

CITY OF GRANDVIEW

BILL NO. 6929

ORDINANCE NO. 6686

AN ORDINANCE TO PREVENT POLLUTION OF THE CITY OF GRANDVIEW MUNICIPAL SEPARATE STORM SEWER SYSTEM BY PROHIBITING THE DISCHARGE OF SUBSTANCES, OBJECTS, AND OTHERS INTO STORMWATER, AND ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, the City of Grandview is required by federal and state laws to have a current permit related to the discharge of municipal separate storm sewer system waters, commonly referred to as an MS4 permit; and

WHEREAS, discharge of pollutants into municipal separate storm sewer system may lead to increased risks of disease and harm to individuals, particularly children, who come into contact with the water; may degrade the quality of such water for human uses, such as drinking, irrigation, recreation, and industry; and may damage the natural ecosystems of rivers, streams, lakes and wetlands, leading to a decline in the diversity and abundance of plants and animals

WHEREAS, the Board of Alderman of the City of Grandview finds that pollutants may discharge into surface waters, both through inappropriate non-stormwater discharges into the municipal separate storm sewer system (MS4) or the surface waters directly, and through the wash off and transport of pollutants found on the land and built surfaces by stormwater during rainfall events; and

WHEREAS, in order to provide for the health, safety, and general welfare of the citizens of Grandview, Missouri it is necessary to regulate stormwater and non-stormwater discharges to the storm drainage system to the maximum extent possible; and

WHEREAS, the promotion of public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system has been shown to reduce the overall amount of such pollution; and

WHEREAS, the Board of Aldermen of the City of Grandview finds that a reasonable establishment of restrictions and regulations on activities within the City is necessary to eliminate or minimize such discharges of pollutants, to protect the health and safety of citizens, to preserve economic and ecological value of existing water resources within the City and within downstream communities, and to comply with the provisions of the City's responsibilities under the Clean Water Act and the NPDES program; and

WHEREAS, The City of Grandview desires that these regulations be codified as Article V of Section 25 Stormwater Pollution Prevention – Illicit Discharges of the City's Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE

CITY OF GRANDVIEW, MISSOURI, AS FOLLOWS:

Section 1. Title. These regulations shall hereafter be known as Illicit Discharge Regulations

Section 2. Purpose and Findings.

- (a) The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Grandview, Missouri through the regulation of stormwater and non-stormwater discharges to the storm drainage system to the maximum extent possible.
- (b) The Board of Alderman of the City hereby finds that pollutants may discharge into surface waters, both through inappropriate non-stormwater discharges into the municipal separate storm sewer system (MS4) or the surface waters directly, and through the wash off and transport of pollutants found on the land and built surfaces by stormwater during rainfall events. Such discharge of pollutants may lead to increased risks of disease and harm to individuals, particularly children, who come into contact with the water; may degrade the quality of such water for human uses, such as drinking, irrigation, recreation, and industry; and may damage the natural ecosystems of rivers, streams, lakes and wetlands, leading to a decline in the diversity and abundance of plants and animals.
- (c) Further, the Board of Aldermen of the City hereby finds that this ordinance will promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the storm drainage system. Such discharges are inconsistent with the provisions and goals of the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES), and other federal and state requirements for water quality and environmental preservation.
- (d) Further, the Board of Aldermen of the City hereby finds that a reasonable establishment of restrictions and regulations on activities within the City is necessary to eliminate or minimize such discharges of pollutants, to protect the health and safety of citizens, to preserve economic and ecological value of existing water resources within the City and within downstream communities, and to comply with the provisions of the City's responsibilities under the Clean Water Act and the NPDES program

Section 3. Abbreviations. The following abbreviations when used in this Ordinance shall have the designated meanings:

BMP	Best Management Practice
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
HHW	Household Hazardous Waste
MoDNR	Missouri Department of Natural Resources
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollutant Discharge Elimination System
PST	Petroleum Storage Tank

Section 4. Definitions For the purposes of this Ordinance, the following definitions shall

apply:

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Grandview.

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

Code means the Grandview Municipal Code.

Director means the Director of Public Works or the Director's authorized representative.

Discharge means the addition or introduction, directly or indirectly, of any pollutant, stormwater, or any other substance into the MS4 or surface waters.

Domestic sewage means human excrement, gray water (from home clothes washing, bathing, showers, dishwashing, and food preparation), other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, retail and commercial establishments, factories, and institutions, that is free from industrial waste.

Extremely hazardous substance means any substance listed in the appendices to 40 CFR Part 355, Emergency Planning and Notification.

Fertilizer means a substance or compound that contains a plant nutrient element in a form available to plants and is used primarily for its plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of two or more fertilizers.

Hazardous household waste (HHW) means any material generated in a household (including single and multiple residences) by a consumer which, except for the exclusion provided in 40 CFR Section 261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261

Hazardous substance means any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous waste means any substance identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Illicit discharge means any discharge to the City's municipal separate storm sewer system (MS4) that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit.

Industrial waste means any waterborne liquid or solid substance that result from any process of industry, manufacturing, mining, production, trade, or business.

