

City of Grand Island

Tuesday, December 08, 2009 Study Session

Item -3

Presentation of Adopting Chapter 40 to the Grand Island City Code for an Illicit Discharge and Storm Water Management Ordinance

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From:	Steven P. Riehle, Public Works Directore
Meeting:	December 8, 2009
Subject:	Presentation of Adopting Chapter 40 of the Grand Island City Code for an Illicit Discharge and Storm Water Management Ordinance
Item #'s:	3
Presenter(s):	Steven P. Riehle, Public Works Director

Background

An illicit discharge ordinance is a requirement of the National Pollutant Discharge Elimination System (NPDES) permit for small Municipal Separate Storm Sewer Systems (SMS4). The ordinance will empower the city to track, identify and eliminate illicit discharges to the storm drainage system.

Discussion

The City's general storm water permit as issued by the Nebraska Department of Environmental Quality (NDEQ) requires the City to adopt a Storm Water Management Plan (SWMP) and address seven (7) Minimum Control Measures (MCMs). The MCMs are accomplished by developing Best Management Practices (BMPs). The Illicit Discharge Ordinance is a BMP directly supporting MCM 3: Illicit Discharge Detection and Elimination (IDDE).

A brief summary of the ordinance is as follows, with the complete ordinance attached.

§40-1. PURPOSE/INTENT.

The purpose of this ordinance is to control the introduction of pollutants into the municipal separate storm sewer system (MS4). The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the storm sewer.
- (2) To prohibit illicit connections and discharges to the storm sewer system.

- (3) To prevent non-storm water discharges generated as a result of spills, inappropriate dumping, or disposal to the storm sewer system.
- (4) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

Chapter 40 on Storm Water is a new chapter for the City Code to address the requirements of the City's storm water permit. The sections being presented to council tonight are general sections that include definitions and miscellaneous sections on illicit discharges. We will be back before council in the future to approve subsequent additions to Chapter 40 on Storm Water for 1) Construction, 2) Post Construction and 3) Technical Specifications. The adoptions of the subsequent ordinances follow the timeline in the City's storm water permit.

Conclusion

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for the consideration of enacting the first part of the Storm Water ordinance on Illicit Discharge Detection & Elimination.

"Illicit Discharge and Storm Water Protection" Ordinance

Illicit Discharge Ordinance Purpose/Intent

- Federal Clean Water Act of 1972
- Nebraska Department of Environmental Quality (NDEQ) administers the National Pollutant Discharge Elimination System (NPDES) Program
- City of Grand Island's Storm Water Management (SWMP) Program
- Ordinance will empower the City of Grand Island to:
 - Track
 - Identify
 - & Eliminate Illicit Discharges

Storm Water Permit Requirements Minimum Control Measures (MCMs)

- MCM 1: Public Education and Outreach
- MCM 2: Public Involvement/Participation
- MCM 3: Illicit Discharge
- MCM 4: Construction Site Storm Water Runoff Control
- MCM 5: Post Construction Storm Water Management
- MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operations
- MCM 7: Storm Water Monitoring

Best Management Practices (BMPs) to accomplish MCM 3

- BMP 1: Develop an Illicit Discharge Ordinance (that's why we are here this evening)
- BMP 2: Perform Dry Weather Inspections of Storm Water Outfalls (we're already doing this)
- BMP 3: Map of Storm Water Drainage System (working on a 3 year plan to update storm drain inlets with GPS to include flow-line and directional flow)

Illicit Discharge Ordinance 40-1 Purpose/Intent

- Required by the NPDES Permit
- Controls the introduction of pollutants into the storm water system

Storm Water Ordinance 40-2 Definitions

- Illicit Connections are Discharges such as:
 - Sewage
 - Process wastewater (doesn't include noncontact cooling water discharges)
 - Wash water

Ordinance 40-3 Applicability: All water entering the storm water system

Ordinance 40-4 Responsibility for Administration: City of Grand Island shall administer, implement, and enforce

Ordinance 40-5 Severability: Provisions of this ordinance can stand alone

Ordinance 40-6 Ultimate Responsibility: Individual still responsible

- Ordinance 40-7 Illicit Discharge: Discharge containing contaminants or pollutants that cause a violation to water quality standards
- Ordinance 40-9 Illicit Connection: Considered to be in violation of this ordinance if connection line is conveying sewage or pollutant to the municipal separate storm sewer system (MS4)
- Ordinance 40-10 Suspension of Storm Drainage System Access:
 - Suspension due to Illicit Discharges in Emergency Situations to prevent an actual or threatened discharge to the environment, health and welfare of people, storm drainage system or the waters of the US
 - Suspension due to the Detection of Illicit Discharge
- Ordinance 40-11, 40-12, and 40-13 Industrial Construction Activity Discharges: RESERVED

Storm Water Ordinance 40-8 Allowed Connections:

Discharges exempt from discharge prohibitions:

Air conditioning condensation	Lawn watering
Crawl space pumps	Non-commercial washing of vehicles
Diverted stream flows	Rising ground water
Fire fighting activities	Springs
Foundation/footing drains	Swimming pools (dechlorinated)
Ground water infiltration	Uncontaminated ground water
Landscape irrigation	Water line flushing

*other water sources not containing pollutants

- Ordinance 40-14 Monitoring of Discharges: Allows City access to premises to install monitoring equipment
- Ordinance 40-15 Best Management Practices: City may adopt BMPs for any activity, operation, or facility contributing to pollution or contamination of storm water
- Ordinance 40-16 Watercourse Protection: Property owners responsible to maintain watercourse free of trash, debris, excessive vegetation
- Ordinance 40-17 Notification of Discharges and Spills: Immediately notify emergency response agencies of a hazardous material release

- Ordinance 40-18 Notice of Violation: Notice will set deadline for remediation or restoration
- Ordinance 40-19 Appeal of Notice of Violation:
 - Appeal received within 10 days of violation
 - Hearing within 15 days from receipt
- Ordinance 40-20 Enforcement Measures: If violation not corrected within 25 days. City will take measures to correct.
- Ordinance 40-21 Cost of Abatement of the Violation: City recovers costs through civil action or levy to real estate

- Ordinance 40-22 Injunctive Relief: Stops the person from activities which would create further violations and compels them to remedy the situation.
- Ordinance 40-23 Violations Deemed A Public Nuisance: May be abated or restored at the violator's expense.
- Ordinance 40-24 Criminal Prosecution: Each day is a separate offense with a fine of \$100.00
- Ordinance 40-25 Remedies Not Exclusive: Not exclusive of any other remedies available under any federal, state or local laws.

Summary on Illicit Connection

Passing Ordinance Chapter 40 on Illicit Discharge and Storm Water Protection meets one of the requirements set forth within the City of Grand Island's Storm Water Management Program and the National Pollutant Discharge Elimination System permit process.

QUESTIONS