TOWN OF WATERTOWN
ORDINANCE:

AN ORDINANCE REGULATING ILLICIT DISCHARGE AND CONNECTIONS TO THE TOWN STORMWATER SYSTEM

Be it Ordained by the Watertown Town Council that the following amendments and changes to the Code of Ordinances, Town of Watertown, as adopted by Ordinance 09-20-93-186 on September 20th, 1993, and subsequently amended by the Town Council and published by Municipal Code Corporation is hereby amended as follows:

Chapter 26 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VI. - ILLICIT DISCHARGE AND CONNECTION TO STORMWATER SYSTEM

Section 26-4. Illicit Discharge and Stormwater Connections

1) The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of Watertown through the regulation of non-storm water discharges to the Town 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 water system (MS4) in order to comply with requirements of the National Pollution Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

   a) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system;
   b) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

2) Definitions

   a) Authorized Enforcement Agency: The Town of Watertown Public Works Department (PWD), its employees or designees thereof.
   b) Best Management Practices (BMP): The schedule of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants to the waters of the State of Connecticut consistent with state, federal or other equivalent and
technically supported guidance. BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.


d) Construction Activity: Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation and dewatering.

e) 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.

f) Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 7 of this ordinance.

g) Illicit Connection: An illicit connection is defined as either of the following: Any drain or conveyance, either 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-storm water 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 such drain or connection had been previously allowed, permitted or approved by an authorized enforcement agency; or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented plans, maps or equivalent records and approved by an authorized enforcement agency, regardless of whether said drain had been previously approved by an authorized enforcement agency.

h) MS4: The Municipal Separate Storm Sewer System of the Town of Watertown.

i) Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

j) 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, detention and retention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

k) Stormwater: Water consisting of rainfall runoff, including snow or ice melt, during a rainfall event.

l) 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 at a site, and the actions to eliminate or reduce pollutant discharges to stormwater conveyance systems and/or receiving waters to the Maximum Extent Practicable.

m) Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
3) Applicability

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

4) Responsibility for Administration

The Watertown PWD shall administer, implement and enforce the provisions of this ordinance.

5) Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

6) Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

7) Discharge Prohibitions

Prohibition of Illegal Discharges:

a) No person shall discharge or cause to be discharged into the municipal storm drainage system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1) The discharge of uncontaminated ground water, including but not limited to: pumped ground water, foundation drains, water from sump pimps and footing drains, landscape irrigation water and lawn watering runoff, residual street wash water associated with street sweeping, discharges from firefighting activities (except training), and naturally occurring discharges such as rising ground waters, uncontaminated ground water infiltration, springs, diverted stream flows and flows from riparian habitats and wetlands.

2) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to Section 22a-430 or 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Prohibition of Illicit Connections
a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
b) This prohibition expressly includes, without limitation, illicit connections made in the past, 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 ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

8) Suspension of MS4 Access

Suspension due to Illicit Discharges in Emergency situations

The Watertown PWD may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Watertown PWD may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharges

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Watertown Public Works Department will notify a violator of the proposed termination of its MS4 access. The violator may petition the Watertown PWD for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Watertown PWD.

9) Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity Storm Water 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 Watertown PWD prior to the allowing of discharges to the MS4.

10) Monitoring of Discharges

a) Applicability

This Section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.
b) Access to Facilities

1) The Watertown PWD shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharge has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to access to representatives of the Watertown PWD.

2) Facility operators shall allow the Watertown PWD ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

3) The Watertown PWD shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Watertown PWD to conduct monitoring and/or sampling of the facility’s storm water discharge.

4) The Watertown PWD has the right to require the discharger to install monitoring equipment as necessary. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5) If the Watertown PWD has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate that there may be a violation of this ordinance, the Watertown PWD may seek issuance of a search warrant from any court of competent jurisdiction.

11) Requirement to Prevent, Control and Reduce Storm Water Pollutants by the Use of Best Management Practices

The Watertown PWD will adopt requirements identifying Best Management Practices for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or Waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourse through the use of these structural and non-structural BMP’s. These BMP’s shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with the requirements of a stormwater permit.

12) Watercourse Protection

Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a
watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

13) Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of the release of non-hazardous materials, said person shall notify the Watertown PWD in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice, addressed and mailed to the Watertown PWD with three business days of the in person or phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for three years.

14) Enforcement

Notice of Violation: Whenever the Watertown PWD finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Watertown PWD may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

a) The performance of monitoring, analyses and reporting;
b) The elimination of illicit connections and discharges;
c) That violating discharges, practices or operations shall cease and desist;
d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
e) Payment of a fine or penalty to recoup costs incurred by the Watertown PWD;
f) Suspension of any discharge to the MS4 system consistent with Section 7 of this ordinance; and
g) The implementation of source control or treatment BMP’s.

If the abatement of a violation and/or restoration of an affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Such notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

15) Appeal of Notice of Violation
Any person receiving a Notice of Violation may appeal the determination of the Watertown PWD. The notice of the appeal must be received within 30 days from the date of the Notice of Violation. Hearing before the Watertown PWD or their designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Watertown PWD or their designee shall be final.

16) Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements in the notice of Violation, or in the event of an appeal, within 30 days of the decision of the Watertown Town Council upholding the decision of the Watertown PWD, then representatives of the Watertown PWD shall enter upon the subject property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter the premises for the purposes set forth above.

17) Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the Watertown Town Council or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the Town by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of four percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

18) Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Watertown PWD may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

19) Compensatory Action

In lieu of enforcement proceedings, penalties and remedies authorized by this Ordinance, the Watertown PWD may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup etc.
20) Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator’s expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

21) Criminal Prosecution

Any person that violates or continues to violate this Ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of one hundred dollars per violation per day, and/or imprisonment for a period of time not to exceed thirty days.

The Watertown PWD may recover all attorney’s fees, court costs and other expenses associated with enforcement of this Ordinance. Including sampling and monitoring expenses.

22) Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Watertown PWD to seek cumulative remedies.

23) Adoption of Ordinance

Passed and adopted by the Watertown Town Council at its regularly scheduled meeting on ______, 2022.

This ordinance shall take effect twenty-one days after publication pursuant to Charter Section 307.

Dated at Watertown, Connecticut this day of ___, 2022.

Jonathan Ramsay, Chairman
Watertown Town Council

Introduced: 01/17/2023
Date of Public Hearing:
Date of Approval of Ordinance by Town Council:
Date of Publication:
Effective Date of Ordinance:

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AND STORMWATER CONNECTIONS