

# ARTICLE XVII

## ILLICIT DISCHARGES AND CONNECTIONS

### Section 1. Purpose

The purpose of this Ordinance is to:

Provide for the health, safety, and general welfare of the citizens of the City of Reidsville through the regulation of non-storm water discharges into the stormwater conveyance system.

Promote activities directed toward the maintenance and improvement of surface and ground water quality.

Satisfy the requirements imposed upon the City by Jordan Lake Nutrient Management Strategy aimed to restore, protect and maintain the water quality of Jordan Lake.

Establish administration and enforcement procedures through which these purposes can be fulfilled.

### Section 2. Definitions

Best Management Practices (BMP's): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater 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.

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 presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Connection: Any connection which allows the unlawful discharge of non-stormwater to stormwater conveyance system or waters of the state in violation of this Ordinance.

Illicit Discharge: Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission or other discharge of any substance other than stormwater into a stormwater conveyance system, the waters of the state, or upon the land in such proximity to the

same, such that the substance is likely to reach a stormwater conveyance system or the waters of the state.

Municipal Separate Storm Sewer System: The system of conveyances including streets/roads with drainage systems, catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs and drainage structures or storm drains within the city limits and city's extra territorial jurisdiction.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater other than illicit discharge.

Pollutant: Anything which 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; pesticides, herbicides, and fertilizers (other than normal application of such items); hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal waste; waste and residue that result from constructing a building or structure; and noxious or offensive matter of any kind.

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

Stormwater: Any flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Administrator: City of Reidsville, NC City Engineer or his/her designee.

Waters of the State: Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on the United States Department of the Interior Geological Survey 7.5 minute series topographic maps.

### **Section 3. Illicit Discharges**

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in a manner and amount that the substance is likely to reach a stormwater conveyance or waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed provided they do not significantly impact water quality:

1. Water line flushing;
2. Landscaping irrigation;
3. Diverted stream flows;

4. Rising ground waters;
5. Uncontaminated ground water infiltration;
6. Uncontaminated pumped ground water;
7. Discharges from potable water sources;
8. Foundation drains;
9. Air conditioning condensation;
10. Irrigation water;
11. Springs;
12. Water from crawl space pumps;
13. Footing drains;
14. Lawn watering;
15. Individual residential car washing;
16. Flows from riparian habitats and wetlands;
17. Dechlorinated swimming pool discharges;
18. Street wash water;
19. Flows from emergency firefighting;
20. Washing building exteriors including windows;
21. Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the City of Reidsville.

Prohibited substances see Pollutant definition.

#### **Section 4. Illicit Connections**

**(a)** Connections to a stormwater conveyance or stormwater conveyance system that allows the discharge of non-stormwater, other than the exclusions described in Section 3 above are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

**(b)** Where such connections in violation of this section occur and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

This prohibition expressly includes, without limitation, illicit discharges made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) Where it is determined that said connection:

1. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat or;
2. Was made in violation of any applicable regulation or ordinance, other than this section;

the Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:

- i. The quantity and complexity of the work,
- ii. The consequences of delay,
- iii. The potential harm to the environment, to the public health, and to public and private property.

#### **Section 5. Spills**

Spills or leaks of polluting substances released, discharged to, or having the potential to be released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition. Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the City Fire Chief or his designee of the release or discharge, as well as make any required notification under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person of other liability which may be imposed by State or other law.

#### **Section 6. Industrial or Construction Activity Discharges**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Reidsville prior to authorization of discharges to the municipal stormwater system.

#### **Section 7. Right of Entry, Inspection, Sampling, and Testing**

(a) Authority to Inspect. Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the Stormwater Administrator has cause to believe that there exists, or potentially exists, in or upon any premise any condition which constitutes a violation of this Ordinance, the Stormwater Administrator may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater

compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City of Reidsville is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(b) Authority to Sample, Establish Sampling Devices and Test. During any inspection as provided herein, the Stormwater Administrator may take any samples, take pictures, and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

## **Section 8. Enforcement**

Whenever the Stormwater Administrator finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Administrator may order compliance by written notice of violation to the responsible person and/or the property owner. Such notice may require without limitation:

1. The performance of monitoring, analysis, and reporting;
2. The elimination of illicit connections or discharge;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of an administrative fee and remediation costs, and;
6. The implementation of source control BMP's.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which 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 may be done by the City of Reidsville or a contractor designated by the Stormwater Administrator and the expense shall be charged to the violator or property owner.

## **Section 9. Violation Deemed a Public Nuisance**

Illicit discharges and illicit connections which exist within the City Limits and the City's Extraterritorial Planning Jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in the City of Reidsville Code of Ordinances Part II, Chapter 1, Section 1.8.