

STORMWATER MANAGEMENT ORDINANCE

1. Purpose and authority.

Increased development without proper consideration of stormwater impact can be a significant source of pollution to surface and ground water. Our water resources are valuable natural economic, recreational, cultural and aesthetic resources. The protection and preservation of these resources is in the public interest and is essential to the health welfare and safety of the residents of Old Lyme. It is therefore the purpose of this ordinance, in accordance with the authority granted to municipalities under Section 7-148(c)(8)(A) and Sections 22a-36 to 229-45 inclusive of the Connecticut General Statutes, to protect and preserve the resources within the Town by managing stormwater flows in accordance with the standards set forth by the Connecticut Department of Environmental Protection. The objectives of this ordinance are:

- A. To promote the regulation of the contribution of hazardous material or other pollutants to storm sewer systems by stormwater discharge;
- B. To prohibit illicit connections and discharge to storm sewer systems within the Town; and
- C. To designate an Enforcement Officer who shall administer and enforce the provisions of this ordinance.

2. Definitions.

For the purposes of this ordinance, the following definitions shall apply:

- A. 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.
- B. Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system.
- C. Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water 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 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

- D. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
- E. Pollutant. Anything which 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 same may cause or contribute to cause or contribute to pollution; floatables; pesticides, herbicides, 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.
- F. Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- G. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

3. Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands.

4. Responsibility for Administration.

The Board of Selectmen shall appoint an Enforcement Officer to administer and enforce the provisions of this ordinance.

5. Prohibition of Illegal Discharge.

No person shall discharge or cause to be discharged into a municipal storm drain, storm drainage system or watercourse 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 storm water. The commencement, conduct or continuance of any such discharge to the storm drain system shall be prohibited.

6. Exemptions from Discharge Prohibitions.

- A. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation or lawn watering, diverted stream flows, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), and natural riparian habitat or wet-land flows.
- B. The prohibition shall not apply to discharges exempted specifically in writing by the Enforcement Officer as being necessary to protect public health and safety.
- C. The prohibition shall not apply to any non-storm water discharge authorized under a permit or order issued under the National Pollutant Discharge Elimination System (NPDES) by the Federal Environmental Protection Agency.

7. Prohibition of Illicit Connections.

The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited. Such illicit connection shall specifically include the connection of a line conveying sewage to a storm drain system or the allowance of such a connection, previously made by others, to continue.

8. Watercourses Protection.

Every person owning property through which a watercourse passes shall be responsible to maintain that portion of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that could pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structure will not become a hazard to the use, function or physical integrity of the watercourse.

9. Enforcement.

Notice of Violation. Whenever the Enforcement Officer shall determine that a violation of a prohibition set forth in this ordinance or a failure to meet a requirement of the ordinance, the Enforcement Officer may order compliance by written notice of violation to the responsible party and to the owner of the property on which such violation has taken place. Such notice may require, without limitation:

- i. Performance of monitoring, analysis, and reporting;
- ii. Elimination of illicit connections or discharges;
- iii. That such discharges, practice and/or operations in violation of this ordinance shall cease and desist;
- iv. Abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- v. Payment of a fine to cover administrative and remediation costs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a time deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated contractor and the expense thereof charged to the violator.

10. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the Enforcement Officer. The notice of appeal must be received by the First Selectman within fifteen (15) days from the date of the notice of violation. Hearing on the appeal shall be before the Board of Selectmen or such hearing board as the Board of Selectmen shall designate within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Board of Selectmen or its designee shall be final.

11. Injunctive Relief.

If a person has violated and continues to violate the provisions of this ordinance, the Enforcement Officer may petition the Superior Court for the Judicial District of New London for a preliminary and permanent injunction restraining such person from activities which would create further violations or compelling the person to perform remediation of the violation.

12. Remedies Not Exclusive.

The remedies described in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Enforcement Officer to seek cumulative remedies.