



CINCINNATI
COLUMBUS
DAYTON

350 Worthington Rd, Suite B
Westerville, OH 43082
phone ▶ 614.882.4311
fax ▶ 614.882.4479
www.kleingers.com

ILLICIT DISCHARGE DETECTION AND ELIMINATION PLAN

Prepared For

The City of Urbana, Ohio



December 14, 2021



TABLE OF CONTENTS

1.0 Overview/Background..... 2

2.0 Inspection 4

 2.1 Priority Areas 4

 2.2 Visual Inspection/Identification 5

 2.3 Sampling/Analysis 8

3.0 Tracing the Source 9

 3.1 Visual Inspections/Manhole Observations..... 10

 3.2 Dye Testing 10

 3.3 Televising/Video (CCTV) Inspection 10

 3.4 Smoke Testing..... 10

 3.5 Preventing Illegal Dumping 11

4.0 Elimination 11

 4.1 Illicit Discharge Regulations 11

 4.2 Enforcement 11

 4.3 Sources 13

APPENDICES

Appendix A Sample Outfall Inventory Form

Appendix B Sample Inspection Forms for for MH inspection, smoke/dye testing, illegal dumping

Appendix C City Ordinance Chapter 1185 – Illicit Discharge and Illegal Connection

TABLES

Table 1. OEPA and the City’s Requirements for Minimum Control Measure No. 3

Table 2. Priority Areas within the City of Urbana for Illicit Discharges

Table 3. City Water Quality Test Parameters

Table 4. Responsible Agency Notification for Certain Illicit Discharges

FIGURES

Figure 1. Known outfall locations within City boundaries

Figure 2. A process for following discharges down the pipe

1.0 OVERVIEW/BACKGROUND

Section 1 is intended to provide an overview and background of the proposed plan. The Illicit Discharge Detection and Elimination Plan (IDDEP) is a program designed to prohibit and effectively eliminate illicit discharges and connections to the City of Urbana's (City) municipal separate storm sewer system (MS4). This IDDEP is one component of the City's overall Illicit Discharge Detection and Elimination Program which includes municipal storm sewer mapping, ordinances, the IDDEP, public education, reporting, recordkeeping, and staff training.

An illicit discharge is defined as any direct or indirect non-storm water discharge to the MS4. The National Pollutant Discharge Elimination System (NPDES) regulates the discharge of storm water under the authority of the Federal Clean Water Act. The Ohio Environmental Protection Agency (OEPA) is the designated authority to administer NPDES within the State of Ohio. Under this authority, OEPA has issued NPDES permits regulating the discharge of storm water. The City of Urbana is under the Authorization for Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System currently issued on December 6, 2021 (1GQ00062*CG).

This IDDEP details the City's approach to illicit discharge related requirements of OEPA's permit. It fulfills a portion of the requirements for minimum control measure (MCM) 3 of the City's Storm Water Management Plan (SWMP), submitted to Ohio EPA and available on the City's website.

This plan describes specific responsibilities of the City under the SWMP. It includes a dry weather storm water outfall screening protocol and the plan and approach for investigation and elimination of specific types of discharges. **Table 1** lists Ohio EPA permit requirements for illicit discharges and the City's corresponding response as contained in its SWMP.

This IDDEP has been prepared by The Kleingers Group (Kleingers) on behalf of the City. The City is responsible for administering the plan and compiling compliance data for annual reporting to OEPA.

Table 1. OEPA and the City’s Requirements for MCM 3

Ohio EPA Phase II NPDES General Permit Requirements	Storm Water Management Plan Requirements
Ordinance or Other Regulatory Mechanism	Adopt an IDDEP ordinance; Chapter 1185 of the City Code is enacted.
Storm Sewer System Map	Current mapping was completed in the City’s GIS system; City is continuing to update mapping.
HSTS Mapping and List	Perform records search and obtain a list of possible HSTS and map all known HSTS connected to the City’s MS4 in the GIS system
IDDE Plan (IDDEP)	Develop an ongoing IDDEP to determine priority areas; an IDDEP has been established in December 2021
Dry-Weather Screening of Outfalls	Screen all City outfalls in dry weather; visual screening and a database will be created and updated

The remainder of this document is organized by order of sequential tasks. **Section 2** of the IDDEP describes methods to determine priority areas within the community. This includes identifying areas of concern, visual screening and sampling and analysis. The City will identify areas of concern within the community as priority areas for potential illicit discharges. From there, methods will be identified to visually detect the presence of illicit discharges. A sampling and analysis phase will follow as a tool to determine if detected flows are a problem. This is critical since many visually detected flows will not have obvious signs of detrimental conditions indicating poor water quality.

Once an illicit discharge has been detected and documented, the next step is locating the source of the discharge. **Section 3** describes the various types of methods available to the community for identifying the source of illicit discharges.

Section 4 outlines the approach the City will take to eliminate illicit discharges once their source is identified. This includes establishing responsibility, implementing ordinances/regulations as well as enforcement.

2.0 INSPECTION

A multi-faceted illicit discharge detection and elimination plan has been established to inspect and identify illicit discharges within the MS4. Once priority areas are established within the City as hot spots, visual inspection/identification and sampling/analysis will ensue. This section describes this program and the responsibility for carrying out specific elements of the IDDEP.

