

CITY OF JACKSON, TENNESSEE
RULES & REGULATIONS FOR THE CONTROL OF ILLICIT DISCHARGES
TO THE CITY STORM SEWER SYSTEM

SECTION 1. AUTHORITY

These Rules and Regulations are promulgated pursuant to City of Jackson Code of Ordinances, Title 14, Chapter 5, titled “Regulations for Discharges into the Storm Sewer System”.

SECTION 2. PURPOSE

The purpose of these rules and regulations is to provide for the health, safety, and general welfare of the citizens of the City of Jackson through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. These rules and regulations establish methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of these rules and regulations are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the MS4.
- (3) To establish procedures to carry out all inspection, surveillance, monitoring, and enforcement necessary to ensure compliance with these rules and regulations.

These rules and regulations are a part of the City of Jackson’s Stormwater Management Program and are intended to prevent certain non-stormwater discharges to and improper disposal of contaminants in the storm sewer system, to reduce, to the maximum extent practicable, pollutants that may be present in the outfalls from the storm sewer system.

SECTION 3 DEFINITIONS

For the purpose of these rules and regulations, the following shall mean:

Board. Also referred to as the Environmental Advisory/Appeals Board.

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

City. Also referred to as the City of Jackson.

Construction Activity. Activities which 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.

Illicit Discharge. An illicit discharge is defined as either of the following:

- Any discharge to a MS4 that is not composed entirely of stormwater.
- Any infiltration into the stormdrain system resulting from spills, illegal dumping, and contaminated runoff from residential, commercial and industrial properties.

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

- Any drain or conveyance, whether on the surface or subsurface that allows an illicit discharge to enter the storm drain system including but not limited to any conveyances that allow any non-stormwater 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,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that 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)(140).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

- (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law)...including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.
- (ii) Designed or used for collecting or conveying stormwater;
- (iii) Which is not a combined sewer; and
- (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.”

National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued by EPA (or by a State 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.

Non-Stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Outfall. The point where water flows out from a conduit, drain, or stream.

Person. Any and all persons, including individuals, firms, partnerships, associations, public or private institutions, state or federal agencies, municipalities or political subdivisions or public or private corporations.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that some may cause or contribute to pollution; floatables; pesticides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Potable Water. Any water from a public water supply system or private well that is suitable to drink.

Storm Sewer System. A system of roadside drainage ditches, street curbs & gutters, curb inlets, catch basins, pipes, culverts, manholes, basins and natural & manmade channels and swales, located within the City of Jackson and owned by the City of Jackson.

Stormwater. Any runoff from rain, snow or other form(s) of precipitation.

Stormwater Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION 4. PROHIBITION OF ILLICIT DISCHARGES

No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

A person who is the operator of a facility commits an offense if the person discharges, or causes to be discharged, stormwater associated with industrial or commercial activity without first having obtained a NPDES permit to do so.

The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described in Section 5.

SECTION 5. EXCEPTIONS TO ILLICIT DISCHARGES

Discharges to the storm sewer system that are in accordance with a valid NPDES Permit shall not be considered illicit discharges under these rules and regulations. Any person who holds or obtains a valid NPDES Permit to discharge to the storm sewer system shall provide a copy of the permit to Stormwater Management upon request.

Non-contaminated discharges from the following sources shall be exempt from these rules and regulations:

1. Water line flushing or other potable water sources,
2. Landscape irrigation or lawn watering with potable water,
3. Groundwater infiltration to storm drains,
4. Pumped groundwater and spring water,
5. Water from crawl spaces, foundations and footing drains,
6. Air conditioning condensate and once-through water from groundwater heat pump systems,
7. Non-commercial washing of vehicles,
8. Natural riparian habitat or wetland flows,
9. Dechlorinated swimming pool discharges (less than one (1) ppm chlorine),
10. Water from fire-fighting activities, and
11. Any other non-contaminated water source.

SECTION 6. PROHIBITION OF ILLICIT CONNECTIONS

The construction, use, maintenance or continued existence of illicit connections to the storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under laws or practices applicable or prevailing at the time of connection.

