

ORDINANCE NO. 04-042

AN ORDINANCE AMENDING TITLE 18 OF THE ALCOA MUNICIPAL CODE
REGULATING WATER, SANITARY SEWERS AND STORM SEWERS

WHEREAS, the City of Alcoa regulates water, sanitary sewers and storm sewers, and further operates water, sanitary sewer and storm sewer systems, for the use and benefit of Alcoa residents, businesses and industries; and

WHEREAS, the efficient and equitable regulation of water, sanitary sewers and storm sewers, and operation of such utility systems, require the promulgation of certain rules and regulations to ensure the same; and

WHEREAS, the City of Alcoa has adopted certain water, sanitary sewers and storm sewers regulations; and

WHEREAS, the City of Alcoa desires to adopt certain illicit discharge into storm sewers rules and regulations for the use and benefit of Alcoa residents, businesses and industries;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Alcoa as follows:

SECTION 1. That Title 18, Water, Sanitary Sewers and Storm Sewers, of the Alcoa Municipal Code be amended by adding a new Chapter 8, Illicit Discharge, to read as follows:

SECTION

- 18-801. Purpose.
- 18-802. Definitions.
- 18-803. Prohibitions.
- 18-804. Notification of spills and illicit discharges.
- 18-805. Requirements for monitoring.
- 18-806. Reserved.
- 18-807. Right of entry.
- 18-808. Notice of Violation.
- 18-809. Penalties.

18-801. Purpose. The City Commission finds that the uncontrolled discharge of pollutants to the stormwater system has an adverse impact upon the water quality of the receiving waters.

- (a) The 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from stormwater systems into waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES program.
- (b) The NPDES regulations for stormwater discharges require certain municipalities, including the City of Alcoa, to:
 - (1) Prohibit through ordinance, order or similar means, illicit discharges to the stormwater system;
 - (2) Develop and implement a plan to detect and address non-stormwater discharges in-

- cluding illegal dumping;
(3) Implement appropriate enforcement procedures and actions.

18-802. Definitions.

- (a) Enclosed stormwater system – Part of the stormwater system that is encompassed by a pipe or other underground structure excluding short segments culvert.
- (b) Illicit discharge - Any discharge to the stormwater system that is not composed entirely of stormwater and not specifically exempted in 18-803 (b).
- (c) Person - Any individual, firm, corporation, partnership, association, organization or entity, including governmental entities, or any combination thereof.
- (d) Restaurant - An establishment or facility where food is prepared and sold.
- (e) Runoff - The water resulting from precipitation that is not absorbed by the soil.
- (f) Sanitary sewer - systems of underground conduits that only collect domestic or industrial waste and deliver sanitary wastewater to a wastewater treatment plant.
- (g) Sanitary wastewater - Wastewater from toilets, sinks and other plumbing fixtures, not stormwater.
- (h) Sewage - Human wastes carried by water from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present; or any substance discharged from a sanitary sewer collection system.
- (i) Sinkhole-
 - (1) A naturally occurring depression where drainage collects in the earth's surface that is a minimum of two (2) feet deep. These depressions are typically denoted as closed contours.
 - (2) A hole, fissure or other opening in the ground, often underlain with limestone, dolomite or other rock formation that provides for and is being designated as a natural conduit for the passage of stormwater.
- (j) Stormwater system - The system of roadside drainage roadside curbs and gutters, curb inlets, swales, catch basins, manholes, gutters, ditches, pipes, lakes, ponds, sinkholes, channels, creeks, streams, storm drains, and similar conveyances and facilities, both natural and manmade, located within the city which are designated or used for collecting, storing, or conveying stormwater, or through which stormwater is collected, stored or conveyed, whether owned or operated by the City of Alcoa or other person.
- (k) Swale - A natural or manmade depression or wide shallow ditch used to route or filter runoff.
- (l) Vegetation - Collection of plant life, including trees, shrubs, bushes, and grass.
- (m) Wastes, industrial/commercial - Liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural re-

sources.