2.1 PRIORITY AREAS

A priority area within the City or MS4 is a key area where the potential for an illicit discharge exists. These can be broken down into a list of commonly high probability locations where illicit discharges may occur such as:

- Past Problems – Areas where problems have occurred in the past. This may include locations with known problematic water quality data as well as areas where numerous complaints have been received.
- Older Areas – Areas within the community that are older and may be more suspect of illegal connections and/or have deteriorating sewer lines leading to storm water infiltration.
- Commercial/Industrial Areas – Key development areas within the city of commercial or industrial users that have historically significant numbers of illegal connections or water quality concerns.

A list of the City's areas of concern have been identified within **Table 2** and are listed with highest priority at the top.

Table 2. Priority Areas within the City of Urbana for Illicit Discharges

Priority Area	Suspected Source
Suspected Illicit Discharges identified w/visual outfall screening	
Downtown area	Restaurants & grease traps
Industrial/Commercial Areas	

2.2 VISUAL INSPECTION/IDENTIFICATION

Under this program, illicit discharges will be identified through three primary methods:

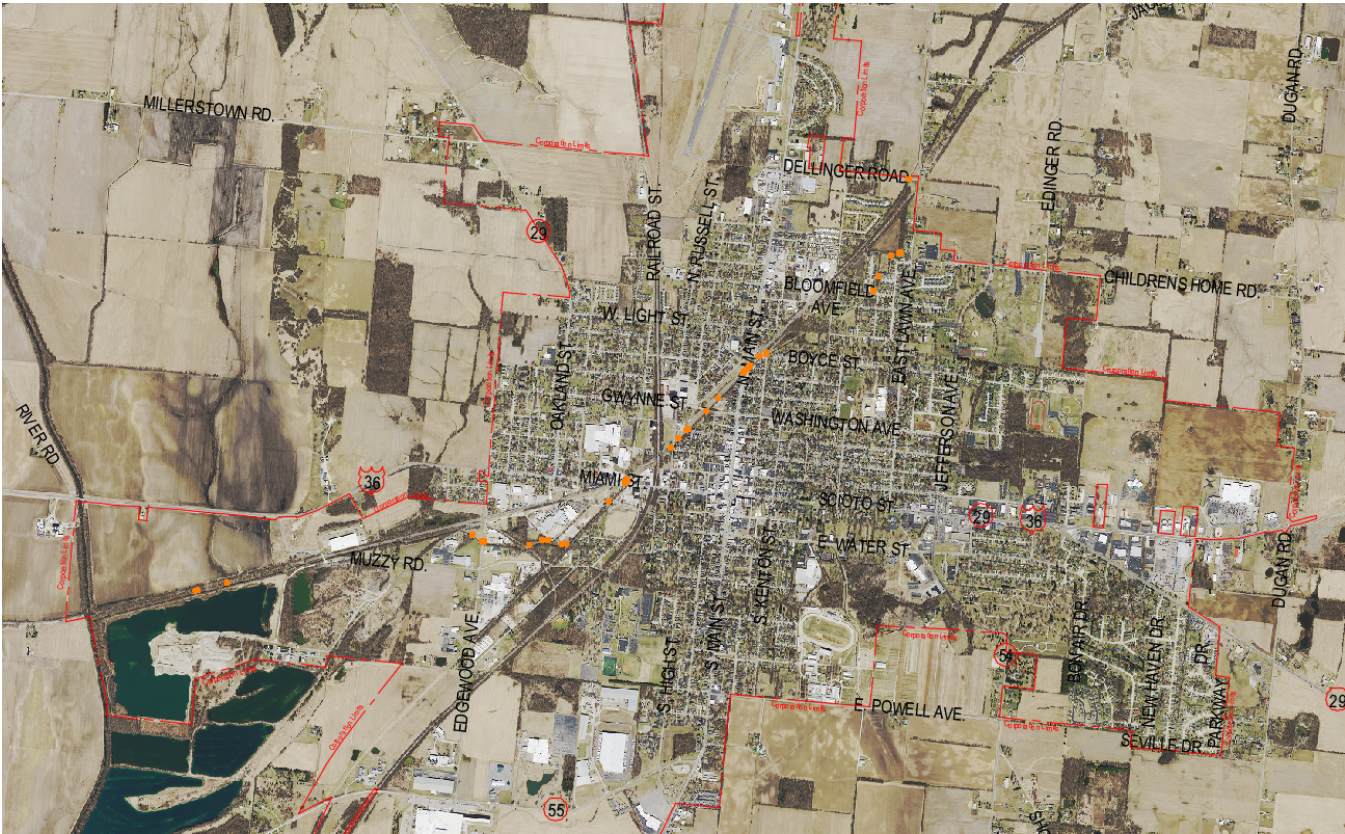
- *Dry Weather Outfall Screening – The City will complete dry weather field screening of 100% of its outfalls in the year 2022. This includes a visual inspection protocol for systematic visual screening of the storm water outfalls within municipal boundaries during a dry weather condition, where there has been no rain for two days (48 hrs) prior to the field visit.*
- *Citizen Complaints – The City maintains records of citizen complaints, including storm water related issues. The City will work to identify relevant citizen complaint records to assist in identifying potential illicit discharge issues. Calls can come into any City department and are funneled to the Stormwater Department to keep notes and follow-up. The process is to gather the information and follow-up. Citizens can also call the non-emergency hotline or fill out the complaint form (available on City Website) to report issues.*
- *Staff Observations – The City will train its staff to increase awareness of illicit discharges that may be caused by municipal operation and maintenance practices, as well as to increase staff awareness for the detection and identification of existing illicit discharges discovered during daily operations.*

2.2.1 DRY WEATHER OUTFALL VISUAL SCREENING

Dry weather outfall screening involves locating all known outfalls within the MS4 and performing inspections at these locations. The objective of dry weather field screening is to develop an assessment of dry weather discharges from MS4s to target future illicit discharge investigations toward sources with the highest probability of causing water quality concerns.

