

**ARTICLE 8.0            RULES AND REGULATIONS REGARDING ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO THE SEPARATE STORM SEWER SYSTEM**

**SECTION 800.        SCOPE**

The rules and regulations regarding illegal discharges and illicit connections to the Clermont County Separate Storm Sewer System (CCS4) are enacted pursuant to ORC Section 6117.01. The purpose of the regulations contained herein is to reduce to the maximum extent practicable the introduction of pollutants into the CCS4 in order to protect the health, safety, and welfare of the citizens of Clermont County and to comply with requirements of Ohio EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges.

**800.1 Objectives**

The objectives of these regulations are:

- A. To regulate the contribution of pollutants to the CCS4 by any person;
- B. To prohibit illicit discharges and illegal connections to the CCS4;
- C. To prevent non-storm water discharges, generated as a result of spills, inappropriate dumping or disposal, to the CCS4.
- D. To establish the legal authority to ensure compliance with the provisions of these regulations through the inspection, monitoring, and enforcement procedures described herein.

**800.2 Applicability**

These regulations shall apply to all substances entering or likely to enter the CCS4 which are generated on any premises within Clermont County unless explicitly exempted by the Enforcing Official or allowable under a NPDES Storm Water Discharge Permit.

**800.3 Compatibility with Other Regulations**

These regulations are not intended to modify or repeal any other regulation, rule, or other provision of law. The requirements of these regulations are in addition to the requirements of any other regulation, rule, or other provision of law, and where any provision of these regulations imposes restrictions different from those imposed by any other regulation, rule, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

## **SECTION 810 DISCHARGE PROHIBITIONS AND EXEMPTIONS**

### **810.1 Prohibition of Illegal Discharges**

**810.1-1** No person shall discharge or cause to be discharged into any portion of the CCS4 any pollutants, contaminants, or waters containing any pollutants or contaminants other than storm water that cause or contribute to a violation of these regulations or the NPDES Storm Water Discharge Permit.

**810.1-2** No person shall connect or cause to be connected any pipe, ditch or other outlet or accessory to any portion of the CCS4 which conveys or discharges any pollutants, contaminants or substances other than storm water into the CCS4 without written permission from the Enforcing Official. The un-permitted construction, use, maintenance or continued existence of such a connection is prohibited. This prohibition expressly includes, without limitation, connections made prior to the effective date of these Regulations and for which the Enforcing Official has not issued a valid and binding permit, regardless of whether the connection was previously permissible under the law or practices applicable or prevailing at the time of connection.

### **810.2. Exemptions to Illegal Discharges**

**810.2-1** The following non-storm water discharges are not considered illicit discharges and are exempt from discharge prohibitions established by these regulations:

- A. water line flushing or other potable water sources,
- B. landscape irrigation or lawn watering,
- C. diverted stream flows,
- D. rising ground water,
- E. ground water infiltration to storm drains,
- F. uncontaminated pumped ground water,
- G. foundation or footing drains (not including active groundwater dewatering systems),
- H. crawl space pumps,
- I. air conditioning condensation,
- J. springs,
- K. non-commercial washing of vehicles,
- L. natural riparian habitat or wetland flows,
- M. residential swimming pools with pH levels between 6.5 and 8.5,
- N. fire fighting activities,
- O. street wash water
- P. any other water source not containing pollutants
- Q. Discharges specified in writing by the Enforcing Official as being necessary to protect public health and safety.

**810.2-2** Dye testing is an allowable discharge, but requires a verbal notification to the Enforcing Official prior to the time of the test.

**810.2-3** The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Ohio or U.S. 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 storm drain system.

### **810.3 Home Sewage Treatment Systems**

Discharges from home sewage treatment systems into the CCS4 must meet the regulatory requirements under Ohio Administrative Code Section 3701-29-01 or other applicable regulatory requirements. Home sewage treatment systems which have off-lot discharges must also be designed, sited and maintained in a manner consistent with Ohio Administrative Code Section 3701-29-01 or other applicable regulatory requirements. Discharges into the CCS4 from improperly functioning home sewage treatment systems are not permitted under any circumstances.

### **810.4 Watercourse Protection**

Every person owning property through which a watercourse serving the CCS4 passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard waste, excessive vegetation, 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, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

## **SECTION 820 MONITORING OF DISCHARGES**

### **820.1 Access and Inspection of Properties and Facilities**

A. The Enforcing Official shall be permitted to enter and inspect premises subject to supervision under these regulations as often as may be necessary to determine compliance with these regulations. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the Enforcing Official.

