

Attachment 7
Bay Area Storm Water Authority
Storm Water Regulations

Adopted pursuant to Act 233 of Michigan Public Acts of 1955

**STORM WATER QUALITY MANAGEMENT
AND
DISCHARGE CONTROL REGULATIONS**

Article 1

Title, Purpose, and General Provisions

Section 1.1. Title

These Regulations shall be known as the “Storm Water Quality Management and Discharge Control Regulations” of the Bay Area Storm Water Authority (BASWA) and may be so cited.

Section 1.2. Purpose and Intent

The purpose and intent of these Regulations is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses, watersheds, and water bodies in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. §1251 et seq.) by reducing pollutants in storm water discharges to the maximum extent practicable and by prohibiting non-storm water discharges to the storm drain system.

Notwithstanding the above, it will be noted that the primary responsibility for protecting the quality of “waters of the State” is vested in the Michigan Department of Environment, Great Lakes and Energy (EGLE), pursuant to Part 31 of the Michigan Natural Resources and Environmental Protection Act, (hereafter "NREPA"), MCL 324.3101 et seq.

Section 1.3. Definitions

The terms used in these Regulations shall have the following meanings:

- a) BASWA - Shall mean the Bay Area Storm Water Authority (BASWA)
- b) BCRC – Bay County Road Commission
- c) Best Management Practices - Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the storm drain system and waters of the State. Best Management Practices include, but are not limited to: treatment facilities to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the BASWA determines appropriate for the control of pollutants. Best Management Practices may be modified or added from time to time by resolution of the BASWA.

- d) County - The County of Bay.
- e) Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- f) Construction Activity - An earth change activity that is within 500 feet of waters of the State of Michigan or more than 1 acre of disturbed soil.
- g) Department - The Department of Environment, Great Lakes and Energy (EGLE).
- h) Hazardous Materials - Any material, including any substance, waste, or combination thereof, which, because of 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, or any material as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, Public Law 96-510, or Parts 111, 201, or 213 of the NREPA, MCL Section 324.101 et seq.
- i) Illegal Discharge - Any direct or indirect non-storm water discharge to a storm drain system, except as exempted in Article II, Section 2.1 of these Regulations.
- j) Illicit Connections - An illicit connection is defined as either of the following:
 - i. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which 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 a government agency; or
 - ii. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system, which has not been documented in plans, maps, or equivalent records and approved by the BASWA or Bay County Drain Commissioner.
- k) Industrial Activity - Activities subject to NPDES Industrial Permits as defined in NREPA and Clean Water Act.
- l) National Pollutant Discharge Elimination Systems (NPDES) Storm Water Discharge Permits - General, group, and individual storm water discharge permits, which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

- m) Non-Storm Water Discharge - Any discharge into the storm drain system that is not composed entirely of storm water.
- n) Pollutant - Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.
- o) Pollution - The human-made or human-induced alteration of the quality of waters to a level that exceeds defined state and federal standards by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.
- p) NREPA. The Natural Resources and Environmental Protection Act, 1994 PA 451 of the State of Michigan, MCL 324.101 et.seq.
- q) Premises - Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking areas.
- r) Storm Drain System - Publicly owned facilities operated by a member of the BASWA 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, human-made or altered drainage storm ditches, reservoirs, and other drainage structures, which are within the BASWA and are not part of a publicly owned treatment works as defined in the NREPA or identified waters of the state.
- s) Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from rain or snowstorm events.
- t) Waters of the State - Groundwater, natural or artificial lake, pond, or impoundment; a river, stream, or creek, which may or may not be serving as a drain, as defined by the Drain Code of 1956, 1956 PA 40, as amended MCL 280.1 to et seq.; a privately owned or maintained drain, which connects to a storm drain or other waters of the State; or any other body of water that has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water, and all other watercourses and waters within the jurisdiction of this state and also the Great Lakes bordering this state.
- u) Watercourse - A natural stream of water fed from permanent or periodical natural sources and usually flowing in a particular direction in a defined channel, having a bed and banks or sides, and usually discharging itself into some other stream or body of water.

Section 1.4. Applicability

These Regulations shall apply to all water entering the storm drain system generated or originating on any developed and undeveloped lands lying within the County of Bay jurisdictional boundaries as well as the jurisdictional boundaries of BASWA members, including any amendments or revisions to the storm drain system.

Section 1.5. Responsibility for Administration

The BCRC has no jurisdiction or enforcement ability outside the defined road right-of-way. Administration, implementation and enforcement of the Regulations stated herein for construction or other activities on lands adjacent to the road right-of-way is under the jurisdiction of the township or municipality in which the land is located. In addition to each municipality, the Bay County Drain Commissioner (BCDC), which is authorized pursuant to an intergovernmental agreement with the BASWA and its members, may administer, implement, and enforce the provisions of these Regulations on behalf of municipalities. Any powers granted or duties imposed upon the BASWA may be delegated, in writing, by the BASWA to persons or entities acting in the beneficial interest of or in the employ of the BASWA and its members.