Dry weather inspections are a visual inspection of the outfall location. Dry weather is defined as a minimum of 48 hours of no rainfall (0.1") within an area. When dry weather flows are observed at an outfall, the flow is considered to be non-storm water related which can be from an illicit discharge or another action. Likewise, if no flow is observed during a dry weather screening, it does not mean there are no problems upstream. The known storm water outfall locations within the City are shown on **Figure 1**.

Figure 1. City of Urbana storm water outfall locations



2.2.1.1 INSPECTION PROCESS

The dry weather inspection process will follow these steps:

1. Field teams will consist of at least two (2) staff members.
2. Current City GIS storm system mapping information will be used indicating the outfall locations by number. An outfall inventory form w/general information about the outfall will be collected. **See Appendix A** for example outfall inventory forms.
3. Complete a visual inspection/screening process at each outfall. This is done in the field during the inventory process. This data is directly incorporated into an electronic database containing geographic references that allow the outfall information to be mapped and the screening info to be entered with attributes. This is then integrated with the City's GIS system. At a minimum, this visual inspection/screening will involve observations of the following:
 - Outfall Number
 - Location Information
 - Outfall size
 - Outfall condition
 - Submerged condition
 - Flowing condition and description
 - Odor
 - Water color
 - Presence of oil sheen

2.2.2 CITIZEN COMPLAINT CALLS

The City will work to identify relevant citizen complaint records to assist in identifying potential illicit discharge issues.

2.2.3 STAFF OBSERVATIONS

During normal daily operations conducted by the City, staff may observe evidence of illicit discharges. In addition, staff may conduct their routine activities in a manner that results in an illicit discharge. Under this Plan, staff will be trained regarding illicit discharges and provided information on appropriate channels for reporting them. This training is closely aligned with training regarding pollution prevention/good housekeeping activities under Minimum Control Measure (MCM) 6 and will be incorporated as part of the City's annual training program. Field staff that will participate in illicit discharge detection and elimination related activities will be trained in the following areas:

- The definition of illicit discharges/connections
- Techniques for finding and identifying and reporting
- Techniques for analyzing and recording
- Methods/procedures for eliminating

2.3 SAMPLING/ANALYSIS

Water quality sampling and analysis can be an effective tool within the IDDEP. Visual inspections of dry weather flows do not always include obvious indicators of illicit discharges. Taking a step past visual inspections includes water quality sampling and analysis which can provide more information. Some water quality parameters can be measured in the field with simple kits while others need to be reviewed at a laboratory.

Of the most used parameters, the City has determined specific tests that will be beneficial to the community based upon the community makeup and resources available. These parameters are identified below in **Table 3**.

Table 3. City Water Quality Test Parameters

Water Quality Test	Test Indicator	Comments
Conductivity	Dissolved solids	Can be measured in field w/probe; Recommended for Phase II communities
Bacteria (i.e., fecal coliform, E. coli)	Sanitary waste water	Can be measured at City Facility
Ammonia	High Levels – sanitary waste water	Can be measured at City Facility. Recommended for Phase II communities
Surfactants	Detergent	Recommended for Phase II communities
pH	Commercial/industrial flows	Can be measured in field w/probe; Recommended for Phase II communities
Temperature	Sanitary waste water, industrial cooling water	Can be measured in the field w/thermometer or probe
Hardness	Natural/treated waters	Cannot be tested at City Facility
Dissolved Oxygen	Low Levels – sewage problem	Can be measured at City Facility
Phosphorus	High Levels – sewage and/or illegal gray water	Can be measured at City Facility
Nitrates	High levels	Can be measured at City Facility

The City plans to test/investigate these parameters by engaging a consultant or utilizing current staff. This will occur during scheduled sampling and be reported in a database that will be tied to the outfall identification information in the City’s GIS system.

