

Chapter 38

Discharges into Storm Drainage System

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[HISTORY: Added Chapter 38 Sections 38-1 through 38-7, adopted by the Town Commissioners 06/18/19, Ord. 2019-09, effective 07/08/19.]

§ 38-1. Purpose and Intent.

- A. The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Perryville through the regulation of non-stormwater discharges to the storm drainage system. This chapter establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- B. The objectives of this ordinance are to:
 - (1) Regulate the contribution of pollutants to the MS4 by stormwater discharges by any user;
 - (2) Prohibit illicit discharges and connections to the MS4;
 - (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the MS4; and

- (4) Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.
- C. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety, and welfare, and is declared and deemed to be a public nuisance.

§ 38-2. DEFINITIONS.

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

- (1) Best Management Practices (BMPs): schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices regarding the discharge of pollutants directly or indirectly to storm water, receiving waters or storm water conveyance systems. BMPs also include treatment practices, operating procedures and practices of control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.
- (2) Best management practices minimum control measures: the following program elements that describe how the quality of stormwater discharged from the MS4 will be controlled by incorporating activities and measurable goals:
 - i. Public education and outreach.
 - ii. Public involvement and participation.
 - iii. Illicit discharge detection and elimination.
 - iv. Construction site stormwater runoff control.
 - v. Post construction stormwater management.
 - vi. Pollution prevention and good housekeeping.
- (3) Clean Water Act: The Federal Water Pollution Control Act (33 u.s.c. 1251 et seq.) and any subsequent amendments thereto.
- (4) Code official: A Town Official or Employee who is authorized by the Town Administrator to administer and enforce this chapter.
- (5) Construction activity: activities subject to NPDES construction permits. These activities include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating and demolition.

- (6) Good Housekeeping Plan (GHP): A document which describes the BMPs 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 storm water, storm water conveyance systems and/or receiving waters to the maximum extent practicable in complying with the state general permit for stormwater discharges associated with industrial activity.
- (7) 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.
- (8) Illegal discharge: any direct or indirect non-storm water discharge to the storm drain system, except as exempted by this chapter.
- (9) 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 any illegal discharge to enter 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 storm drain system and any connections to 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,
 - 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 an authorized enforcement agency.
- (10) Industrial activity: activities subject to NPDES industrial permits as defined in 40 cfr, section 122.26 (b)(14).
- (11) Municipal Separate Storm Sewer System (MS4): the system of conveyances, owned and operated by the Town, designed or used for collecting or conveying stormwater.
- (12) National Pollutant Discharge Elimination System (NPDES) storm water discharge permit: a permit issued by EPA (or by the State of Maryland) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

- (13) Non-storm water discharge: any discharge to the storm drain system that is not composed entirely of storm water.
- (14) Oil: any kind of oil in any form, including but not limited to petroleum, fuel oil, crude oil, synthetic oil, motor oil, bio-fuel, cooking oil, grease, sludge, oil refuse, and oil mixed with waste.
- (15) Person: 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.
- (16) Pesticide: a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest, or substances intended for use as a plant regulator, defoliant, or desiccant.
- (17) 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 (including grass clippings); 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 and pet waste; wastes and residues that result from constructing a building or structure; and, noxious or offensive matter of any kind.
- (18) Premises: any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- (19) Storm drainage system: publicly-owned facilities 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, natural and human-made or altered drainage channels, reservoirs and other drainage structures.
- (20) Stormwater: any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.
- (21) Waste water: any water or other liquid, other than uncontaminated storm water, discharged from a facility.

§ 38-3. Prohibited discharges into MS4.

- A. The specific prohibitions and requirements in this section do not include all the discharges prohibited, but are provided to address specific discharges that are frequently found or are known to occur.