Section 1.6. Severability

The provisions of these Regulations are hereby declared to be severable. If any provision, clause, sentence, or paragraph of these Regulations or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of these Regulations.

Section 1.7. Regulatory Consistency

These Regulations shall be construed to assure consistency with the requirements of the Clean Water Act and NREPA, as amended, together with any applicable implementing regulations.

Section 1.8. Ultimate Responsibility of Discharger

The standards in and promulgated pursuant to, these Regulations are minimum standards. These Regulations are not intended to, nor should it be inferred, that compliance by any person will ensure that there will be no contamination, pollution nor unauthorized discharge of pollutants into waters of the State caused by said person. These Regulations shall not create liability on the part of the BASWA, or any agent or employee thereof, for any damages that result from any person's reliance on these Regulations or any administrative decision lawfully made hereunder.

Article II **Discharge Prohibitions**

Section 2.1. Prohibition of Illegal Discharges

No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

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

- (a) Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the State when properly managed to ensure that no potential pollutants are present, and therefore, they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the NREPA, Clean Water Act, or these Regulations: water line flushing; landscape irrigation runoff; diverted stream flows; rising ground waters; uncontaminated groundwater infiltration (as defined by 40 CFR 35.2005(20)); pumped ground waters (except for groundwater cleanups not specifically authorized by NPDES permits); discharges from potable water sources; foundation drains; air conditioning condensates; irrigation waters; springs; water from crawl space pumps; footing drains and basement sump pumps; lawn watering runoff; waters from non-commercial car washing; flows from riparian habitats and wetlands; residential swimming pool waters and other permitted de-chlorinated swimming pool waters without untreated filter backwash; and residual street wash waters. A municipal/public swimming pool shall not be discharged to the storm water drainage system or directly to waters of the state without specific NPDES authorization. Discharges or flows from emergency fire fighting activities are exempt from prohibition, but shall be addressed if they are identified as significant sources of pollutants to waters of the State.
- (b) The prohibition in this section 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 by the State of Michigan under the authority of the Federal Environmental Protection Agency, 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 by the County of Bay for any discharge to the storm drain system.
- (c) The prohibition shall not apply with respect to construction activity, which complies with the Bay County Soil Erosion and Sedimentation Control Resolution, No. 2007-177.

Section 2.2. Prohibition of Illicit Connections

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

- (b) 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.

Section 2.3. Waste Disposal Prohibitions

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the State of Michigan any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles or in compliance with local Regulations for the purpose of collection are exempted from this prohibition.

Section 2.4. Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit

A person subject to an industrial or construction activity NPDES storm water discharge permit and rules shall comply with all provisions of such permit and rules. Proof of compliance with said permit or rules may be required in a form acceptable to the BCDC prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan, upon inspection of the facility, during any enforcement proceeding or action, or for any other reasonable cause.

Article III
Regulations and Requirements

Section 3.1. Requirement to Prevent, Control, and Reduce Storm Water Pollutants

- (a) Authorization to Adopt and Impose Best Management Practices. The BASWA may adopt, by resolution, requirements identifying Best Management Practices 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 the State as a separate *BMP Guidance Series*. Where Best Management Practices requirements are promulgated by the BASWA or any Federal, State of Michigan, or regional agency for any activity, operation, or facility, which would otherwise cause the discharge of pollutants to the storm drain system or waters of the State, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.
- (b) Responsibility to Implement Best Management Practices. Notwithstanding the presence or absence of requirements promulgated pursuant to subsection (a), any person engaged in activities or operations, or owning facilities or property, which will or may result in pollutants entering storm water, the storm drain system, or waters of the State shall implement Best Management Practices to the maximum extent practicable to prevent and reduce such pollutants.

The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the

BASWA or municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

Best Management Practices required by the BASWA can be obtained from the BCDC, BCRC or the permittee where the BMP is to be implemented, by requesting the BMP manual appropriate to a commercial or industrial activity from the *BMP Guidance Series*.

Section 3.2. Requirement to Eliminate Illegal Discharges

Notwithstanding the requirements of Article IV, Section 4.1 herein, the BCDC or permittee may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinues the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

Section 3.3. Requirement to Eliminate or Secure Approval for Illicit Connections

- (a) The BCDC or permittee will require, by written notice, that a person responsible for an illicit connection to the storm drain system comply with the requirements of these Regulations to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of these Regulations.
- (b) If, subsequent to eliminating a connection found to be in violation of these Regulations, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request the BCDC or permittee to approve to reconnection. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

Section 3.4. 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 reasonably free of trash, debris, excessive vegetation, or 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 watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not cut or remove healthy bank vegetation beyond that actually necessary for maintenance, and shall not remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within his property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

Section 3.5 Requirement to Remediate

Whenever the BCDC or permittee finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of storm water, the storm drain system, or waters of the State, the BCDC or permittee will require by written notice to the owner of the

property and/or the responsible person that the pollution be remediated and the affected property restored within a specified time pursuant to the provisions of Section 5.1 through Section 5.4 below.