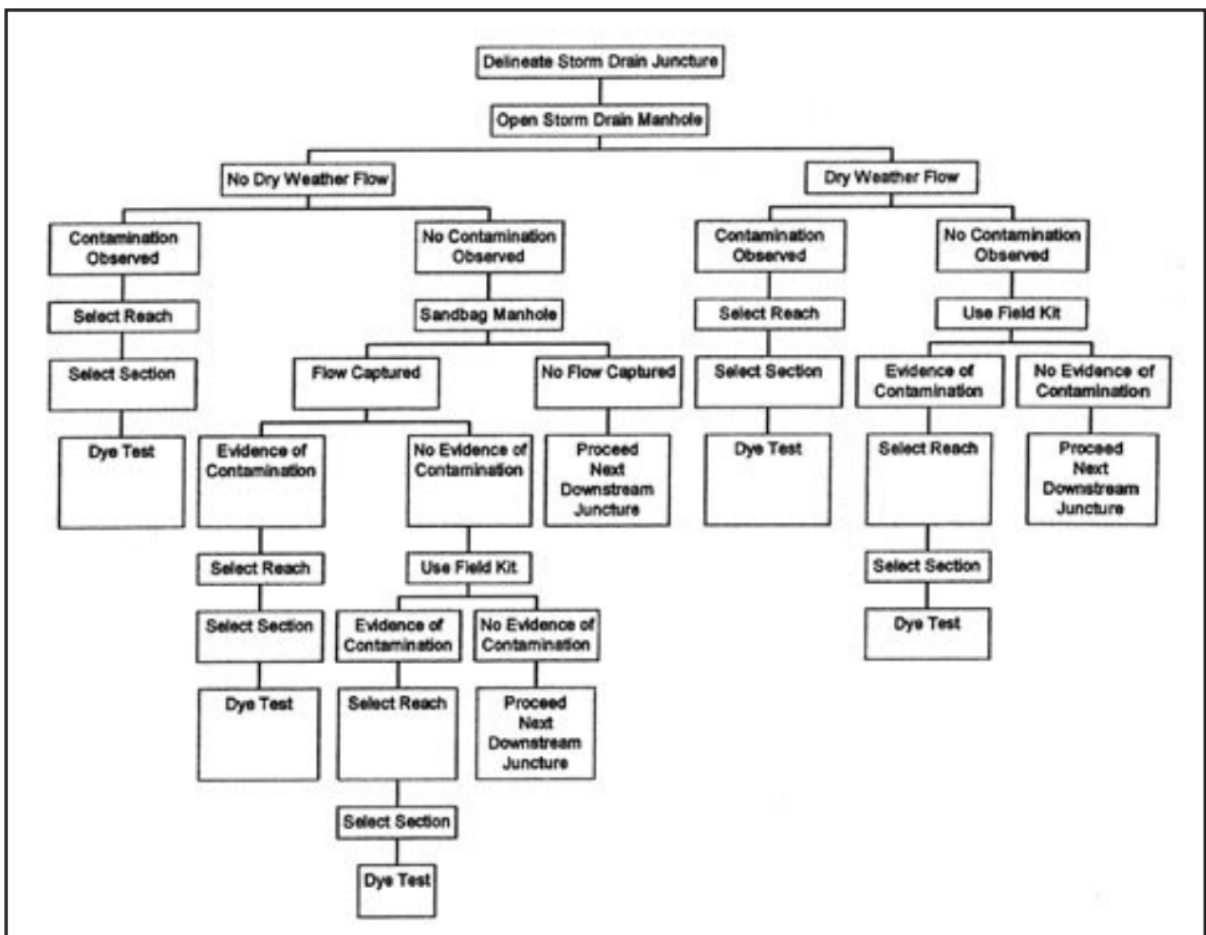
3.0 TRACING THE SOURCE

Evidence gained through the inspection phase described in Section 2 is used to locate the specific source of that illicit discharge. The City’s comprehensive storm sewer mapping (GIS) system will be a valuable component of tracing the source of an illicit discharge. This mapping identifies streams, waterbodies, the entire MS4 system including outfalls.

There are many options available to trace the source of illicit discharges. Commonly used methods include visual inspections/manhole observations, dye testing, televising/video inspection, smoke testing and preventing illegal dumping. If City staff receives notification of a suspect illicit discharge, City staff will likely be the first responder for such reports. If the location of the observed discharge falls outside the City’s jurisdiction (i.e., beyond the public right-of-way) or the investigation of the discharge requires resources and/or expertise beyond City staff capabilities, the City will contact the governing municipality as well as the property owner for an easement or agreement to perform further investigation. Once assessed, the proper authorities will be also notified, and a plan of action will be developed.

A typical process flow chart for following discharges down the conveyance system is demonstrated in **Figure 2** below.

Figure 2. A Process for Following Discharges Down the Pipe



Whoever takes the next step to perform the source investigation, a plan shall be developed and documented based upon the outfall screening data and other sewer system and land use data available. **Appendix B** includes template forms for documenting each type of testing. This plan should provide a rational basis for selecting an appropriate investigation method or combination of methods based upon the field observations and/or the understood nature of the identified discharge. A more detailed discussion of each method is provided below.

3.1 VISUAL INSPECTIONS/MANHOLE OBSERVATIONS

This technique involves following dry-weather flows from the identified illicit discharge outfall upstream along the drainage system to determine the potential boundaries of the source. The City's storm sewer mapping will be useful to determine the next upstream manhole with a junction to search for evidence of discharge. Utilize the mapping to determine if other junction lines are entering the main storm system that might need inspected. The visual inspection/observation is repeated until a junction is found with no evidence of flow. Key observations at this stage can include flow, odor, color, stains/deposits, oil sheen/scum/foam or standing water.

Sampling can also assist with this process. This investigation method is generally necessary before conducting other investigation efforts.

3.2 DYE TESTING

Once an area has been narrowed down thru the visual inspection/manhole observation stage, dye testing will help determine the exact location of the illicit discharge. Dye testing involves flushing non-toxic dye into points of entry (ie, toilets, sinks, etc.) and observing storm and sanitary sewer manholes and outfalls to look for the appearance of the dye downstream from the point of entry. Permission is required on private property prior to starting a dye test as well as notification of adjacent buildings/owners in advance of the testing. It is also recommended to contact the Champaign County Health Department and local district office of the OEPA Division of Emergency and Remedial Response as well as the fire department and other community personnel. This is a precautionary step in the event calls are received from concerned residents who observe dye in surface waters.

3.3 TELEVISIONING/VIDEO (CCTV) INSPECTION

Televising the storm line is another method that can be utilized to examine storm sewers to identify potential illegal connections to the storm drainage system. This method is beneficial in identifying the source of the illegal discharge as well as creating a video record of the discharge source. A camera is pushed or attached to a mobile unit that travels through the pipe.

3.4 SMOKE TESTING

Smoke testing is a specialized method used when mapping is not available to determine a location where there are known problems of illegal connections. Smoke testing involves injecting non-toxic smoke into storm sewers and observing where the smoke emerges to identify illegal connections. The process includes the placement of a smoke bomb or smoke generating machine in a storm sewer manhole below ground and forcing air in afterward. Qualified personnel are recommended to ensure accurate results. Residents should be notified with an explanation, date and reason for testing, precautions, what to do if smoke enters their home or business, health information and a number to call with concerns.