B. No person shall release or allow to be released any of the following substances into MS4:

- (1) Any new or used petroleum product.
- (2) Any industrial waste.
- (3) Any hazardous substance or hazardous waste, including household hazardous waste.
- (4) Any domestic sewage or septic tank waste, grease trap or grease interceptor waste, holding tank waste, or grit trap waste.
- (5) Any garbage, rubbish or other waste.
- (6) Any new or used paints, including latex-based paints, oil-based paints, stains, varnish, and primers, as well as cleaning solvents and other associated products.
- (7) Any yard waste that has been moved or gathered by a person.
- (8) Any wastewater that contains soap, detergent, degreaser, solvent, or surfactant-based cleaner from a commercial motor vehicle wash facility; from any vehicle washing, cleaning, or maintenance at any new or used motor vehicle dealership, rental agency, body shop, repair shop, or maintenance facility; or from any washing, cleaning or maintenance of any business or commercial or public service vehicle, including a truck, bus or heavy equipment.
- (9) Any wastewater from a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains soap, detergent, degreaser, solvent, or any surfactant based cleaner.
- (10) Any wastewater from commercial floor, rug, or carpet cleaning.
- (11) Any wastewater from the wash down or other cleaning of pavement that contains any soap, detergent solvent, degreaser, emulsifier, dispersant, or other cleaning substance; or any wastewater from the wash down or other cleaning of any pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum hazardous substance has occurred, unless all such materials have been previously removed.
- (12) Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emission filter, or the blowdown from a boiler.

- (13) Any ready-mixed concrete, mortar, ceramic, or asphalt base material or discharge resulting from the cleaning of vehicles or equipment containing or used in transporting or applying such material.
 - (14) Any runoff, wash down water or waste from any animal pen, kennel, fowl or livestock containment area or any pet wastes, generally.
 - (15) Any filter backwash from a swimming pool or fountain, except that nothing in the ordinance shall be construed as to require the alteration of the filter discharge plumbing of an existing swimming pool, fountain or spa if such plumbing was compliant with applicable State, Federal, and Local regulations at the time of construction.
 - (16) Any swimming pool, fountain or spa water or other water containing a level of chlorine greater than 0.1 parts per million.
 - (17) Any discharge from water line disinfection by super chlorination if it contains a level of chlorine greater than 0.1 ppm at the point of entry into the MS4 or surface waters.
 - (18) Any contaminated runoff from a vehicle wrecking or storage yard.
 - (19) Any substance or material that will damage, block, or clog the MS4.
 - (20) Any release from a Petroleum Storage Tank (PST), or any leachate or runoff from soil contaminated by leaking PST; or any discharge of pumped, confined, or treated wastewater from the remediation of any such PST release, unless the discharge has received an NPDES permit from the state.
 - (21) Any other discharge that causes or contributes to causing the Town to violate a State water quality standard, the Town's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.
- D. No person shall release or cause to be released into the MS4 any harmful quantity of sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities in excess of what could be retained on site or captured by employing sediment and erosion control measures, except as allowed for in conformance with § 38-4.
- E. No person shall use pesticides, herbicides, and fertilizers except in accordance with manufacturer recommendations. Pesticides, herbicides and fertilizers shall be stored, transported and disposed of in a manner to prevent release to the MS4.
- F. No person shall tamper with, destroy, vandalize, or render inoperable any BMPs that have been installed for the purpose of eliminating or minimizing pollutant discharges,

nor shall any person fail to install or fail to properly maintain any BMPs that have been required by the Town or by other Local, State, or Federal jurisdictions.

§ 38-4. Exempt discharges.

Unless identified as a significant source of pollutants to waters of the state, the following non-storm water discharges are examples of activities allowed to enter the MS4. Other activities may apply if substantiated by permittees within the best management practices menu:

- (1) Water line flushing performed by a government agency.
- (2) Diverted stream flows.
- (3) Rising groundwater.
- (4) Uncontaminated groundwater infiltration to separate storm sewer.
- (5) Uncontaminated pumped groundwater.
- (6) Discharges from potable water sources.
- (7) Foundation drains.
- (8) Air conditioning condensate.
- (9) Irrigation water.
- (10) Springs.
- (11) Water from crawl space pumps.
- (12) Footing drains.
- (13) Individual residential vehicle washing.
- (14) Flows from riparian habitats and wetlands.
- (15) Dechlorinated swimming pool discharges (< 1 ppm).
- (16) Discharges or flows from firefighting activities.
- (17) Other allowable discharges to consider: street wash waters; and, dye testing for the purpose of investigating illicit connections or discharges.
- (18) i. Except as provided in sub-paragraph ii., any wastewater from residential power washing or from a commercial mobile power washer or from the washing or other

cleaning of a building exterior, that does not contain soap, detergent, degreaser, solvent, or any surfactant based cleaner.

