildlife.

Pollutant includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.

3.19 Pollute. The discharge of pollutants into Waters of the State.

3.20 Pollution. The direct or indirect distribution of pollutants into Waters of the State.

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

3.22 Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 8 of 18

=====
3.23 Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

3.24 Storm Water Pollution Prevention Plan ("SWPPP"). A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

3.25 Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

3.26 Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof.

SECTION 4.00 APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the County.

SECTION 5.00 DISCHARGE PROHIBITIONS

5.01 Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 9 of 18

=====

The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water.
- (2) Discharges or flow from firefighting, and other discharges specified in writing by the County as being necessary to protect public health and safety.
- (3) Discharges associated with dye testing, however this activity requires a verbal notification to the County prior to the time of the test.
- (4) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

5.02 Prohibition of Illicit Connections.

- (1) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 10 of 18

- =====
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (3) It is a violation of this Ordinance if a person connects a line conveying sewage to the MS4, or allows such a connection to continue.
 - (4) Improper connections in violation of this Ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.
 - (5) Any drain or conveyance that has not been documented in plans, maps, or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the County.

SECTION 6.00 WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 11 of 18

=====
watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION 7.00 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

7.01 Submission of Notice of Intent.

- (1) Any person subject to an industrial or construction activity NPDES Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County prior to the allowance of discharges to the MS4.
- (2) The operator of a facility, including construction sites, required to have an NPDES Permit to discharge storm water associated with industrial activity shall submit a copy of the Notice of Intent (“NOI”) to the County at the same time the operator submits the original NOI to the EPA or MPCA, as applicable.
- (3) The copy of the NOI shall be delivered to the County either in person or by mailing it to:
Notice of Intent to Discharge Storm Water
Environmental Services Department
Ramsey County Public Works
1425 Paul Kirkwold Drive
Arden Hills, MN 55112-3933
- (4) It is a violation of this Ordinance if a person operates a facility that is discharging storm water associated with industrial activity without having submitted a copy of the NOI to do so to Ramsey County.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 12 of 18

=====

SECTION 8.00 COMPLIANCE MONITORING

8.01 Right of Entry: Inspection and Sampling. The County shall be permitted to enter and inspect properties and facilities subject to regulation under this Ordinance as often as may be necessary to determine compliance with this Ordinance.

- (1) The discharger shall make the necessary arrangements to allow access to representatives of the County if a discharger has security measures in force which require proper identification and clearance before entry onto its premises.
- (2) Facility operators shall allow the County ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES Permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (3) The County shall have the right to set up on any permitted facility such devices as are necessary in the sole discretion of the County to conduct monitoring and/or sampling of the facility's storm water discharge. Any costs incurred related to these activities may be at the expense of the facility as detailed in Section 11 of this Ordinance.
- (4) The County has the right to require the discharger to install monitoring equipment when deemed necessary in the sole discretion of the County. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 13 of 18

=====
(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) It is a violation of this Ordinance and an NPDES Permit if a person does not grant the County access to a permitted facility within 24 hours of a request to do so.

8.02 Search Warrants. The County may seek issuance of a search warrant from any court of competent jurisdiction if access to any part of the premises from which storm water is discharged is denied to the County, and it is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community.

8.03 Immediate Entry. Notwithstanding any other provision of law to the contrary, in the event a violation of this Ordinance constitutes an immediate danger to public health or public safety, the County is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property.

SECTION 9.00 BEST MANAGEMENT PRACTICES

9.01 Best Management Practices. The County requires the use of BMP's for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or Waters of State. This requirement includes facilities and operations covered under a NPDES Permit (Industrial, Construction, and Municipal Separate Storm Sewer System) as well as non-

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 14 of 18

=====
permitted facilities. Guidance for selecting and implementing BMP's may be found on the MPCA's website under the Storm water Program: www.pca.state.mn.us.

9.02 Responsibility for Expense of Compliance. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMP's. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMP's to prevent the further discharge of pollutants to the MS4. These BMP's shall be part of the SWPPP required for compliance with requirements of the NPDES permit. Compliance with the requirements of an NPDES permit shall be deemed compliance with the provisions of this section.