Note: Experience has found that the smoke testing is more effective in infiltration/inflow investigations of the sanitary sewer system than in detection of illegal connections to the storm sewer system.

3.5 PREVENTING ILLEGAL DUMPING

Illegal dumping is one source of illicit discharge. This approach involves the development of a coordinated system for collecting and tracking reports of illegal dumping and then working to prevent the occurrence. This would include the following:

- Site maintenance/controls – ensure areas of illegal dumping are cleaned up and employ controls to prevent further dumping (ie, signs, fencing, etc.)
- Enforcement – utilize City regulations for enforcement against illegal dumping
- Education – with Minimum Control Measure (MCM) 1, educate the public in a variety of ways regarding the dangers of illegal dumping; this can include brochures, storm drain stenciling, etc.

4.0 ELIMINATION

Ohio EPA's permit requires the City to establish the necessary legal authority to detect, investigate, and eliminate illicit discharges. The City has developed regulations to outline authority and enforcement procedures if an illicit discharge is identified through dry weather screening or as part of a follow-up investigation of identified priority areas. The type of discharge that is observed will determine the level of coordination necessary for further investigation and elimination of the discharge, involving the appropriate department or agency.

4.1 ILLICIT DISCHARGE REGULATIONS

The City has adopted IDDE regulations under Chapter 1185 of the City code. These regulations include provisions to access and inspect suspected illegal discharges from and illicit connections to municipal separate storm sewer systems (MS4s) within the municipal limits. These regulations also define allowable and prohibited discharges, and establish penalties related to continued violation of the regulations by failure to disconnect an identified illicit discharge.

4.2 ENFORCEMENT

If the nature and source of an identified illicit discharge is clearly understood, then the City will either take enforcement action or directly refer enforcement to the appropriate agency/department. **Table 4** summarizes the various types of illicit discharges and the corresponding agencies/departments with enforcement authority for a particular discharge type. If the nature and/or source of the observed or reported discharge is/are not thoroughly understood, additional investigation must be performed to determine the nature of the discharge and/or identify the source. Once the nature and source of the identified discharge is understood, the appropriate agency/department will be contacted to coordinate the elimination of the illicit discharge.

Table 4. Responsible Agency Notification for Certain Illicit Discharges

Source of Illicit Discharge	Responsible Agency/ Department and Phone Number	Notes
HSTSs	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	
HAZMAT	Urbana Fire Division 911	
Spills / Fires / Accidents	Urbana Fire Division 911	
Illegal Connections to Storm Sewers	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	
Dumping	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	
Food Services	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	
Homeowner Property Maintenance	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	
Industrial/Commercial	City of Urbana Stormwater Non-Emergency Hotline 937-653-3409	

4.3 SOURCES

This document used several public sources and examples to compile relevant information and tailor to this specific community. The main sources reviewed include:

Center for Watershed Protection and Robert Pitt. Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments. October 2004. U.S. Environmental Protection Agency, Washington, D.C.

Cuyahoga County Board of Health. Illicit Discharge Detection and Elimination Manual: A Guidance Manual for Municipalities in the State of Ohio. July 2006. Parma, Ohio.

APPENDIX A

SAMPLE OUTFALL INVENTORY FORM

OUTFALL INVENTORY FORM



OUTFALL #:	
General Location Information	Outfall Photograph
Receiving Stream:	
Watershed:	
Community: Marysville	
County: Union	
Specific Location Information (optional)	
N:	
E:	
Latitude:	
Longitude:	
Location Description	
Storm Sewer Map Information	Location Map from GIS
Is Outfall on Map?	
Map ID/Number:	
Map Source: Marysville GIS	
Stream side location (facing downstream):	
Left or Right:	
Pipe Characteristics	
Pipe Shape:	
Pipe Height (in):	
Pipe Width (in):	
Pipe Material:	
Pipe Condition:	
Outfall Type/Ownership	Additional Notes/Comments

APPENDIX B

SAMPLE INSPECTION FORMS FOR MH INSPECTION, SMOKE/DYE TESTING, ILLEGAL DUMPING

MANHOLE INSPECTION FORM

City of De Soto, KS

Date: 6/15/04

Project No.: _____

Manhole Number: A11

Precipitation: 1
1 = None, 2 = Light Rain, 3 = Heavy Rain, 4 = Snow

Address: E of Jaycee + Lexington next to power pole
Street: Lexington access from Kill Creek Pub & Grill

Ground Conditions: 3
1 = Dry, 2 = Damp, 3 = Wet, 4 = Standing Water

Inspected: Y

Reason Not Inspected: _____

- | | |
|-----------------|----------------|
| 1 = C.N.L. | 6 = Sealed Lid |
| 2 = D.N.E. | 7 = Traffic |
| 3 = Buried | 8 = Dog |
| 4 = Haz. Atmos. | 9 = Other |
| 5 = Unsafe | |

Location: 9

- | | |
|--------------------------|------------------------|
| 1 = Paved Street | 6 = Sidewalk |
| 2 = Unpaved Street | 7 = Parking Lot |
| 3 = Paved Intersection | 8 = Backyard |
| 4 = Unpaved Intersection | 9 = Ditch |
| 5 = Alley | 10 = Curb/Gutter |
| | 11 = Easement |
| | 12 = Private Residence |

Manhole Diameter: 4'

Manhole Depth: 7'