Section 3.6. Requirement to Monitor and Analyze

The BCDC or permittee may require, by written notice, that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm drain system or waters of the State to undertake at said person's expense such monitoring and analyses and furnish such reports to the BASWA which are deemed necessary to determine compliance with these Regulations.

Section 3.7. Notification of Spills

Notwithstanding other requirements of the law, as soon as any person responsible for a facility or operation, or a person 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 water of the State from said facility, 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 a hazardous material, said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the BCDC or permittee in person or by phone or facsimile no later than 5:00 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the BCDC or permittee within three business days of the phone notice. 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 three years.

Article IV **Inspection and Monitoring**

Section 4.1. Authority to Inspect

Whenever an inspection is necessary to enforce any provision of these Regulations, or whenever the BCDC or permittee has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of these Regulations, the BCDC or permittee or their designee may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the BASWA is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Section 4.2. Authority to Sample, Establish Sampling Devices, and Test

During any inspection as provided herein, the BCDC or permittee may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

Article V **Enforcement**

Section 5.1. Notice of Violation

Whenever the BCDC or permittee finds a person has violated a prohibition or failed to meet a requirement of these Regulations, the BCDC or permittee will order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline wherein such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the municipality, County, or a contractor designated by the BCDC or permittee and the expense thereof shall be charged to the violator pursuant to Section 5.3. below.

Section 5.2. Consent Orders

The BCDC or permittee may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents will include specific action to be taken by the person to correct the noncompliance within a time period specified by the document and may include stipulated fines. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 5.4 and 5.5 of these Regulations and shall be judicially enforceable.

Section 5.3. Show Cause Hearing

The BCDC or permittee may order a person which has violated, or continues to violate, any provision of these Regulations, a permit or order issued hereunder, or any other standard or requirement under these Regulations, to appear before the BCDC or permittee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the person. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the person.

Section 5.4. Compliance Orders

When the BCDC or permittee finds that a person has violated, or continues to violate, any provision of these regulations or an order issued hereunder, the BCDC or permittee may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, discharges to the storm drain system may be discontinued. Compliance orders also may contain other requirements to address the noncompliance, including, without limitation, additional self-monitoring and management practices designed to minimize the discharge of storm water or amount of pollutants discharged, and any other affirmative action considered necessary for compliance with these regulations. A compliance order may not relieve the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 5.5. Cease and Desist Orders

When the BCDC or permittee finds that a person has violated, or continues to violate, any provision of these Regulations, a permit or order issued hereunder, or any other standard or requirement under these Regulations, or that the person's past violations are likely to reoccur, the BCDC or permittee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

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

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the person.

Section 5.6. Cost Recovery for Damage to Storm Drain System

A person found to be discharging pollutants shall be liable for all costs incurred by the BASWA or by a Member or contracting Municipality of the BASWA as a result of causing a discharge

that produces a deposit or obstruction, or causes damage to, or impairs a storm drain, or violates any of the provision of these Regulations. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or EGLE for violation of an NPDES permit together with attorney fees and other costs and expenses.

In addition to any other lawful enforcement methods, the Member Municipality and Contracting Municipality and the BCDC or permittee shall have all remedies authorized by Act No. 94, Michigan Public Acts of 1933, as amended.

Section 5.7. Compensatory Action

In lieu of enforcement proceedings, penalties, or remedies authorized by these Regulations, the BCDC or permittee may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, or other similar actions as determined by the BCDC or permittee.

Section 5.8. Acts Potentially Resulting in a Violation of the Clean Water Act and/or NREPA

Any person who violates any provision of these Regulations or any provision of any requirement issued pursuant to these Regulations may also be in violation of the Clean Water Act and/or the NREPA and may be subject to the sanctions of those acts, including civil and criminal penalties. Any enforcement action authorized under these Regulations shall also include written notice to the violator of such potential liability.

Section 5.9. Number of Violations

Each violation of a rule or standard under these Regulations shall constitute a single violation for each day on which the violation occurs or continues, and the violation shall be considered to continue until subsequent sample results establish that the violation has ceased.