- (n) Wastes, other - Discarded brush; sawdust; shavings;; accumulated leaves; lawn clippings; animal wastes; used or previously applied lime; garbage; trash; refuse, loose used paper, paper products, plastic containers, or metal containers; ashes, offal, discarded tar; discarded paint; discarded or uncontained solvents; used, discarded, or spilled petroleum products, antifreeze, motor vehicle fluids; used or discarded fires, gas tanks, or chemicals; or any other used, uncontained, or unpackaged, or disposed of materials which may discharge to or otherwise enter the stormwater system.

18-803. Prohibitions.

- (1) No person shall discharge, connect or allow to be connected to any stormwater system:
 - (a) Any sanitary sewer, including any sanitary sewer connected to the stormwater system as of the date of adoption of this chapter; such illicit discharges include, but are not limited to:
 - (1) Sewage discharges except as deemed unavoidable due to collection system operation/ maintenance and extreme weather events;
 - (2) Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
 - (b) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
 - (c) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning, etc;
 - (d) Discharges of wash water from the cleaning or hosing of impervious surfaces in industrial and commercial areas including parking lots, streets, sidewalks, driveways, patios, plazas, work yards, and outdoor eating or drinking areas, etc.;
 - (e) Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
 - (f) Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; at the point of entry to an enclosed storm sewer system; discharges of pool or fountain filter backwash water;
 - (g) Discharges of sediment, or construction-related wastes, etc.;
 - (h) Discharges of food-related wastes (e.g., grease, food processing, restaurant kitchen mats and trash bin wash water, etc.).
 - (i) Discharges of heated water from commercial or industrial operations;
 - (j) Discharges of dyes (without prior permission of the City);
 - (k) Discharges of laundry waste water;
 - (l) Known discharges from leaking water or sewer lines remaining uncorrected for seven days;
 - (m) Discharges or discarding of animal fecal waste or dead animals;
 - (n) Discarded vehicles, equipment or parts;
 - (o) Lawn clippings, leaves, or branches;
 - (p) Trash or debris.
- (2) Cause or allow an illicit discharge to the stormwater system, or any component thereof, or onto driveways, sidewalks, parking lots, sinkholes, creek banks, or other areas draining to the stormwater system.
 - (b) Subject to the provisions of subsection (c), the following discharges shall not be in violation of this chapter:
 - (1) Water line flushing;

- (2) Landscape irrigation;
 - (3) Diverted stream flows or rising groundwater;
 - (4) Infiltration of uncontaminated groundwater [as defined at 40CFR, 35.2005(20)] to separate storm drains;
 - (5) Pumping of uncontaminated groundwater;
 - (6) Discharges from potable water sources, foundation drains, uncontaminated air conditioning condensation, irrigation waters, springs, water from crawl space pumps, or footing drains;
 - (7) Lawn watering;
 - (8) Individual noncommercial car washing on residential properties; or car washing of less than two (2) consecutive days in duration for a charity, nonprofit fund raising, or similar noncommercial purpose;
 - (9) Flows from riparian habitats and wetlands;
 - (10) Dechlorinated swimming pool discharges;
 - (11) Incidental street wash water from street cleaning equipment designed for cleaning paved surfaces and limiting waste discharges;
 - (12) Street deicing for public safety;
 - (13) Any activity authorized by a valid NFDES permit; and
 - (14) Any flows resulting from firefighting.
- (c) If the Engineering Director finds that any of the activities listed in subsection (b) above are found to cause or may cause sewage, industrial wastes or other wastes to be discharged into the stormwater system, the Director shall so notify the person performing such activities, and shall order that such activities be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes or other wastes into the stormwater system.

18-804. Notification of spills and illicit discharges. As soon as any person has knowledge of any illicit spills or discharges to the stormwater system in violation of this chapter, such person shall immediately notify the Engineering Director by telephone of this discharge. If such person is directly or indirectly responsible for such discharge or responsible for the operation of the system or business, then such person shall also take immediate action to ensure the containment and cleanup of such discharge and shall confirm such telephone notification with a written report to the Engineering Director within three (3) calendar days.