Downstream Pipe Length: _____

Subject to Ponding: Y

Ponding Depth: 3'

Tributary Area: 300 SF

Grade Elevation: 1

- 1 = Even
2 = Above
3 = Below

Evidence of Surcharge: N

Surcharge Depth: _____

Comments: _____

Type Codes:

- | | |
|-------------------|-------------------|
| 1 = Brick | 9 = PVC |
| 2 = Precast | 10 = PVC Coated |
| 3 = Block | 11 = Rebar |
| 4 = Clay Pipe | 12 = Bitumastic |
| 5 = Concrete Pipe | 13 = Grout |
| 6 = Poured | 14 = Ductile Iron |
| 7 = Rehab Coating | 15 = None |
| 8 = Cast Iron | 16 = Other |

Cover:	Type	Condition	Comments/Observations
--------	------	-----------	-----------------------

Diameter: 23 1/2" G F P

Thickness: 1"

Type: 2
1 = Light Duty, 2 = Heavy Duty, 3 = Bolt Down, 4 = Locking

Vented Cover: N Number of Vents: 0

Vent Diameter: N/A

Cover-to-Frame Fit: G F P

Frame: G F P

Inside Diameter: 22" Outside Diameter: 23 1/2"

Dwell: 1" Height: 10"

Frame-to-Chimney Seal: G F P

Chimney: G F P

Height: 9"

Corbel: G F P

Wall: G F P Lined w/ concrete

Bench: G F P

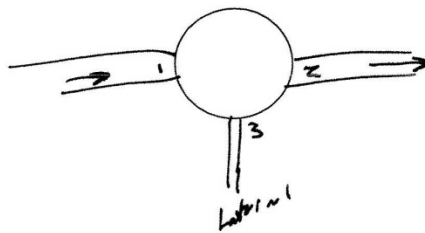
Invert: G F P

Steps: 10 G F P 3 steps

Number Missing: _____

Pipe:	Seal	Condition	I/I	Diameter	Type
Pipe #1	<input checked="" type="radio"/>	F P	<u>2</u>	<u>18"</u>	<u>VCP</u>
Pipe #2	<input checked="" type="radio"/>	F P	<u>2</u>	<u>18"</u>	<u>VCP</u>
Pipe #3	<input checked="" type="radio"/>	F P		<u>6"</u>	
Pipe #4		G F P			
Pipe #5		G F P			
Pipe #6		G F P			

Brass labeled to cleaned N



ATTACHMENT 2 – FORM NO. 302 - SMOKE AND DYE TESTING FIELD SHEET

Inspected by (company name):

Date tested: / /2001

Property address:	
Property type: Block / Units / Residential / Commercial / Industrial / School	
Boundary trap: Yes / No	Plunged: Yes / No / N/A
Sewer smoke tested: Yes / No Manhole No.	Stormwater smoke tested: Yes / No Manhole / Gully Pit No. Kerb / Soakage Trench / Other.....
Downpipes dye tested: Yes / No	Vent pipe Smoked: Yes / No
Stormwater to Sewer infiltration: m ²	Stormwater to ground: m ²
Stormwater defect details:	
Sewer to Stormwater connection: Yes / No	
Details of any other Sewer defects detected:	
Council defects:	
Inspected by (print name):	Signature:

Important! All above questions must be answered fully in neat legible writing.
Downpipe locations to be identified by sketch on the reverse side of this form or building drainage plan (if provided). Relationship of building(s) with road must also be shown.

