

10-Ord-14
Adopted: 04/06/10

**AN ORDINANCE TO AMEND AND REORDAIN
SECTIONS 122-106, 122-107, 122-108, AND 122-109
OF THE CITY CODE FOR THE CITY OF
PETERSBURG FOR THE PURPOSES OF ADDING
A SECTION TO PROHIBIT CERTAIN
DISCHARGES TO THE STORMWATER SEWER
SYSTEM, ESTABLISH A PROCEDURE FOR
INSPECTING AND MONITORING
STORMWATER DISCHARGE AND INSTITUTE
PENALTIES FOR VIOLATIONS.**

Approved as to form and legality by the City Attorney

WHEREAS, The City of Petersburg and communities in the surrounding region are under a consent decree issued by the Virginia Department of Conservation and Recreation to comply with the requirements pursuant to the Virginia Pollutant Discharge Elimination System (VPDES) permit; and

WHEREAS, the VPDES permit regulates stormwater runoff and any discharges to a storm sewer system; and

WHEREAS, the City of Petersburg ("City") is required by the Code of Virginia, as amended, to hold a public hearing on an Ordinance amending Chapter 122 of the 2000 Code of the City, as amended, to include a section to prohibit certain discharges to the stormwater sewer system, establish a procedure for inspecting and monitoring stormwater discharge, and institute penalties for violations; and

WHEREAS, the City of Petersburg has held a public hearing on April 6, 2010, pursuant to notice thereof as required by law, on the proposed amendment to Chapter 122 of the 2000 Code of the City of Petersburg; and

WHEREAS, there being no opposition to the subject request received from the general public.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Petersburg, as follows:

§1. That §§ 122-106, 122-107, 122-108, and 122-109 of the Code of the City of Petersburg (2000) (as amended) be and are hereby amended and reordained, as follows:

Subdivision IV: DISCHARGES TO THE STORMWATER SEWER SYSTEM

Sec. 122-106. Definitions.

When used in this article, the following terms shall have the following meanings:

Administrator: The water quality administrator or the water quality administrator's designee.

Discharge: To dispose, deposit, spill, pour, inject, dump, leak or place by any means; and any substance which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

Illicit discharge: Any discharge to the storm sewer system that is not composed entirely of storm water except (i) discharges pursuant to a VPDES or NPDES permit, (ii) discharges resulting from fire fighting activities and (iii) discharges listed in Section 122-107(b) unless such discharges are identified by the City of Petersburg as sources of pollutants of waters of the United States pursuant to section 122-107(c).

Industrial wastes: Wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

National pollutant discharge elimination system (NPDES) permit: The permit issued by the federal government for imposing and enforcing pretreatment requirements pursuant to the Federal Clean Water Act.

Other wastes: Wastes that can adversely affect waters of the United States when discharged into those waters, including, but not limited to, garbage, refuse, lime, fertilizer, ashes, offal, tar, paint, solvents, petroleum products, antifreeze and chemicals.

Person: An individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee of any such person.

Sanitary sewer line: An underground conduit that collects and delivers sanitary wastewater to a wastewater treatment plant.

Storm sewer system: The conveyance or system of conveyances located within the City of Petersburg which are designed or used for collecting, storing or conveying storm water or through which storm water is collected, stored or conveyed, including but not limited to roads, municipal streets, catch basins, drop inlets, curbs, gutters, ditches, pipes, lakes, ponds, man-made channels, storm drains, outfalls, retention, detention and infiltration basins and other facilities.

Stormwater: Stormwater runoff, snow melt runoff, surface runoff and drainage.

Surface waters: All waters that run across the surface of land, including but not limited to natural or man-made ponds, lakes, impoundments, rivers, streams (including intermittent and ephemeral streams), natural or man-made water courses and tidal and non-tidal wetlands, except that waste treatment systems, treatment ponds and lagoons designed to meet the requirements of the Federal Clean Water Act shall not be surface waters.

Virginia Pollutant Discharge Elimination System (VPDES): The permit issued by the State of Virginia for imposing and enforcing pretreatment requirements pursuant to the Federal Clean Water Act.

Waters of the City of Petersburg: All waters, whether on the surface or under the ground, that are wholly or partially within or bordering the City.

Waters of the United States: All waters, whether on the surface or under the ground, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including but not limited to intrastate lakes, rivers, streams (including intermittent and ephemeral streams), mudflats, sandflats, wetlands, sloughs, prairie pot-holes, wet meadows, playa lakes and natural ponds, except that waste treatment systems, treatment ponds and lagoons designed to meet the requirements of the Federal Clean Water Act shall not be waters of the United States.

Wetlands: Land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, generally including but not limited to swamps, marshes, bogs and similar areas.

Sec. 122-107. Prohibited discharge to the stormwater sewer system.

(a) It shall be unlawful to:

- (1) Cause or allow illicit discharges to the storm sewer system or to waters of the City of Petersburg;

- (2) Cause or allow the discharge of industrial waste or other waste to the storm sewer system or to waters of the City of Petersburg without a VPDES or NPDES permit;
- (3) Violate any condition or provision of this article; and
- (4) Connect, or cause or allow to be connected to the storm sewer system or waters of the City of Petersburg, without a VPDES or NPDES permit, any structure that conveys any liquid other than stormwater or discharges listed in paragraph (b) of this section, including but not limited to pipes, drains, sanitary sewer lines, washing machine drains or floor drains.

(b) Subject to the provisions of paragraph (c) of this section, the following activities shall not be unlawful illicit discharges:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows or rising groundwaters;
- (4) Infiltration of uncontaminated groundwater;
- (5) Pumping of uncontaminated groundwater;
- (6) Discharges from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;
- (7) Air conditioning condensation;
- (8) Lawn watering;
- (9) Residential car washing;
- (10) Dechlorinated swimming pool discharges; and
- (11) Public street washing.

(c) If any activity listed in paragraph (b) of this section is found by the administrator to be a source of pollutants to waters of the United States, the administrator shall serve a written notice on the party responsible for the activity which orders that the activity be ceased or conducted in a manner that will avoid the discharge of pollutants to the storm sewer system or waters of the City of Petersburg. The notice shall state the date by which the activity shall cease or be conducted without pollution. Failure to comply with any such order within the time stated in the notice shall constitute a violation of paragraph (a)(3) of this section.

Sec. 122-108. Inspecting and monitoring stormwater discharge.

The administrator shall have the authority to inspect and monitor discharges and sources of potential discharge to the storm sewer system to ensure compliance with this article, including the authority to enter upon private property to inspect or monitor such discharges or sources of potential discharge, the administrator shall also have the authority to initiate enforcement actions in accordance with Section 122-109.

Sec. 122-109. Penalties for violations of this article.

(a) Any person who knowingly violates any provision of this article shall be guilty of a Class 1 misdemeanor. Each day that such violation is committed, and each day that such violation is permitted to remain uncorrected shall constitute a separate offense.

(b) Any person who otherwise violates any provision of this article shall be subject to a civil penalty between \$250 and \$1,000 for each day that the violation continues. The court assessing such civil penalty may order the penalty to be paid into the treasury of the City of Petersburg and designated for the purpose of minimizing, preventing, managing or mitigating pollution of the waters of the City.

(c) Any person who violates any provision of this article shall be responsible for testing, containing, cleaning up, abating, removing and disposing of any substance unlawfully discharged into the storm sewer system or into waters of the City of Petersburg, or, if the *administrator* determines that correction of the violation can best be accomplished by the City, shall be liable to the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the storm sewer system or into waters of the City.

§2. That this ordinance shall take effect immediately upon adoption.