At a minimum, the written report for any illicit discharge shall include:

- a. Date and time of the discharge
- b. Location of the discharge
- c. Material or substance discharged
- d. Duration and rate of flow
- e. Total volume discharged
- f. Total volume recovered
- g. Cause or reason for the discharge
- h. Remediation and containment action taken
- i. Material Safety Data Sheets (MSDS) for the discharged material
- j. Action taken to prevent further discharges
- k. Description of any environmental impact

18-805. Requirements for monitoring. The Engineering Director may require any person engaging in any activity or owning any property, building or facility (including but not limited to a site of

industrial activity) to undertake such reasonable monitoring of any discharge(s) to the stormwater system operated by the city and to furnish periodic detailed reports of such discharges.

18-806. Reserved.

18-807. Right of entry. The Engineering Director or his designated representatives may enter upon any property which discharges or contributes, or is believed to discharge or contribute, to stormwater runoff or the stormwater system; stream; natural drainage way; or other stormwater system during all reasonable hours to monitor, remove foreign objects or blockages, and to inspect for compliance with the provisions of this chapter.

18-808. Notice of Violation. Whenever the Engineering Director or his representative determines that a violation of any provision of this chapter has occurred, or that work does not have a required plan or permit, or that work does not comply with an approved plan or permit, the representative may issue a Notice of Violation to the property owner, utility, facility operator, lessee, contractor, permittee and/or the equipment operator doing work on the site.

The Notice of Violation shall:

- (a) Be in writing;
- (b) Include a description of the property sufficient for identification of where violation has occurred;
- (c) List the violation;
- (d) State the action required;
- (e) Provide a deadline for compliance or to stop work.

18-809. Penalties.

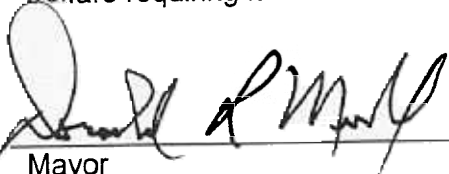
- (1) Any person violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided in the general provisions of the City Code. Each day that a continuing violation of this chapter is maintained or permitted to remain shall constitute a separate offense.
- (2) Any person violating the provisions of this chapter may be assessed a civil penalty by the city of not less than fifty dollars (\$50.00) or more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation. The city may also recover all damages proximately caused to the municipality by such violations.
- (3) In assessing a civil penalty, the municipality may consider:
 - (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by the municipality;
 - (f) The amount of penalty established by ordinance or resolution for specific categories of violations; and
 - (g) Any equities of the situation that outweigh the benefit of imposing any penalty or damage assessment.
- (4) In addition to the civil penalty in subsection (b) above, the city may recover all damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations and enforcing violations of this chapter.
- (5) The city may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or in equity, shall be no defense to any such ac-

tions.

- (6) The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal that one (1) or more of the remedies set forth herein has been sought or granted.

SECTION 2. That a public hearing is set for November 9, 2004, 7:00 p.m.

SECTION 3. That this ordinance shall take effect forthwith upon its final passage, the public welfare requiring it.

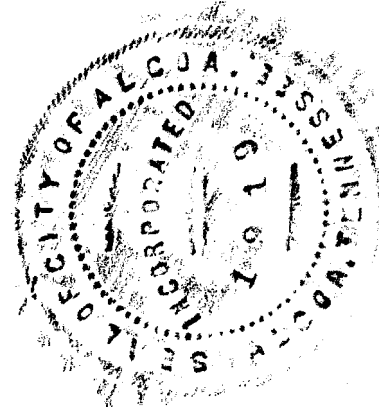


 Mayor

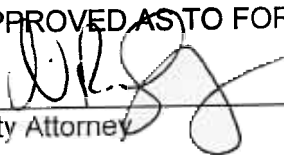
ATTEST:



 Recorder




APPROVED AS TO FORM:




 City Attorney

Passed on First Reading

10/12/04 

 Recorder

Passed on Second Reading

11/9/04 

 Recorder