Santa Clara Urban Runoff Illicit Connection/Illegal Dumping Reporting Form

Date: _____ Time: _____

Agency or Department: _____

Inspector(s): _____

I. ORIGIN OF REPORT			
1. Describe reason for conducting the investigation. (Definitions on Back): <input type="checkbox"/> Illicit Discharge Inspection (Routine) <input type="checkbox"/> Citizen Complaints <input type="checkbox"/> Interdepartmental Referral <input type="checkbox"/> Other _____ <input type="checkbox"/> Other Agency Referral			
II. SOURCE OF INCIDENT			
1. Describe location of source of discharge (company name, address, cross streets, physical features, etc.) _____ _____			
2. Describe Source of Incident (Definitions on Back): <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Automotive Facilities <input type="checkbox"/> Food Facilities <input type="checkbox"/> Construction Sites <input type="checkbox"/> Public Facilities/Utilities <input type="checkbox"/> Other/Unknown			
3. Responsible Party: _____ Address and Phone: _____			
4. Property Owner: _____ Address and Phone: _____			
III. TYPE OF INCIDENT			
1. Illegal Dumping Describe Material Discharged: <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Sanitary Spill or Leak <input type="checkbox"/> Unhardened Cement Discharge <input type="checkbox"/> Pools/Spas/Fountains Discharge <input type="checkbox"/> Tracking Soil <input type="checkbox"/> Surface Cleaning Discharge <input type="checkbox"/> Saw Cutting Slurry Discharge <input type="checkbox"/> Vehicle/Equipment Leaking <input type="checkbox"/> Vehicle Washing <input type="checkbox"/> Vehicle Repair <input type="checkbox"/> Equipment Cleaning </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Used Oil Dumping <input type="checkbox"/> Landscape Material Dumping <input type="checkbox"/> Accidental Spills <input type="checkbox"/> Paint Discharge <input type="checkbox"/> Carpet Cleaning Discharge <input type="checkbox"/> Food Facility Oil & Grease Discharge <input type="checkbox"/> Grey Water Discharge <input type="checkbox"/> Dewatering <input type="checkbox"/> RV Waste Discharge <input type="checkbox"/> Water Line Breaks </td> <td style="width: 33%; vertical-align: top;"> <input type="checkbox"/> Dumping (Hazardous) <input type="checkbox"/> Dumping (Non-hazardous) <input type="checkbox"/> Abandoned Drums Discharge <input type="checkbox"/> Dumpster Discharge <input type="checkbox"/> Cooling Water Discharge <input type="checkbox"/> Allowable Discharge <input type="checkbox"/> Miscellaneous Incidents <input type="checkbox"/> Other (describe): _____ </td> </tr> </table> Provide Additional Discharge Information (as appropriate): _____ _____	<input type="checkbox"/> Sanitary Spill or Leak <input type="checkbox"/> Unhardened Cement Discharge <input type="checkbox"/> Pools/Spas/Fountains Discharge <input type="checkbox"/> Tracking Soil <input type="checkbox"/> Surface Cleaning Discharge <input type="checkbox"/> Saw Cutting Slurry Discharge <input type="checkbox"/> Vehicle/Equipment Leaking <input type="checkbox"/> Vehicle Washing <input type="checkbox"/> Vehicle Repair <input type="checkbox"/> Equipment Cleaning	<input type="checkbox"/> Used Oil Dumping <input type="checkbox"/> Landscape Material Dumping <input type="checkbox"/> Accidental Spills <input type="checkbox"/> Paint Discharge <input type="checkbox"/> Carpet Cleaning Discharge <input type="checkbox"/> Food Facility Oil & Grease Discharge <input type="checkbox"/> Grey Water Discharge <input type="checkbox"/> Dewatering <input type="checkbox"/> RV Waste Discharge <input type="checkbox"/> Water Line Breaks	<input type="checkbox"/> Dumping (Hazardous) <input type="checkbox"/> Dumping (Non-hazardous) <input type="checkbox"/> Abandoned Drums Discharge <input type="checkbox"/> Dumpster Discharge <input type="checkbox"/> Cooling Water Discharge <input type="checkbox"/> Allowable Discharge <input type="checkbox"/> Miscellaneous Incidents <input type="checkbox"/> Other (describe): _____
<input type="checkbox"/> Sanitary Spill or Leak <input type="checkbox"/> Unhardened Cement Discharge <input type="checkbox"/> Pools/Spas/Fountains Discharge <input type="checkbox"/> Tracking Soil <input type="checkbox"/> Surface Cleaning Discharge <input type="checkbox"/> Saw Cutting Slurry Discharge <input type="checkbox"/> Vehicle/Equipment Leaking <input type="checkbox"/> Vehicle Washing <input type="checkbox"/> Vehicle Repair <input type="checkbox"/> Equipment Cleaning	<input type="checkbox"/> Used Oil Dumping <input type="checkbox"/> Landscape Material Dumping <input type="checkbox"/> Accidental Spills <input type="checkbox"/> Paint Discharge <input type="checkbox"/> Carpet Cleaning Discharge <input type="checkbox"/> Food Facility Oil & Grease Discharge <input type="checkbox"/> Grey Water Discharge <input type="checkbox"/> Dewatering <input type="checkbox"/> RV Waste Discharge <input type="checkbox"/> Water Line Breaks	<input type="checkbox"/> Dumping (Hazardous) <input type="checkbox"/> Dumping (Non-hazardous) <input type="checkbox"/> Abandoned Drums Discharge <input type="checkbox"/> Dumpster Discharge <input type="checkbox"/> Cooling Water Discharge <input type="checkbox"/> Allowable Discharge <input type="checkbox"/> Miscellaneous Incidents <input type="checkbox"/> Other (describe): _____	
2. Other Sources: <input type="checkbox"/> Illicit Connection <input type="checkbox"/> Storm Water Infiltration Devices <input type="checkbox"/> Other _____			
3. Complaint Not Found (Circle)			
IV. FOLLOW-UP AND ENFORCEMENT ACTIVITIES			
1. Describe corrective actions: _____ _____			
2. Describe materials distributed (brochures, BMPs, etc.): _____			
3. Describe Enforcement Action (Definitions on Back): <input type="checkbox"/> None (Incident Resolved) <input type="checkbox"/> Verbal Notice <input type="checkbox"/> Warning Notice <input type="checkbox"/> Administrative Action <input type="checkbox"/> Administrative Action with Penalty/Fine <input type="checkbox"/> Criminal Action <input type="checkbox"/> Referral for Enforcement			
Inspector(s) Signature _____			

APPENDIX C

CITY ORDINANCE CHAPTER 1185 – ILLEGAL DISCHARGE AND ILLEGAL CONNECTION

CHAPTER 1185

Illegal Discharge and Illegal Connection

1185.01 General provisions.

1185.02 Definitions.

1185.03 Prohibitions.

1185.04 Industrial or construction activity discharges.

1185.05 Access and inspection of properties and facilities.

1185.06 Notification of accidental discharges and spills.

1185.07 Violations, enforcement and penalties.

CROSS REFERENCES

Stormwater management - see P. & Z. Ch. 1183

1185.01 GENERAL PROVISIONS.

(a) Purpose and Intent. The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the municipal separate storm sewer system to the maximum extent practicable as required by Federal law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are to:

- (1) Regulate the contribution of pollutants to the municipal separate storm sewer system by any person;
- (2) Prohibit illicit discharges and illegal connections to the municipal separate storm sewer system;
- (3) Prevent non-storm water discharges, generated as a result of spills, inappropriate dumping or disposal, to the municipal separate storm sewer system; and,
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter

(b) Applicability. The provisions of this chapter shall apply throughout the incorporated area of the City of Urbana.