- ii. If soap, detergent, degreaser, solvent or any surfactant based cleaner is used to clean a building exterior, measures must be taken to prevent the resulting wastewater runoff from entering the MS4 by directing the runoff toward vegetated areas, and to ensure that the runoff stays off of streets and out of roadway gutters.

§ 38-5. Prohibition of illicit connections. .

- A. No person shall discharge or cause to be discharged through an illicit connection to the MS4 any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).
- B. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
 - (1) This prohibition expressly includes, without limitation, prior illicit connections, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person is considered to be in violation of this section if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- D. Any owner or person responsible for a property or premises which is, or may be, the source of an illicit discharge, shall be required to implement, at the owner or person's expense, the BMPs necessary to prevent the further discharge of pollutants to the ms4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

§ 38-6. Access and inspection/monitoring of properties and facilities.

- A. When a code official has reasonable cause to believe that a violation of this chapter exists or when entry is required for periodic inspections and monitoring to determine compliance, the code official is authorized to enter the structure or premises at reasonable times to inspect.
- B. Prior to inspection, the code official must make reasonable efforts to locate the owner or other person having charge or control of the structure or premises to request entry. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law.

§ 38-7. Enforcement.

- A. Except as provided in subsection b., a violation of this chapter or of any order issued under this chapter is a municipal infraction. A violation is punishable by a fine in the amount of \$250 for a first offense, \$500 for a second offense and \$1,000 for a third and any subsequent offense. Each day that a violation continues is a separate offense.
- B. A knowing and willful violation of this chapter is a misdemeanor punishable by a fine in the amount of \$1,000, imprisonment for up to 120 days, or both fine and imprisonment. Each day that a knowing and willful violation continues is a separate offense.
- C. When a code official finds that a person has violated this chapter, the code official may order compliance by issuing a notice of violation to the responsible person. A notice of violation may require, without limitation, one or more of the following:
 - (1) Performance of monitoring, analyses, and reporting;
 - (2) Elimination of illicit connections or discharges;
 - (3) That the violator cease and desist the violating discharges, practices, or operations;
 - (4) Abatement or remediation of stormwater pollution or contamination;
 - (5) Restoration of any affected property;
 - (6) Payment of a civil penalty not to exceed \$1,000 to cover administrative costs; and
 - (7) Implementation of source control or treatment BMPs.
- D. If abatement of a violation and/or restoration of the affected property is required, the notice of violation shall set forth a deadline within which the remediation or restoration must be completed. The notice of violation shall further advise that, if the violator fails to remediate or restore by the date specified in the notice, the work will be performed by the Town or its designees at the violator's expense.
- E. Any person receiving a notice of violation may appeal the determination of the code official by filing a notice of appeal with the Town Administrator. The notice of appeal shall specify all grounds for the appeal and shall set forth with particularity the manner in which the notice of violation was arbitrary, capricious or illegal. The notice of appeal must be received within 10 days from the date of the notice of violation. A hearing on the appeal shall be held before the town board of appeals within 45 days from the date of receipt of the notice of violation. The board of appeals, by order, shall

affirm, reverse or modify the determination of the code official. The decision of the board of appeals shall be final.

- F. A person to whom an order of the board of appeals is directed shall comply with the order within such time as specified by the board in its order. If the person does not comply with the order within the time specified by the board, representatives of the town may enter onto the affected property and abate the violation or restore the property, at the cost and expense of the owner of the property. A person may not hinder or interfere with the Town's exercise of its rights to abate the violation or restore the property.
- G. Within ten days after abatement of a violation under subsection f., the Town shall notify the owner of the property of the cost of abatement, including administrative costs. The property owner may file with the Town Administrator a written protest objecting to the amount of the assessment within ten days after receipt of the notice. The Town Administrator shall consider and decide the protest. If the amount due is not paid within the time specified in the decision of the Town Administrator, or by the expiration of the time for filing a protest if no protest is filed, the charges shall become a lien on the property until paid. Interest shall accrue on all unpaid amounts at the rate of 8% per annum.
- H. In addition to or in lieu of other penalties and enforcement remedies available to the Town under this chapter, the Town may seek injunctive relief and reasonable attorney fees from the court.
- I. The enforcement remedies available to the town under this section are in addition to any remedies available under Federal, State or Local law. Remedies are not exclusive but may be pursued cumulatively.