Municipal separate storm sewer system (MS4) means the system of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

NPDES means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under Sections 307, 402, 318 and 405 of the federal Clean Water Act.

NPDES permit means for the purpose of this chapter, a permit issued by United States Environmental Protection Agency (EPA) or the state of Missouri 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.

Oil means 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.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

Pesticide means 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.

Petroleum Product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle, boat or aircraft including motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil and #1 and #2 diesel fuel.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of the waters including changes in temperature, taste, odor, turbidity, or color of the water. Such substance or material may include but is not limited to, dredged spoil, spoil waste, incinerator residue, sewage, pet and livestock waste, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, yard waste, hazardous household wastes, oil and petroleum products, used motor oil, anti-freeze, litter, pesticides, and industrial, municipal, and agricultural waste discharged into water.

Property Owner means the named property owner as indicated by the records of the Jackson County, Missouri Recorder of Deeds.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the MS4 and/or surface waters.

Sanitary sewer means the system of pipes, conduits, and other conveyances which carry industrial waste and domestic sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant and to which stormwater, surface water, and groundwater are not

intentionally admitted.

Septic tank waste means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage means the domestic sewage and/or industrial waste that is discharged into the sanitary sewer system and passes through the sanitary sewer system to a sewage treatment plant for treatment.

State means the state of Missouri.

Stormwater means stormwater runoff, snow melt runoff, and surface runoff and drainage.

Surface waters means any body of water classified as "surface waters" by the state of Missouri, including streams, rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, cavern streams, alluvial aquifers associated with these surface waters, lakes, man-made reservoirs, oxbow lakes, ponds, and wetlands, as well as any other body of water classified by the federal government as a "water of the United States".

Waste means any garbage, refuse, sludge or other discarded material which is abandoned or committed to treatment, storage or disposal, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial mining, community and agricultural activities. Waste does not include solid or dissolved materials in domestic sewage or irrigation return flows or solid or dissolved materials or industrial discharges which are point sources subject to permits under the state of Missouri. The Federal definition of solid waste is found at 40 CFR 257.2.

Water quality standard means the law or regulation that consists of the beneficial designated use or uses of a water body, the numeric and narrative water quality criteria that are necessary to protect the use or uses of that particular water body, and an anti-degradation statement.

Section 5. General Prohibitions

(a) It shall be unlawful for any person to release or cause to be released into the MS4, or into any surface water within the City, any discharge that is not composed entirely of stormwater that is free of pollutants, except as allowed in Subsection b.

(b) Unless identified by the City or MoDNR as a significant source of pollutants to surface water, the following non-stormwater discharges are deemed acceptable and not a violation of this section:

- (1) Water line flushing;
- (2) Diverted stream flow;
- (3) Rising groundwater;
- (4) Groundwater infiltration to the storm system;
- (5) Uncontaminated pumped groundwater;
- (6) Contaminated groundwater if authorized by MoDNR and approved by the City;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Discharges from crawl space pumps;
- (10) Air conditioning condensate;
- (11) Landscape irrigation or lawn watering;

- (12) Springs;
- (13) Footing drains;
- (14) Individual residential car washing;
- (15) Flows from riparian habitats and wetlands;
- (16) De-chlorinated non-salt water swimming pool discharges excluding filter backwash;
- (17) Street wash waters (excluding street sweepings which have been removed from the street);
- (18) Discharges or flows from emergency fire fighting activities;
- (19) Heat pump discharge waters (residential only);
- (20) Dye testing if written notification is provided to the director prior to the time of test
- (21) Treated wastewater or other discharges meeting requirements of a NPDES permit
- (22) Other discharges determined not to be a significant source of pollutants to waters of the state, a public health hazard or a nuisance.
- (23) Discharges specified in writing by the Director or authorized representative as being necessary to protect public health and safety.

(c) Notwithstanding the provisions of Subsection b of this section, any discharge shall be prohibited by this section if the discharge in question has been determined by the Director or authorized representative to be a source of a pollutants to the MS4 or to surface waters, written notice of such determination has been provided to the property owner or person responsible for such discharge, and the discharge has occurred more than ten (10) days beyond such notice.

Section 6. Specific Prohibitions and Duties The specific prohibitions and requirements in this section are not inclusive of all the discharges prohibited by the general prohibition in Section 5(a), but are provided to address specific discharges that are frequently found or are known to occur:

- (a) It shall be unlawful for any person to release or allow to be released any of the following substances into the MS4:
 - (1) Any new or used, motor oil, antifreeze, petroleum product or waste;
 - (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 wastes which have been moved or gathered by a person;
 - (8) 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;
 - (9) Any other discharge that causes or contributes to causing the City to violate a state water quality standard, the City's NPDES stormwater permit, or any state-issued discharge permit for discharges from its MS4.
- (b) It shall be unlawful for any person to introduce or cause to be introduced 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.

