

APPENDIX B  
ILLCIT DISCHARGE ORDINANCE

## **Illicit Discharge and Connection Storm Water Ordinance**

### **ORDINANCE NO. 1028**

WHEREAS, the Town of Speedway, Indiana (the "Town") has established a Storm Water Management Board (the "Board") pursuant to I.C. 8-1.5-5-4; and

WHEREAS, the State of Indiana (the "State") requires the Board to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water from within the Storm Water District (the "District"); and

WHEREAS, the Town intends to comply with the provisions of the NPDES permit and 327 IAC 15-13 and therefore finds it necessary to adopt the provisions contained herein.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Speedway, Indiana:

#### **SECTION 1. PURPOSE/INTENT**

The purpose of this Storm Water is to provide for the health, safety, and general welfare of the citizens of the Town through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This Storm Water establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the NPDES permit process. The objectives of this Storm Water are:

- (1) To regulate the contribution of pollutants to the MS4 by storm water discharges by any user;
- (2) To prohibit Illicit Connections and Discharges to the MS4; and
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Storm Water.

#### **SECTION 2. DEFINITIONS**

For the purposes of this Storm Water, the following shall mean:

Authorized Enforcement Agency. The Board is hereby authorized by the Town Council of the Town ( the "Town Council")to enforce this Storm Water.

Best Management Practices (BMPs). 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 storm water, receiving waters, or storm water 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.

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

Construction Activity. Activities subject to NPDES Construction Permits. Formerly these included construction projects resulting in land disturbance of five (5) acres or more. As of March 2003, NPDES Storm Water Phase II permits have been required for 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.

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.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this Storm Water.

Illicit Connections. An illicit connection is defined as either of the following:

- A. Any drain or conveyance, whether 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 said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or;
- B. 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.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

MS4 Operator. The person responsible for development, implementation, or enforcement of the minimum control measures MCMs for a designated MS4 area. The MS4 Operator shall be designated by the Board.

Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins,

