

**AGENDA
LEBANON CITY COUNCIL
MAY 6, 2020**

9. NEW BUSINESS:

**9.E – DISCUSSION & SET PUBLIC HEARING FOR JUNE 3, 2020:
ORDINANCE #2020-07 TO REPEAL & REPLACE CITY CODE CHAPTER 124,
USE OF PUBLIC STORMWATER SYSTEM**

BACKGROUND

Regulations regarding discharges to the City’s Stormwater Drainage System have been in place since 2014. The purpose of the existing regulations is to control and prohibit illicit connections and discharges into the storm drain system in order to comply with the requirement of the National Pollutant Discharge Elimination System permit process, in conformity with the City’s Illicit Discharge Detection and Elimination Plan (November 2011).

Action to adopt Ordinance #2020-07 will effectuate a permitting system for connections to and extension/expansion of the existing stormwater system.

ACTION

Should the Council accept the recommendations of City Administration, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, June 3, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-07, to repeal and replace City Code Chapter 124, Use of Public Stormwater System.

Included in this Section:

1. Proposed Ordinance #2020-07
2. City Code Chapter 124, Use of Public Stormwater System

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**CITY OF LEBANON
ORDINANCE #2020-07**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by deleting and repealing Chapter 124, Public Stormwater System, Use of, and replacing it with a new Chapter 124, to be entitled Public Stormwater System, Use of, which chapter regulates the public's use of the City's Stormwater Drainage System.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1

The Code of the City of Lebanon is hereby amended by deleting and repealing Chapter 124, Public Stormwater System, Use of.

Section 2

The Code of the City of Lebanon is hereby amended by adding a new Chapter 124, Public Stormwater System, Use of, to read as follows:

- §124-1 Purpose; Statutory Authority
- §124-2 Interpretation; Definitions
- §124-3 Discharges and Connections Prohibited
- §124-4 Stormwater Connections and Extensions
- §124-5 Authority to Investigate
- §124-6 Enforcement Powers
- §124-7 Penalties

§ 124-1 PURPOSE; STATUTORY AUTHORITY.

- A. The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the City through the regulation of discharges into the City's stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter controls connections and discharges into the City's separate storm drainage system in order to comply with the requirement of the National Pollutant Discharge Elimination System permit process, in conformity with the City's "Illicit Discharge Detection and Elimination Plan" (November 2011).
- B. This chapter is adopted pursuant to RSA 149-I:6, RSA Ch. 147, and RSA 47:17; 40 CFR Part 122, 33 U.S.C. § 1251.

§ 124-2 INTERPRETATION; DEFINITIONS.

- A. This chapter and terms used herein shall, to the greatest possible extent, be interpreted in a manner consistent with the Clean Water Act, 33 U.S.C. § 1251 et seq., and with state and federal regulations adopted thereunder, as well as with the City's other ordinances, including but not limited to Chapter **136**, Sewer Service. The requirements of this chapter are in addition to those of other federal, state or local laws, and are not a substitute therefor.

B. In addition, the following terms and phrases shall have the following meanings.

DIRECTOR OF PUBLIC WORKS - The Director of Public Works of the Department of Public Works of the City of Lebanon, New Hampshire, who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

DISCHARGE - Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, including any direct or indirect entry, any solid or liquid matter into the storm drainage system, or in a location where it can reasonably be anticipated to flow into or enter the storm drainage system; or alternatively, the solid or liquid matter which is so disposed, deposited, spilled, poured, injected, seeped, dumped, leaked or placed into the storm drainage system.

ILLICIT CONNECTION - Any drain or means of conveyance, whether on the surface or subsurface, which causes or allows an illegal discharge to enter the storm drainage system, including but not limited to any connections to the storm drainage system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved; or any drain or conveyance from a commercial or industrial land use to the storm drainage system which has not been approved by an authorized enforcement agency, and documented in plans, maps, or equivalent records.

PERSON - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, state and local governmental entities.

POLLUTANT - Anything which causes or contributes to pollution, including but not limited to paints, varnishes, solvents, oil and other automotive fluids, nonhazardous liquid and solid wastes, yard wastes; refuse, rubbish, garbage, litter or other abandoned or discarded objects and accumulations, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, construction wastes and residues, and noxious or offensive matter of any kind.

