



## Legislation Text

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**File #:** Ord 13-6, **Version:** 2

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Creating Chapter 51 of the Legislative Code controlling the introduction of non-stormwater discharges to the City's municipal separate storm sewer system.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN

Section 1.

That Leg. Code Chapter 51 is hereby re-enacted to read as follows:

Chapter 51. Allowable Discharges to the Storm Sewer System

Sec. 51.01. Purpose.

This ordinance is adopted in accordance with the City's National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer (MS4) permit which authorizes the discharge of stormwater to surface water. Pursuant to permit regulations, the City is required to control the introduction of non-stormwater discharges to the City's municipal separate storm sewer system.

Sec. 51.02. Definitions.

For the purposes of this chapter, the terms used in this chapter have the meanings defined as follows: City. "City" means the City of Saint Paul and its officials, employees, or duly authorized agents.

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

Groundwater. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or in rock formations deeper underground.

MPCA. The Minnesota Pollution Control Agency.

MS4 (Municipal Separate Storm Sewer System). The system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains that is: owned and operated by the City, or other public entity, and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued under the Clean Water Act (Section 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Section 1317, 1328, 1342, and 1345 authorizing the discharge of pollutants to water of the United States.

Non-Stormwater Discharge. Any substance not composed entirely of stormwater.

Prohibited Discharge. Any introduction of non-stormwater discharge to the City's municipal separate storm sewer system or to surface waters within the City, unless specifically exempted under section 51.03 (b) of this chapter.

Person. "Person" means any individual, association, organization, partnership, firm, corporation, or other entity recognized by law, acting as either the owner or as the owner's agent.

Pollutant. Any substance which, when introduced as non-stormwater, has potential to or does any of the following:

- (1) Interferes with state designated water uses;
- (2) Obstructs or causes damage to waters of the state;
- (3) Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or;
- (4) Adds an unnatural surface film on the water;
- (5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel; or
- (6) Harms human life, aquatic life, or terrestrial life.

Stormwater. Defined under Minnesota Rule 7077.0105, subpart 41(b), and means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff or drainage.

Surface Water. Ponds, lakes, rivers, streams, and wetlands.

#### Sec. 51.03. Non-Stormwater Discharges.

(a) No person shall cause any non-stormwater discharges to enter the City's municipal separate storm sewer system, or to any surface waters within the City, unless specifically exempted under paragraph (b) of this section.

(b) The following allowable discharges are exempted from this section:

- (1) Non-stormwater that is authorized by an NPDES point source permit obtained from the MPCA;
- (2) Fire fighting activities and fire suppression systems;
- (3) Dye testing for which the City has received written notification prior to the time of the test;
- (4) Water line flushing or other potable water sources;
- (5) Landscape irrigation or lawn watering;
- (6) Diverted stream flows;
- (7) Rising groundwater;
- (8) Groundwater infiltration to storm drains;
- (9) Uncontaminated pumped groundwater;
- (8)(10) Foundation or footing drains (but not including active groundwater dewatering systems);
- (9)(11) Air conditioning condensation;
- (11)(12) Springs;
- (12)(13) Non-commercial washing of vehicles;
- (13)(14) Natural riparian habitat and wetland flows;
- (14)(15) Dechlorinated swimming pool water;
- (15)(16) Street wash water discharges;
- (16)(17) Activities undertaken by the City, or by written authority of the City, deemed necessary to protect public health, welfare, or safety; and,
- (17)(18) Any other water source not containing a pollutant.

(c) No person shall intentionally dispose of substances including, but not limited to, grass, leaves, dirt, or landscape material into the City's municipal separate storm sewer system or to any surface waters within the City.

Sec. 51.04. Prohibited MS4 Connections.

No person shall construct, use, or maintain any connection to intentionally convey non-stormwater to the City's municipal separate storm sewer system. This prohibition expressly includes, without limitation, connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this ordinance if the person connects a line conveying non-stormwater to the storm sewer system, or allows such a connection to continue.

Sec. 51.05. Suspension of Storm Sewer System Access, Emergencies.

The City may, without prior notice, suspend MS4 discharge access to a person where it is determined that suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or public waters. If the violator fails to comply with a suspension order issued in an emergency, the City may take any step deemed necessary to prevent or minimize damage to the storm sewer system or public waters, or to minimize danger to persons.

Sec. 51.06. Access, Administrative Search Warrants.

If access to any part of a premises from which stormwater is discharged has been refused and, upon a demonstration of 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 ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, the City may seek an administrative search warrant from a court of competent jurisdiction.

Sec. 51.07. Criminal Violation, Enforcement.

Any person failing to comply with or violating any section of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be punished by fine, by imprisonment, or both, as provided under section 1.05 of this Code. All City approvals and permits shall be suspended until the violation(s) of this Chapter are corrected. Nothing in this section shall preclude the City from concurrently seeking the enforcement of the provisions of this chapter in a court of competent jurisdiction by civil action to enjoin any continuing violation(s).

Sec. 51.08. Each Day a Separate Offense.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Sec. 51.09. Public Nuisance

A violation of this ordinance is a public nuisance subject to abatement pursuant to City Code Chapter 45. When the City finds that a person has violated or failed to meet a requirement of this section, the person is deemed to have created a public nuisance per se subject to an injunction or any other appropriate remedy to prevent activities which would create further violations or compel a person to perform an abatement or remediation of the violation which the City may seek from a court of competent jurisdiction. All city approvals and permits shall be suspended until abatement of the nuisance condition(s). Nothing in this section shall preclude the City from concurrently seeking the enforcement of the provisions of this Chapter by criminal prosecution.

Sec. 51.10. Administration.

The departments of safety and inspections or public works, as the case may be, shall as determined, be responsible for the administration, implementation, and enforcement of the provisions of this Chapter.

Section 2.

This Ordinance shall be in full force and effect thirty days (30 days) from and after its passage, approval, and

publication.