

CHAPTER 31- SEWERS AND SEWAGE DISPOSAL

Adopted September 8, 2015

ARTICLE I. IN GENERAL

31-2. Definitions

Stormwater shall mean precipitation that is discharged across the land surface or through conveyances to one or more waterways which may include stormwater runoff, snow melt runoff, or surface runoff and drainage.

31-6. Unlawful disposal of sewage and other wastes generally.

- a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement or other objectionable waste.
- b) It shall be unlawful for any person to discharge to any natural outlet or storm sewer within the city, or in any area under the jurisdiction of the city, any sewage or non-stormwater, except as authorized by section 31-142 of this chapter.

31-7. Discharge of stormwater and other unpolluted drainage.

Stormwater shall be discharged to such sewers as are specifically designated as storm sewers.

ARTICLE VI. STORM SEWERS

31-137. Statutory Authority

- a) Virginia Code §15.2-2122, authorizes localities to adopt, by ordinance, standards for the use of a stormwater sewer system.
- b) 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 certain municipal storm sewer systems into the waters of the United States. The Environmental Protection Agency has promulgated regulations implementing the NPDES program.

31-138. Purpose and Objectives

- a) The purpose of this article is to establish minimum requirements to protect the general health and safety of the public and to reduce pollutants into the City of Hopewell's stormwater sewer system, hereinafter the municipal separate storm sewer system, or MS4, within this jurisdiction by regulation of illicit non-stormwater discharges to the M-4. Therefore this article shall:
 - 1) Prohibit illicit discharges to the City of Hopewell's MS4, including spills or dumping or disposal of materials other than stormwater;
 - 2) Require compliance with the conditions in this ordinance and any permits, contracts or orders; and

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- b) Authorize inspection, surveillance mapping and monitoring procedures necessary to determine compliance and noncompliance with this ordinance. This article establishes methods for reducing the introduction of pollutants into the City of Hopewell's MS4, in order to comply with the requirements of the NPDES program and the Virginia Pollutant Discharge Elimination System (VPDES) program.
- c) The objectives of this article are:
 - 1) To regulate the use of the MS4 by stormwater discharges by any person;
 - 2) To prohibit illicit connections and illicit discharges to the MS4;
 - 3) To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this article.

31-139. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this article.

31-140. Compatibility with other permit and ordinance requirements.

This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

31-141. Definitions

The following words and terms used in this article shall have the following meanings, unless the context clearly indicates otherwise:

"Clean Water Act (CWA)": The Federal Water Pollution Control Act, as amended, 33 United States Code 1251 et seq.

"Discharge": Dispose, deposit, spill, pour, inject, pump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, pumped leaked or place-d by any means.

"Illicit connection": Any unlawful connection to the City of Hopewell's MS4, which discharges non-stormwater to the MS4. Failure of any facility, including an industrial facility or construction site, or residence to notify the City of Hopewell City Engineer of a connection to the city's MS4 constitutes an illicit connection.

"Illicit discharge": Any discharge to the MS4 that is not composed entirely of stormwater, with the exception of discharges pursuant to a separate VPDES or state permit or discharges which are exempt pursuant to section 31-142 of this article. Any discharge in violation of a VPDES permit shall constitute an illicit discharge.

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

"Inspection": Includes, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to the City of Hopewell's MS4, a review of all records on operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal (and local regulations or permit conditions).

"Municipal separate storm sewer system": The conveyance or system of conveyances located within and owned or operated by the City of Hopewell, which are designed or used for collecting or conveying stormwater, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, and which are not part of the City of Hopewell's publicly owned treatment works.

"Other wastes": Wastes that can adversely affect waters of the state and 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": Any individual, firm, organization, corporation, partnership, limited liability company, association; organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such person.

"Sanitary sewer": Shall have the meaning provided in Section 31-2 of the Code of the City of Hopewell.

"Stormwater": Precipitation that is discharged across the land surface or through conveyances to one or more waterways, which may include stormwater runoff, snow melt runoff, or surface runoff and drainage.

"Virginia Pollutant Discharge Elimination System (VPDES)": The permit issued by the Commonwealth of Virginia's State Water Control Board pursuant to the State Water Control Law authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

31-142. Prohibited Discharge to the MS4.

a) It shall be a violation of this article to:

- 1) Discharge, or cause or allow to be discharged any non-stormwater, including, but not limited to, sewage, industrial wastes or solvents, or other wastes, or any component thereof, into the City of Hopewell's MS4, or onto driveways, sidewalks, parking lots or other areas draining to the MS4.
- 2) Connect, or cause or allow to be connected, any sanitary sewer to the MS4, including any sanitary sewer connected to the MS4 as of the date of the adoption of this article.
- 3) Connect, or cause or allow to be connected to the MS4, without a valid VPDES permit, any structure that conveys any liquid other than stormwater or discharges

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listed In subsection (b), including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains or floor drains.

- b) Subject to the provisions of subsection (c), the following activities shall not be in violation of this article:
- 1) Water line flushing;
 - 2) Landscape irrigation;
 - 3) Diverted stream flows or rising groundwater;
 - 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 discharge;
 - 11) Discharges or flows from firefighting activities;
 - 12) Any activity authorized by a valid VPDES or state permit.
- c) In the event any of the activities listed in subsection (b) are found to be a significant contributor of pollutants to be discharged into the MS4, the city manager or his designee shall so notify the person performing such activities, and shall order that such activities be ceased or conducted in such a manner as to avoid the discharge of pollutants into the MS4. The failure to comply with any such order shall constitute a violation of the provisions of this article.

31-143. Inspections and Monitoring.

- a) The city manager or his designee shall have the authority to inspect and monitor discharges and sources of potential discharge to the MS4 to ensure compliance with this article at reasonable times and under reasonable circumstances. This includes the right to enter a property when the city manager or his designee has a reasonable basis to believe that a violation of this article is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.
- b) The city manager or his designee shall also have the authority to initiate enforcement actions in accordance with section 31-144 below.

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31-144. Penalties

- 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 violation is permitted to remain uncorrected, shall constitute a separate offense.
- b) Any person who, intentionally or otherwise, commits any of the acts prohibited by this article shall be liable to the City of Hopewell for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4.
- c) In addition to criminal penalties outlined in section 31-144(a), any person who, intentionally or otherwise, violates any provision of this article shall be subject to a civil penalty in an amount not to exceed \$32,500 for each day that a violation of this article continues, with a maximum \$100,000 per order. Civil penalties in excess of this amount must be imposed by a court, in its discretion, but amounts cannot exceed \$32,500 per day per violation. The court assessing such penalties, may, at its discretion, order such penalties to be paid into the treasury of the City of Hopewell for the purposes of abating, preventing or mitigating environmental pollution.
- d) The city manager or his designee may bring legal action to enjoin the continuing violation of this article, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.
- e) 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 or more of the remedies set forth herein has been sought or granted.