- B. Facility operators shall allow the Enforcing Official ready access without unreasonable delays to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES storm water discharge permit, and the performance of any additional duties as defined by state and federal law.
- C. The Enforcing Official has the right to require the discharger to allow the installation of monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy. These calibration records will be kept on hand and made readily available at all times.

## **SECTION 830        NOTIFICATION OF ACCIDENTAL DISCHARGES AND SPILLS**

- 830.1**        As soon as any person responsible for a premises, or responsible for emergency response to a premise has knowledge or information of an un-permitted discharge from such premises into the CCS4 which does not involve hazardous materials, said person shall promptly notify the Enforcing Official and shall take all reasonable steps to ensure the expedient containment and cleanup of such discharges, protect the health and safety of the public and mitigate damage to the environment. Where an un-permitted discharge or threatened discharge involves the release of hazardous materials, said responsible person shall, in addition to the above actions, immediately notify the appropriate emergency response agencies.
- 830.2**        In the case of an un-permitted discharge which involves the release of non-hazardous materials, "prompt notification" shall mean notification to the Enforcing Official by phone, e-mail or facsimile as expeditiously as possible, but not later than the next business day. In all cases involving un-permitted discharges, notification in person, by phone, e-mail or facsimile shall be confirmed by written notice addressed and mailed to the Enforcing Official within three (3) working days of the phone, e-mail or facsimile notice.
- 830.3**        Where an un-permitted discharge or threatened discharge involves the release of materials 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 mitigate the effects of such release and to prevent its recurrence. Such records shall be retained for a period of not less than five years from the time of the incident.

**SECTION 840            USE OF BEST MANAGEMENT PRACTICES TO ELIMINATE ILLICIT DISCHARGES**

**840.1**            The person responsible for a premise which is, or may be, the source of an illicit discharge or illegal connection, may be required to implement, at said person's expense, additional structural and non-structural Best Management Practices (BMPs) to prevent the further discharge of pollutants to the CCS4. Compliance with all terms and conditions of a valid NPDES storm water discharge permit associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of these regulations. These BMPs shall be part of a Storm Water Pollution Prevention Plan as necessary for compliance with requirements of the NPDES permit.

**SECTION 850            ENFORCEMENT**

**850.1            Notification of Violation**

**850.1-1**            Whenever the Enforcing Official finds that a person has failed to meet a requirement hereof, the Enforcing Official may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of illicit discharge or contamination hazards and the restoration of any affected property; and
- E. The implementation of control measures required by the Enforcing Official.

**850.1-2**            The requirement to implement such measures may be in addition to and not in lieu of any prosecution for fines or other remedies as may be available to the Enforcing Official under applicable law.

**850.1-3**            If abatement of a violation or restoration of affected property is required as a result of an un-permitted discharge, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed based on the scope of the problem that requires correction. The notice may further provide that, should the violator fail to remediate or restore within the established deadline, the enforcing agency may seek to recover all remediation costs from the violator in addition to any civil and/or criminal penalties as may be recoverable under applicable laws.

**850.2 APPEAL OF NOTICE OF VIOLATION**

Any person receiving a Notice of Violation may appeal the determination of the Enforcing Official to the Clermont County Board of Appeals. The notice of appeal must be in writing and received within ten (10) working days from the date of mailing of the Notice of Violation. The Board of Appeals shall set a date for a public hearing upon receiving the appeal request form the applicant and shall arrive at a decision no more than fifteen (15) days after the hearing. Appeals from the decision made by the Board of Appeals may be taken to the Clermont County Court of Common Pleas.

**850.3 INJUNCTIVE RELIEF**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of these Rules and Regulations. In addition to seeking civil penalties for any such violation(s), the Enforcing Official may petition the appropriate court for injunctive relief to restrain continuing or threatened future violations and/or to compel the abatement of the activities leading to any violation or threatened violation, or the remediation of the effects of any violation.

**850.4 VIOLATIONS A PUBLIC NUISANCE**

A condition caused or permitted to exist as a result of any violation of Article X.0 of the Clermont County Water Management and Sediment Control Regulations which threatens the public health, safety, or welfare constitutes a public nuisance subject to abatement, restoration and/or civil action to abate or enjoin as may be available under applicable law.

**850.5 REMEDIES NOT EXCLUSIVE**

The remedies provided in Article 330.1.2 of the Clermont County Water Management and Sediment Control Regulations shall not be exclusive of any other remedies available under any applicable federal, state or local law, and it is within the discretion of the Enforcing Official to seek cumulative remedies.