- (c) It shall be unlawful for any person to connect a line conveying sanitary sewage, domestic or industrial, to the MS4. No property owner shall allow such a connection to continue in use on their property.
- (d) It shall be unlawful for any person to 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.
- (e) It shall be unlawful for any person to tamper with, destroy, vandalize, or render inoperable any BMPs which 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 which have been required by the City or by other local, state, or federal jurisdictions.

Section 7. Release Reporting and Clean-up

- (a) Any person responsible for the release of any prohibited material that may flow, leach, enter, or otherwise be introduced into the MS4 or surface waters shall take all necessary steps to ensure the containment and clean-up of such release.
- (b) 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.
- (c) In the event of a release of non-hazardous materials, said person shall notify the Director or authorized representative 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 Director or authorized representative within three (3) business days of the phone notice.

Section 8. Notice of Violation; Abatement by City; Enforcement; Designation of Officer; Penalty; Right of Entry

(a) Notice of Violation.

- a. Whenever the Director or appointed representative has determined that a violation of this ordinance has occurred on any premises within the City's corporate limits, the Director or appointed representative shall serve a written notice of violation upon the owner or occupant having control thereof, or their agent, to abate such violation. The notice of violation shall:
 - i. Be in writing.
 - ii. State the nature of such violation and that such condition constitutes a violation.
 - iii. Describe the premises where the violation is alleged to exist or to have been committed.
 - iv. Specify a period for the abatement of the violation and that owner, person, or occupant shall submit documentation of the abatement to the director within that period.
 - v. State that, unless such violation is abated without unnecessary delay, it may be abated by the City and the costs of such abatement may be specially assessed and shall be deemed a personal debt against the owner and

constitute, to the extent permitted by law, a lien against the premises from which abated as in other nuisance abatements.

- vi. State that failure, neglect or refusal to abate such violation with the actions necessary for compliance, renders the owner or occupant prosecutable in municipal court pursuant to subsection (e) of this Section 8.

(b) Abatement by City

- a. For the purposes of this ordinance, the Director may employ the necessary labor and materials to perform the required work as expeditiously as possible if the owner, person, or occupant fails to abate the contaminant as required.
- b. Costs incurred in the performance of emergency work shall be paid by the City. The City may institute appropriate action against the person responsible or owner of the premises where the illicit discharge is or was located for the recovery of such costs.

(c) Enforcement/Designation of Officer/Enforcement

The Director or his or her appointed representative shall be designated as the public officer charged with the administration and enforcement of this ordinance. The public officer shall authorize the investigation of violations of this ordinance. If it is determined that a violation of this ordinance exists, then the officer shall pursue abatement in the manner set forth herein and/or initiate prosecution in municipal court by issuing a general ordinance summons.

- (d) Right of entry for purposes of enforcement - The public officer shall exercise the right of entry for purposes of enforcement or abatement pursuant to an administrative search warrant issued pursuant to Section 1-10 of the Code of Laws of the City of Grandview, Missouri

(e) Penalty.

(1) Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction and after the court, subsequent to each conviction, has examined any prior conviction record to determine if the person has previously been convicted of the same offense within the previous three (3) years, shall be sentenced by the court according to the following schedule of fines with reference to initial or subsequent violation of the particular section within said three-year period:

- (1) First violation . . . \$50.00
- (2) Second violation . . . \$200.00
- (3) Third violation . . . \$300.00
- (4) Fourth violation . . . \$400.00
- (5) Fifth and subsequent violations . . \$500.00

- (2) Each day on which a violation as declared by the public officer shall remain on any premises, after the duty of the owner arises hereunder to abate such violation, shall constitute a separate offense, for which the owner thereof may be arrested, tried, convicted, and punished separately, without the necessity of further notices.

Section 9 Inspection and Detection Program. The Director or authorized representative is authorized to develop and implement a plan to actively detect and eliminate prohibited discharges and connections to the MS4 or surface waters within the City. Such plan may

include, but is not limited to, periodic and random inspections of facilities and businesses, particularly those most associated with potentially prohibited discharges; visual surveys of exterior practices; inspection, sampling and analyses of discharges from outfalls of the MS4, particularly during dry weather periods; manhole and pipe inspections to trace discharges through the system to point of origin; education on pollution prevention; and receipt of complaints and information from the public regarding known or suspected discharges

Section 10 Severability. If any section, subsection, paragraph, sentence, clause or phrase in this ordinance or any part thereof is held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Passed this 27th day of May, 2014.

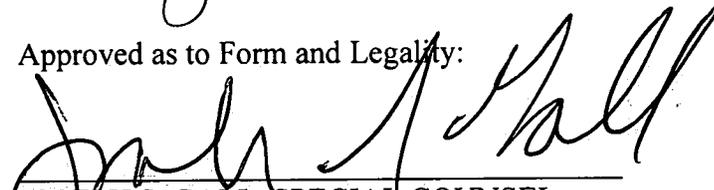
Approved this 27th day of May, 2014.


LEONARD JONES, MAYOR

ATTEST:


BECKY SCHIMMEL, CITY CLERK

Approved as to Form and Legality:


JOSEPH S. GALL, SPECIAL COUNSEL

