

**An Ordinance Amending Ordinance # 09-15  
Illicit Discharge Detection and Elimination Ordinance**

**WHEREAS**, the City Council has adopted the Illicit Discharge Detection and Elimination Ordinance to establish an Illicit Discharge Detection and Elimination Ordinance and Program

**WHEREAS**, the City of Belmont's Stormwater Coordinator is proposing revisions to Ordinance 09-15 passed on September 8, 2009

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont, North Carolina, that the following sections in the Illicit Discharge Detection and Elimination Ordinance be revised as written in exhibit A:

**Section 6**

**Section 7.15**

**Section 8**

**Section 9**

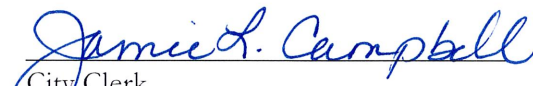
**Section 11**

**Section 12**

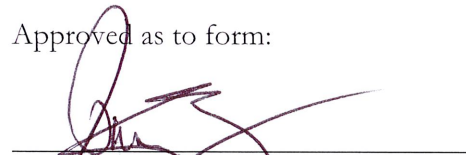
This Ordinance Amendment shall be effective on the 2<sup>nd</sup> day of October 2023.

  
\_\_\_\_\_  
Marc Seelinger, Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
City Attorney



## **Illicit Discharge Detection and Elimination Ordinance**

### **ORDINANCE NO. 09-15**

#### **SECTION 1 TITLE**

This ordinance shall be officially known as "The Phase II Stormwater Illicit Discharge Detection and Elimination Ordinance." It is referred to herein as "this ordinance."

#### **SECTION 2 AUTHORITY**

The City of Belmont is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission there under; Session Law 2004-163; Chapter 160A, §§ 174, 185.

#### **SECTION 3 PURPOSE**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Belmont through the regulation of non-stormwater 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 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

## **SECTION 4    DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

**Clean Water Act:** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**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.

**Illegal Discharge:** Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in the Illicit Discharges section of this ordinance.

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

(1) 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-stormwater 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 an authorized enforcement agency or,

(2) 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 an authorized enforcement agency.

**Industrial Activity:** Activities subject to NPDES Industrial Permits as defined in 40 CF R, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4): Pursuant to 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures or storm drains):

- (1) Owned or operated by a city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, that discharges to waters of the United States or waters of the State
- (2) Designed or used for collecting or conveying stormwater;
- (3) Which is not a combined sewer; and
- (4) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in 40 CFR 122.2

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: means a permit issued by the North Carolina Department of Environment and Natural Resources, Division of Water Quality that authorizes the discharge of pollutants to waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge: Any discharge to the storm drainage system that is not composed entirely of stormwater.

Person: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

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 and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues 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.

Storm Drainage System: Facilities by which stormwater is collected and 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.

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

Stormwater Pollution Prevention Plan: 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 Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater: Means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

## **SECTION 5    APPLICABILITY**

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

## **SECTION 6    RESPONSIBILITY FOR ADMINISTRATION**

The City of Belmont Stormwater Department **Stormwater Division of the Public Works Department** shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated

in writing by the ~~Director~~ **Public Works Director** of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

## **SECTION 7    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 manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

- (1) Water line flushing;
- (2) Landscape irrigation or lawn watering;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;

- (8) Foundation or footing drains;
- (9) Water from crawl space pumps;
- (10) Air conditioning condensation;
- (11) Springs;
- (12) Footing drains;
- (13) Individual residential car washing;
- (14) Flows from riparian habitats and wetlands;
- (15) Dechlorinated and desalinated swimming pool discharges;
- (16) Fire Fighting Activities;
- (17) Street wash water; and
- (18) 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 Belmont.

## **SECTION 8 ILLICIT CONNECTIONS**

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in Section 7 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 wastewater from septic systems.

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the 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.

(3) Where it is determined that said connection:

a) May result in the discharge of hazardous materials to 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,

b) or was made in violation of any applicable regulation or ordinance, other than this section;

The City of Belmont Stormwater **Division of the Public Works Department** shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the City of Belmont Stormwater Department shall take into consideration:

a) The quantity and complexity of the work,

b) The consequences of delay,

c) The potential harm to the environment, to the public health, and to public and private property, and

d) The cost of remedying the damage.

## **SECTION 9 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 its pre-existing condition.



Persons in control of the polluting substances immediately prior to its release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Belmont Fire Department Emergency Services and the Belmont Stormwater Division of the Public Works Department of the release or discharge, as well as making any required notifications 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 from other liability which may be imposed by State or other law.

## **SECTION 10 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Belmont prior to the allowing of discharges to the MS4.

## **SECTION 11 RIGHT OF ENTRY**

### **(1) Authority to Inspect**

~~Whenever necessary to make an inspection to enforce any provision of this Ordinance, or whenever the City of Belmont Stormwater Department has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Ordinance, the City of Belmont Stormwater Department 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 is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.~~ Whenever it becomes necessary to conduct an inspection for enforcement regarding any aspect of this ordinance, or if the City of Belmont Stormwater Division within the Public Works Department has reasonable grounds to suspect the presence of conditions that may violate this ordinance, the City of Belmont reserves the right to access premises during reasonable hours to inspect and duplicate records related to stormwater compliance. Should the owner or occupant decline entry after a formal request to inspect has been made, the City is authorized to seek assistance from a competent court to obtain entry.

(2) Authority to Sample, Establish Sampling Devices, and Test.

During any inspection as provided herein, the City of Belmont Stormwater Department **Division of the Public Works Department** may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

## **SECTION 12 ENFORCEMENT**

(1) Notice of Violation.

Whenever the City of Belmont Stormwater Department **Division of the Public Works Department** finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Belmont Department **Stormwater Division** may order compliance by written notice of violation to the property owner. 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 stormwater pollution or contamination hazards and the restoration of any affected property; and
- 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 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 will be done by the City or a contractor designated by the City of Belmont Stormwater Department **Division of the Public Works Department** and the expense thereof shall be charged to the violator.

(2) Violations Deemed a Public Nuisance

Illicit discharges and illicit connections which exist within the Belmont City Limits and Extra-territorial 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 and may be summarily abated or restored by the City at the violator's expense , and /or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City.