Section 5.10. Injunctive Relief

When the BCDC or permittee finds that a person has violated, or continues to violate, any provision of these Regulations, a permit or order issued hereunder, or any other standard or requirement under these Regulations, the BCDC or permittee may petition the Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the storm water permit, order, or other requirement imposed by these Regulations on activities of the person. The BCDC or permittee may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

Section 5.11. Civil Penalties

A person who has violated, or continues to violate, any provision of these Regulations, a permit, or order issued hereunder, or any other standard or requirement under these Regulations shall be liable for a civil penalty of not less than \$500.00 per violation, per day.

The BCDC or permittee may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the BASWA.

In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, corrective actions by the person, the compliance history of the person, and any other factor as justice requires.

The imposition of any penalty for violation of the provisions of these Regulations, or for the violation of the limitations, prohibitions or requirements of a permit issued pursuant to these Regulations or standards shall not exempt the offender from compliance with all such provisions, limitations, prohibitions, requirements or standards, or any other applicable State or Federal laws or regulations.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a person.

5.12. No Limitation on Civil Infraction

Nothing in this Article shall limit the authority of the BCDC or permittee to issue a municipal civil infraction citation or municipal civil infraction violation notice, as prescribed by these Regulations.

5.13. Municipal Civil Infractions and Fines

Violations and Penalties. A person who violates any provision of these Regulations, a permit or order issued hereunder, or any other standard or requirement under these Regulations is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$100 per day, plus costs and other sanctions, for each infraction. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

Fines/ Schedule of Fines. Increased fines may be imposed for repeat offenses. As used in this section, "repeat offense" means a second or any subsequent municipal civil infraction violation of the same requirement or provision of these regulations: (i) committed by a person within the duration of the BASWA's current Certificate of Coverage and (ii) for which the person admits responsibility or is determined to be responsible. The increased fines for repeat offenses under these regulations shall be in accordance with the following schedule:

1. For a first repeat offense, the fine shall be not less than \$500, plus costs.
2. For a second or subsequent repeat offense, the fine shall be not less than \$2,500, plus costs.

Authorized Official. The BCDC or permittee is hereby designated as the authorized official, to issue municipal civil infraction citations or municipal civil infraction violation notices as provided by these Regulations.

Persons desiring to dispute such fines must file a written request for the BCDC or permittee to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the BCDC or permittee may convene a hearing on the matter. In the event the person's appeal is successful, the fine payment shall be returned to the person filing the appeal. The BCDC or permittee may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of a civil fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Section 5.14 Misdemeanor

A person who willfully or negligently violates any provision of these Regulations, a permit, or order issue hereunder, or any other regulation or requirement which is promulgated under these Regulations shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation, per day, or imprisonment for not more than 90 days, or both.

A person who willfully or negligently causes an illegal discharge under these Regulations or who causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500.00, or be subject to imprisonment for not more than 90 days. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation file, or required to be maintained, pursuant to these Regulations, or a permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Regulations shall, upon conviction, be punished by a fine of not more than \$500.00 per violation, per day, or imprisonment for not more than 90 days, or both.

Section 5.15. Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive. The BCDC or permittee may take any, all, or any combination of these actions against a noncompliant person. The BCDC or permittee may take other action against any person when the circumstances warrant. Further, the BCDC or permittee is empowered to take more than one enforcement action against any noncompliant person.

Article VI
Supplemental Enforcement Action

Section 6.1. Performance Bonds

The BCDC or permittee may decline to issue or reissue a permit to any person who has failed to comply with any provision of these Regulations, a previous permit, an order issued hereunder, or any other standard or requirement. The BCDC or permittee may, in a permit, prohibit a discharge, unless such person first files a satisfactory bond, payable to the County, in a sum not to exceed a value determined by the BCDC or permittee to be necessary to achieve consistent compliance and cover expenses that might reasonably be incurred as a result of future violations.

Section 6.2. Liability Insurance

The BCDC or permittee may decline to issue or reissue a permit to any person who has failed to comply with any provision of these Regulations, a previous permit, an order issued hereunder, or any other standard or requirement under these Regulations, or the BCDC or permittee may, in a permit, prohibit a discharge, unless the person first submits proof that it has obtained liability insurance or other financial assurances sufficient to restore or repair damage to the storm water systems caused in the future by its discharge.

Section 6.3. Public Nuisances

A violation of any provision of these Regulations, a permit, or order issued hereunder, or any other standard or requirement under these Regulations is hereby declared a public nuisance and shall be corrected or abated, as directed by the BCDC or permittee. Any person(s) creating a public nuisance shall be liable for damages, including reimbursing the BASWA for any costs incurred in removing, abating, or remedying said nuisance.

Section 6.4. Informant Rewards

The BCDC or permittee may pay up to five hundred dollars (\$500) for information leading to the discovery of non-compliance by a person.

Section 6.5. Repealer

All Regulations and parts of Regulations in conflict herewith are hereby repealed.