

City of Valdosta Land Development Regulations

Article 3 Illicit Discharge and Illegal Connections

Section 310-91 Purpose and Intent

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

- (A) Regulate the contribution of pollutants to the City of Valdosta separate storm sewer system by any person.
- (B) Prohibit illicit discharges and illegal connections to the separate storm sewer system.
- (C) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the City of Valdosta separate storm sewer system.
- (D) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

Section 310-92 Applicability

The provisions of this article shall apply throughout the incorporated limits of the City of Valdosta.

Section 310-93 Responsibility for Administration

The Director of Utilities shall administer, implement, and enforce the provisions of this article.

Section 310-94 Prohibitions

(A) Prohibition of Illicit Discharges.

- (1) No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the City of Valdosta separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.
- (2) No person shall discard any waste material, including but not limited to common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location), upon any public or private property, whether occupied, open or vacant, including but not limited to any street, sidewalk, alley, right-of-way, open area or point of entry to the city separate storm sewer system except for sanitation route collection as authorized by the City of Valdosta. Every person occupying or having charge and control of property on which a prohibited disposal of waste materials occurs shall cause the proper collection and disposal of same. A prohibited disposal of waste material creates a danger to public health, safety, and welfare, and otherwise threatens the environment, surface waters and groundwater; therefore, any owner or occupant of property who fails to remove waste material within a reasonable time may be charged with creating a nuisance upon the property.
- (3) The commencement, conduct, or continuance of any illegal discharge to the city separate storm sewer system is prohibited except as described in subsection (4) of this section.
- (4) The following discharges are exempt from the prohibition provision above:
 - (a) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, swimming pools (if sufficiently treated to produce no detection of Total

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Residual Chlorine when analyzed to a specific detection limit of .05mg per liter), non-commercial washing of vehicles, and any other water source not containing pollutants.

- (b) Discharges or flows from fire fighting and other discharges specified in writing by the Director of Utilities as being necessary to protect public health and safety.
- (c) Any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the Georgia Department of Natural Resources (DNR) and/or the U.S. Environmental Protection Agency (EPA), provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from the authorizing governmental agency has been granted for any discharge to the City of Valdosta separate storm sewer system.

(B) Prohibition of Illegal Connections. The construction, connection, use, maintenance or continued existence of any illegal connection to the City of Valdosta 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 article if the person causes a conveyance of sewage or septic effluent into the City of Valdosta separate storm sewer system or allows such a connection or conveyance to continue.
- (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or, with the written approval of the City of Valdosta Director of Utilities, into the City sanitary sewer system.
- (4) Any drain or conveyance that has not been included in plans, maps, or otherwise documented and that may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the Director of Utilities requiring that such locating be completed. Such notice shall specify:
 - (a) A reasonable time period of not more than 10 working days, unless a longer period is authorized by the Director of Utilities, within which the location of the drain or conveyance is to be completed.
 - (b) That the drain or conveyance be identified as storm sewer, sanitary sewer, or other.
 - (c) That the outfall location or point of connection to the storm sewer system, sanitary sewer system, or other discharge point be identified.
- (5) The results of the investigations of the property owner or occupant shall be documented and provided to the Director of Utilities.

Section 310-95 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 Director of Utilities prior to allowing discharges to the City of Valdosta separate storm sewer system.

Section 310-96 Access and Inspection of Properties and Facilities

(A) The Director of Utilities shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this article.

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- (B) If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Director of Utilities during normal business hours.
- (C) The owner or operator shall allow the Director of Utilities 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, and the performance of any additional duties as defined by state and federal law.
- (D) The Director of Utilities shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the Director of Utilities, to conduct monitoring and/or sampling of flow discharges.
- (E) The Director of Utilities may require the owner or operator to install monitoring equipment and perform monitoring, as necessary, and make the monitoring data available to the Director of Utilities. 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 the satisfaction of the Director of Utilities, to ensure their accuracy.
- (F) 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 Director of Utilities and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (G) Delays of more than 5 working days in allowing the Director of Utilities access to a facility shall be a violation of this article.

Section 310-97 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 that are resulting or may result in illicit discharges or pollutants discharging into stormwater, the City of Valdosta 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 Director of Utilities in person, by phone, or facsimile of the location, nature, quantity, and time of occurrence of the discharge no later than 24 hours following the discovery of the release. In the event a discharge is caused by or during a catastrophic event, state of emergency, or natural disaster, such notification shall occur within seven (7) days of discovery. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Utilities within 3 working 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, provided such recurrence is preventable. 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, unless the discharge or spill was caused solely by the acts of a third party not under the control of the discharging entity.
- (C) In the event of a release of hazardous materials as defined by 40 C.F.R. 355 and 40 C.F.R. 302, in an amount greater than or equal to the minimum reportable quantity as defined by 40 U.S.C. § 355.20 of the Environmental Planning and Right to Know Act ("EPCRA"), emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (D) Failure to provide notification of a release as provided above shall be a violation of this article.

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Section 310-98 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation (excluding required stream buffers), excessive sediment, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, such that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 310-99 Detention Pond Protection

Every person owning property, or such person's lessee, upon which a detention pond, swale, gulley, inlet, outlet and/or pipe, being part of said property, will maintain that part within the property free of trash, debris, excessive vegetation, excessive sediment and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse.

Section 310-100. Violations and Penalties.

- (A) Violations. In the event the violation of any provision of this article constitutes an immediate danger to public health, safety, or welfare, the Director of Utilities is authorized to, to take any and all measures provided by law to abate the violation and/or restore the property. The Director of Utilities is authorized to seek reimbursement for costs of the abatement as outlined in subsection (E).
- (B) Notice of violation. If the Director of Utilities determines that a violation of this article has occurred, the Director of Utilities may order compliance by issuing a written notice of violation to the person responsible for the violation.
- (1) The notice of violation shall contain:
- (a) The name and address of the alleged violator.
 - (b) The address or other description of the site 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 article 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.
 - (f) A statement that the determination of violation may be appealed to the Director of Utilities by filing a written notice of appeal within 30 days of service of notice of violation.
- (2) 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 stormwater pollution or contamination hazards and the restoration of any affected property.
 - (e) Payment of costs to cover administrative and abatement costs subject to issuance of a court order.
 - (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 Director of Utilities. The notice of appeal must be received within 30 days from

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the date of the notice of violation. Hearing on the appeal before the Mayor and City Council shall take place within 30 days from the date of receipt of the notice of appeal. The decision of the Mayor and City Council 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 10 days of the decision of the Mayor and City Council upholding the decision of the Director of Utilities, then representatives of the City of Valdosta are authorized to take any and all measures provided by law 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 government agency or designated contractor to enter upon the premises for the purposes set forth above.

Any person violating any of the provisions of this article shall become liable to the City of Valdosta by reason of such violation.

- (E) 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 10 working days, or such greater period as the Director of Utilities shall deem appropriate, after the Director of Utilities has taken one or more of the actions described above, the Director of Utilities may impose a penalty not to exceed \$1,000 for each day the violation remains un-remedied after service of the notice of violation.
- (F) Criminal Penalties. For intentional and flagrant violations of this article, the Director of Utilities may issue a citation to the alleged violator requiring such person to appear in Magistrate Court of Lowndes County 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 working days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (G) 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 article 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.
- (H) Remedies Not Exclusive. The remedies listed in this article are not exclusive of any other remedies available under any applicable Federal, State or local law. The City of Valdosta may seek cumulative remedies. The City of Valdosta may also recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

Section 310-101 Compatibility with Other Regulations

This article is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article 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.

Sections 310-102 through 310-109 Reserved