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News

New west slope storm water regulations enacted

By Chris Daley From page A1 | June 01, 2015

El Dorado County supervisors adopted a new amended ordinance governing the flow of storm water on the county's west slope at their May 19 board meeting. According to law, a new ordinance must be read or made available to the public on at least two formal occasions, a first reading and a second or final reading. Typically, the draft ordinance is included in a Board of Supervisors agenda packet and referred to by title but not read aloud in its entirety. The board is required to approve this method as part of the adoption process.

The county is required to have a current National Pollutant Discharge Elimination System Permit that indicates its compliance with a number of elements of the federal Clean Water Act. The county operates under the Small Municipal Separate Storm Sewer Systems known for short as an MS4 permit and falls within the jurisdiction of the State Water Resources Control Board. In general, the permit must be renewed every five years.

As authorized by the Clean Water Act, the program controls water pollution by "regulating point sources that discharge pollutants into the waters of the United States." Point sources are pipes or other man-made conveyances such as ditches that drain storm water that has flowed over impermeable terrain such as driveways and parking lots, as explained on the U.S Environmental Protection Agency's NPDES Website. The ordinance does not apply to agricultural runoff.

Because such storm water is not absorbed into the ground, it carries pollutants such as oil or other toxic substances that will eventually be deposited into larger water sources downstream. Much of El Dorado County's west slope runoff flows into Folsom Lake.

Nationally, it is estimated that polluted storm water runoff accounts for nearly 40 percent of (surveyed) water bodies that do not meet water quality standards. "When left uncontrolled, this water pollution can result in the destruction of fish, wildlife and aquatic life habitats; a loss in aesthetic value; and threats to public health due to contaminated food, drinking water supplies and recreational waterways," the EPA noted.

The NPDES Permit, in effect, grants the county the legal authority and the mechanisms to control pollutant discharges from its storm water collection, conveyance and treatment facilities "to the maximum extent practicable," ordinance documents point out.

Storm Water Coordinator for the west slope, Amy Phillips with the Long Range Planning Division, explained that the county is designated as a "traditional permittee." Non-traditional permittees include entities such as hospitals and college campuses. She also pointed out that the county is a rather large area to be considered in the MS4 designation, which more often applies to smaller communities.

Although storm water regulation is considerably more restrictive in the Lake Tahoe Basin than on the west slope, the ordinance combines the legal authority for both regions rather than creating a separate authority for the unincorporated areas of the west slope. The legal authority allows the county to "detect and eliminate illicit discharges and illegal

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connections to the MS4,” a portion of the ordinance-related documents states. Multiple sections deal with how the county will respond to spills or other illicit discharges including the authority to enter private property (at reasonable times) to inspect facilities or equipment or “operations for active or potential storm water discharges” or other non-compliance to ordinances or higher level laws.

A series of options details what actions the county can take regarding illicit or improper discharges from “cease and desist orders” to cleanup and abatement requirements and timeframes for doing so. The county can also do the clean-up and abatement work and “bill the responsible party.” The authority also describes how the county may issue citations, levy fines or penalties and ultimately “impose more substantial civil or criminal sanctions.”

The ordinance establishes a comprehensive Storm Water Management Plan, which authorizes the county to adopt a number of requirements regarding storm water such as control over polluting sources and “requirements for development projects to reduce storm water pollution and erosion both during construction and after the project is completed.”

Phillips said that construction general permits are typically required only when “land disruption over one acre” is expected to occur.

As required under the terms of the renewal process, planning staff did outreach to a number of groups and individual stakeholders including the county’s Building Industry Advisory Committee, the Farm Bureau and the Surveyors, Architects, Geologists and Engineers Association (SAGE). In general, those groups responded that the ordinance language was acceptable but given the existence of numerous related ordinances, the new one is unnecessary.

On the other hand, the documents note that “County Counsel and the county’s Storm Water staff believe that the new ordinance is necessary to cohesively meet the legal authority requirements of the permit. The ordinance would primarily be used only to address egregious violations where water quality impacts are deemed significant.”

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