SECTION 10.00 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the County no later than the next business day following the release. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 3 years.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 15 of 18

=====
It is a violation of this Ordinance if notification of a release is not provided as required by this Section.

SECTION 11.00 VIOLATIONS, ENFORCEMENT, AND PENALTIES

11.01 Misdemeanor. Any Person who violates this Ordinance, or who shall permit such a violation to exist on the premises under their control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the County, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

11.02 Injunctive Relief. In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.

11.03 Recovery of Abatement Costs. If a Person fails to comply with the provisions of this Ordinance, the County may recover costs incurred for corrective action by any means allowable by law. In the discretion of the County Board, the costs may be certified to the Director of the Department of Property Taxation as an assessment against the property on which the violation occurred.

11.04 Citations. Citations may be issued pursuant to Ramsey County Administrative Ordinance Section 6.02.

11.05 Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the County may impose alternative

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 16 of 18

=====
compensatory actions such as storm drain stenciling, attendance at compliance workshops, or creek cleanup upon a violator.

11.06 Notice of Violation. Whenever the County has reason to believe a Person has violated a provision of this Ordinance it may order compliance by written Notice of Violation. The Notice of Violation should include as much information as necessary to identify the alleged violator, the nature of the violation, and any remedial measures, requirements for compliance, or penalties to be imposed.

11.07 Suspension of MS4 Access.

(1) Emergency Cease and Desist Orders. When the County concludes that a Person has violated, or continues to violate, any provision of this Ordinance, or any order issued hereunder and that the violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or Waters of the State which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the County may issue an Emergency Order directing the violator to:

- (a) immediately cease and desist;
- (b) Immediately comply with all ordinance requirements; and
- (c) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

(2) Failure to Comply. In the event a Person fails to comply with requirements of an Emergency Order issued pursuant to this Section the County may take such steps as deemed necessary to prevent or minimize harm to the MS4 or Waters of the State, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 17 of 18

=====
municipal utility services. Issuance of an Emergency Order shall not prevent the County from, or require the County to, take any other action against the violator.

The County may allow the Person to resume its discharge when it has demonstrated to the County's satisfaction that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Ordinance. A Person who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the County within seven business days of receipt of the Emergency Order.

- (3) Suspension due to Illicit Discharges in Emergency Situations. The County may, without prior notice, suspend MS4 discharge access to a Person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the public health and welfare, the environment, the MS4, or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the County may take such steps as may be necessary to prevent or minimize the danger.
- (4) Prior Approval. It is a violation of the Ordinance to reinstate MS4 access to premises terminated pursuant to this Section, without the prior approval of the County.

SECTION 12.00 VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 18 of 18

=====
summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION 13.00 SEPARABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment;
- (2) If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular structure, facility, or operation, such judgment shall not affect the application of said provision to any other structure, facility, or operation not specifically included in said judgment.

SECTION 14.00 PROVISIONS ARE ACCUMULATIVE

The provisions in this Ordinance are cumulative and are additional to all other applicable federal and state laws, and Ordinance heretofore passed or which may be passed hereafter, covering any subject matter in this Ordinance.

SECTION 15.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

Adopted by the Board of Ramsey County Commissioners this 13th day of March, 2012, by Ordinance #2012-078.

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____
Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 19 of 18

=====

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 20 of 18

=====

Ramsey County Board of Commissioners

	YEA	NAY	OTHER
Tony Bennett	X		
Toni Carter	X		
Jim McDonough	X		
Jan Parker	X		
Victoria Reinhardt	X		
Janice Rettman			Out of room
Rafael Ortega	X		

Rafael E. Ortega, Chair

By: _____

Bonnie C. Jackelen
Chief Clerk – County Board

Ordinance

Board of

Ramsey County Commissioners

Presented By: Commissioner McDonough Date: March 13, 2012 No. 2012-078

Attention: Public Works

Page 21 of 18

=====