A person is considered to be in violation of these rules and regulations if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. Improper connections in violation of these rules and regulations must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

SECTION 7. NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into the storm sewer system, the person shall take all necessary steps to ensure the discovery, containment and cleanup of such release.

In the event of release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City of Jackson Stormwater Management in person or by telephone 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 City of Jackson Stormwater Management within three (3) business days of the telephone 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 (3) years.

SECTION 8. VIOLATIONS, ENFORCEMENT AND PENALTIES:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of the rules and regulations for the Control of Illicit Discharges to the City Storm Sewer System. Any person who has violated or continues to violate the provisions of these rules and regulations, may be subject to the enforcement actions outlined in this section.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Jackson is authorized to enter upon the subject private property, without giving

prior notice, to take any and all measures necessary to correct the violation and/or restore the property.

Stormwater Management personnel will periodically conduct visual screening and field tests of storm sewer system outfalls to detect illicit discharges. Reports submitted to Stormwater Management by the general public and/or City Departments will also be investigated. Upon detection of an illicit discharge, an attempt will be made to trace the discharge to its source. Upon verification of an illicit discharge source, the following enforcement procedures will be applicable:

A. Notification:

The responsible person will be sent a written notice of violation that will explain the violation(s) and require the submission of a corrective action plan within seven (7) calendar days of the written notice. The corrective action plan will address specific actions to be taken by the responsible person and provide a schedule for the elimination of the illicit discharge.

B. Cease and Desist Order:

Where there is an immediate threat to public health and safety or a threat to the receiving waters, Stormwater Management personnel will serve the responsible person with a Cease and Desist order requiring immediate elimination of the illicit discharge. The Cease and Desist Order shall be followed by written notice via certified mail within three (3) business days.

C. City Correction/Collection Procedures:

Should the responsible person fail to take appropriate actions to eliminate the illicit discharge within the prescribed or agreed upon time, Stormwater Management may remedy the condition or cause the same to be remedied by a City Department or outside contractor. Upon completion of the work, Stormwater Management shall determine the reasonable cost of the corrective action(s) and bill the responsible person.

D. Penalties:

Any person violating any of the provisions of these rules and regulations and cited into City Court by Stormwater Management shall be subject to the following civil penalties and/or legal actions:

1. The City shall have the right to recover all damages proximately caused by the violation to the municipality not to exceed \$450.00 times the number of days that the violation exists, which may include any reasonable expenses incurred in investigating violations, expenses involved in rectifying any damages, cost and attorney fees incurred by the city as the result of enforcing these rules and regulations.

2. Any person guilty of violating any of the provisions of these rules and regulations shall be subject to a fine of up to fifty dollars (\$50.00) per day for each day the violation exists, beginning the first day of the violation and continuing each day thereafter until the violation is corrected. Each day that a violation exists shall constitute a separate offense.
3. The City of Jackson may bring legal action to enjoin the continuing violation of these rules & regulations and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
4. The remedies and penalties 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.

SECTION 9. APPEALS

Any person aggrieved by the issuance of a Cease and Desist Order or assessment of correction costs per the City Correction/Collection Procedures, may appeal such actions to the Environmental Advisory/Appeals Board. The Notice of Appeal shall be in writing on forms provided by Stormwater Management and must be submitted to Stormwater Management within thirty (30) days of the after the action that is being appealed. The hearing of the appeal shall be in accordance with the Bylaws of the Environmental Advisory/Appeals Board.

Variances:

The Environmental Advisory/Appeals Board may vary the provisions of these rules and regulations in those situations where, in the Board's opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this code, or public interest, or when, in its opinion, the interpretation of the rules and regulations by Stormwater Management should be modified or reversed. Variances shall not violate any Federal, State or Local ordinance, law, rule or regulation or permit issued to the City of Jackson. If the decision of the Board reverses or modifies an order or assessment of Stormwater Management or varies the application of any provisions of this code, the minutes of the meeting of the Board must be specific as to the reasons for the reversal, modification or change. Stormwater Management shall immediately take action in accordance with such decision. Every decision of the Board shall be final; subject however to such remedy as any aggrieved person might have at law and equity.