(c) Compatibility with Other Regulations. This chapter is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(d) Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

(e) Responsibility for Administration. The City of Urbana shall administer, implement, and enforce the provisions of this chapter.

(Ord. 4383. Passed 3-13-12.)

1185.02 DEFINITIONS.

(a) "**Accidental Discharge**" means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

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

(c) "**Construction Activity**" means activities subject to NPDES General Construction Permits and/or construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

(d) "**Illicit Discharge**" means any direct or indirect non-stormwater discharge to the municipal separate storm sewer system, except as exempted in Section 1185.03 .

(e) "**Illegal Connection**" means either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such

pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

- (2) Any pipe, open channel, drain or conveyance connected to the municipal separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(f) **"Industrial Activity"** means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

(g) **"National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit"** means a permit issued by the Ohio EPD under authority delegated pursuant to 33 USC §1342(b) 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.

(h) **"Municipal Separate Storm Sewer System"** means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, municipal streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (1) Owned or maintained by the City of Urbana;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

(i) **"Non-Stormwater Discharge"** means any discharge to the storm drain system that is not composed entirely of stormwater.

(j) **"Person"** means, except to the extent exempted from this chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

(k) **"Pollutant"** means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

(l) **"Pollution"** means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

(m) **"Premises"** mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(n) **"State Waters"** means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Ohio which are not entirely confined and retained completely upon the property of a single person.

(o) **"Stormwater Runoff"** or **"Stormwater"** means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(p) **"Structural Stormwater Control"** means a structural stormwater management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

(Ord. 4383. Passed 3-13-12.)

1185.03 PROHIBITIONS.

(a) **Prohibition of Illicit Discharges.** No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the municipal separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing

drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;

- (2) Discharges or flows from fire fighting, and other discharges specified in writing by the City of Urbana as being necessary to protect public health and safety;
 - (3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the State and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the municipal separate storm sewer system.
- (b) Prohibition of Illegal Connections. The construction, connection, use, maintenance or continued existence of any illegal connection to the municipal separate storm sewer system is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - (2) A person violates this chapter if the person connects a line conveying sewage to the municipal separate storm sewer system, or allows such a connection to continue.
 - (3) Improper connections in violation of this chapter must be disconnected and redirected to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Urbana Sanitary Sewer Superintendent.
 - (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Urbana requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Urbana. (Ord. 4383. Passed 3-13-12.)

1185.04 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater 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 City of Urbana prior to allowing discharges to the municipal separate storm sewer system. (Ord. 4383. Passed 3-13-12.)

1185.05 ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES.

The City of Urbana shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this chapter.

- (a) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the City of Urbana.
- (b) The owner or operator shall allow the City of Urbana ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (c) The City of Urbana shall have the right to set up on any property or facility such devices as are necessary in the opinion of the City of Urbana to conduct monitoring and/or sampling of flow discharges.
- (d) The City of Urbana may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the City of Urbana. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the City of Urbana and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (f) Unreasonable delays in allowing the City of Urbana access to a facility is a violation of this chapter.
- (g) If the City of Urbana has been refused access to any part of the premises from which stormwater is discharged, and the City of Urbana is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any

order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the City of Urbana may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 4383. Passed 3-13-12.)

1185.06 NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Urbana within three business days of the phone or in person 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 at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

(d) Failure to provide notification of a release as provided above is a violation of this chapter. (Ord. 4383. Passed 3-13-12.)

1185.07 VIOLATIONS, ENFORCEMENT AND PENALTIES.

(a) Violations.

(1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. Any person who has violated or continues to violate the provisions of this chapter, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

(2) In the event the violation constitutes an immediate danger to public health or public safety, the City of Urbana is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City of Urbana is authorized to seek costs of the abatement as outlined in subsection (e) hereof.

(b) Notice of Violation.

(1) Whenever the City of Urbana finds that a violation of this chapter has occurred, the City of Urbana may order compliance by written notice of violation.

(2) The notice of violation shall contain:

- A. The name and address of the alleged violator;
- B. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- C. A statement specifying the nature of the violation;
- D. A description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of such remedial action;
- E. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- F. A statement that the determination of violation may be appealed to the City of Urbana by filing a written notice of appeal within thirty (30) days of service of notice of violation.

(3) Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit discharges and illegal connections;
- 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 costs to cover administrative and abatement costs; and,
- F. The implementation of pollution prevention practices.

(c) Appeal of Notice of Violation. Any person receiving a Notice of Violation may appeal the determination of the City of Urbana. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.

(d) Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the appropriate authority upholding the decision of the City of Urbana, then representatives of the City of Urbana may enter upon the subject private 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 City of Urbana or designated contractor to enter upon the premises for the purposes set forth above.

(e) Costs of Abatement of the Violation.

(1) Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) days of such notice. If the amount due is not paid within thirty (30) days after receipt of the notice, or if an appeal is taken, within thirty (30) days after a decision on said 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.

(2) Any person violating any of the provisions of this chapter shall become liable to the City of Urbana by reason of such violation.

(f) Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Urbana shall deem appropriate, after the City of Urbana has taken one or more of the actions described above, the City of Urbana may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(g) Criminal Penalties. For intentional and flagrant violations of this chapter, the City of Urbana may issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(h) 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 chapter is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.

(i) Remedies Not Exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable Federal, State or local law and the City of Urbana may seek cumulative remedies. The City of Urbana may recover attorney's fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.

(Ord. 4383. Passed 3-13-12.)

CODIFIED ORDINANCES OF URBANA