PREMISES - Any building, lot, parcel of land, parking areas or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the City from which Discharges into the Storm Drainage System are or may be created, initiated, originated or maintained.

STORMWATER - Surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER CONNECTION - A pipe, culvert, ditch, channel and other drainage structure that connects a premises to the City's Stormwater Drainage System.

STORMWATER CONNECTION PERMIT - Permit issued by the City Manager for connection to the City's Stormwater Drainage System for the purposes of discharging stormwater.

STORMWATER DRAINAGE SYSTEM OR SEPARATE STORM SEWER SYSTEM - Publicly owned facilities, or any portion thereof, by which stormwater is meant to be collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, culverts, inlets, piped storm drains, pumping facilities, retention and detention basins,

natural and human-made or altered ditches, channels, reservoirs, and other drainage structures. The privately owned and maintained service pipe extending from the Premises to the municipally maintained main pipe, culvert, manhole or other device in the public right of way shall not be considered part of the Storm Drainage System.

§ 124-3 DISCHARGES AND CONNECTIONS PROHIBITED.

- A. No person shall discharge, as defined in §124-2 above, or cause to be discharged into any portion of the City's stormwater drainage system, also as defined below, any solid or liquid material of any kind, including but not limited to pollutants or waters containing any pollutants, other than water that consists entirely of stormwater, except when a stormwater connection permit is issued and that discharges of water from the following sources or under the following conditions are permitted:
- (1) Discharges resulting from landscape irrigation or lawn watering;
 - (2) Natural riparian habitat or wetland flows, or infiltration to storm drains from groundwater or springs;
 - (3) Diversion of nonpolluted natural stream flows or rising groundwater;
 - (4) Unpolluted groundwater including unpolluted water from foundation drains;
 - (5) The flushing of drinking waterlines or other potable water sources;
 - (6) Air-conditioning condensation;
 - (7) Noncommercial washing of vehicles;
 - (8) Discharge from swimming pools, but only if non-chlorinated (defined as less than one PPM chlorine);
 - (9) Hydrant flushing and Firefighting activities;
 - (10) Discharges which are permitted, in advance and in writing, by the Director of Public Works as being necessary to protect public health and safety as detailed in Section C below;
 - (11) Dye testing, if permitted in advance, either verbally or in writing, by the Director of Public Works; and
 - (12) Discharges permitted under a National Pollutant Discharge and Elimination System ("NPDES") permit, waiver, or waste discharge order, issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, order, or other applicable laws and regulations, and has obtained written advance permission from the Lebanon Director of Public Works.
- B. The construction, use, maintenance or continued existence of any illicit connection, as defined in §124-2 above, to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

§ 124-4 STORMWATER CONNECTIONS AND EXTENSIONS

A. Stormwater Permit

There is, as established by the Code of the City of Lebanon, Chapter 68, a Stormwater Connection Permit application fee for all users of the City of Lebanon stormwater drainage system. This application fee herein shall apply to all persons whose premises stormwater enters the public stormwater drainage system of the City of Lebanon except as detailed in §124-3, Section A above.

- (1) Each connection shall be separately assessed to the owner(s) of land being benefited thereby regardless if that land has more than one connection to the City's public stormwater drainage system. The application fee set forth herein is a one-time charge to offset the administrative costs of the application process.
- (2) Application fees shall be paid upon submission of application for a stormwater connection permit. This fee is non-refundable regardless of whether a stormwater connection permit is issued or not.
- (3) No Person shall connect to the Stormwater Drainage System unless the City has issued a permit for such connection.
- (4) Any Person wishing to connect to the Stormwater Drainage System (the Applicant) shall make application on a form furnished by the City. The permit application shall be supplemented by any plans, specifications, engineering studies or other information considered pertinent in the judgment of the Director of Public Works. Such supplemental information will be supplied at Applicant's cost.
- (5) The Director of Public Works shall review the service data to determine whether it has sufficient capacity to provide stormwater drainage service to the Applicant.
 - a. If the Director of Public Works determines that he/she does not or will not have sufficient capacity to serve he/she shall not be obligated to provide the service. The City Manager may, at his/her option and discretion, enter into such agreements with Applicant to make readiness to serve improvements at Applicant's expense.
 - b. If the City Manager determines, based on input from the Director of Public Works that there is sufficient capacity to provide adequate service, the City Manager may approve the service and assess a permit fee.
 - c. Service shall not be provided until all required deposits or payments have been made by the Applicant.
- (6) All costs and expenses incident to the installation and connection to the Stormwater Drainage System shall be borne by the Applicant. The Applicant shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the connection to the Stormwater Drainage System.
- (7) The method of connection to the Stormwater Drainage System shall be acceptable to the Director of Public Works and shall conform to the requirements of all applicable building and plumbing codes, Public Works Department specifications or to other applicable rules and regulations.
- (8) The Applicant shall notify the Director of Public Works when the connection to the Stormwater Drainage System is ready for inspection and connection to the Stormwater Drainage System. The connection shall be made under the supervision of the Director of Public Works or his/her designee. No back-filling shall occur prior to inspection.
- (9) All excavations for connections to the Stormwater Drainage System shall be adequately guarded with barricades and lights and so as to protect the public from

hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. Prior to any excavating on any public property, an excavation permit must be obtained from the Department of Public Works. This provision does not relieve any Person from any applicable state or federal laws or regulations relating to excavation.

- (10) Connection to the Stormwater Drainage System is at the Person's own risk.
- (11) Any Person connected to the Stormwater Drainage System shall be responsible for the ownership and maintenance of the stormwater conveyance extending from the Premises to the Stormwater Drainage System and all equipment and devices as approved by the Permit.

B. Stormwater Extensions

Extensions of the stormwater drainage system within the City of Lebanon shall require the approval of the City Manager. All extensions of the stormwater drainage system shall, in addition, require the issuance of a Stormwater Connection Permit in accordance with this Chapter.

- (1) Upon a request by a property owner or a developer(s) for the extension of the stormwater drainage system the City Manager shall make a determination upon the request and shall base his/her decision upon:
 - a. Technical feasibility to include the system's capacity.
 - b. Fiscal consequences
 - c. Environmental consequences
 - d. Whether or not the requestor shall pay for all costs relating to the extension
- (2) All requests for extensions of the stormwater drainage system as proposed by a developer shall require an extension agreement between the City and the developer containing the following:
 - a. The developer shall pay the full cost of design and construction of the extension in accordance with City standards and requirements. All plans for the design of the extension shall be submitted to the City Engineer or such other person as designated by the Public Works Director, for written approval. Any cost incurred by the City in reviewing the design shall be paid for by the developer.
 - b. The developer shall pay to the City, prior to any construction, an amount estimated by the City to pay for independent engineering inspection services hired by the City. The applicant shall keep a minimum \$2,500 balance in escrow. If the City spends less than the amount paid by the developer, the balance shall be refunded to the developer. If the City spends more than the payment made by the developer, the developer shall reimburse the City. The City's review of the construction documents and inspection during the period of construction and inspection prior to acceptance shall not bar or preclude, in any way, the rights of the City to assert claims against the developer for defects in construction.
- (3) The developer shall provide indemnification to the City for any costs, damages or other expenses arising from review or construction of the extension.
- (4) If any portion of the proposed extension is not within a City highway, the developer

shall acquire and convey to the City, as a condition of acceptance of the extension, adequate rights-of-way in compliance with the City's requirements and in conformity with the requirements of the City as to the form of the deed, a title opinion, monuments and a recordable plan.

- (5) After the extension has been substantially completed, as certified by the City Engineer or other such person as designated by the Director of Public Works , the developer shall be responsible to repair and maintain the extension for a period of one year or until such time as the City's acceptance of the extension improvements is complete.
- (6) After the expiration of the one-year period for maintenance, the City Manager shall determine whether or not to issue a certification that the extension has been constructed and installed in accordance with the plans, specifications and standards of the City. The City Manager may require a report of a professional engineer, hired by the City and paid for by the developer.
- (7) It shall be a condition of the extension agreement and any City acceptance that the developer shall be responsible for any latent defects discovered within eight (8) years from the date of substantial completion, as set forth in RSA 508:4-b, including all defects in design, materials or workmanship, and shall be liable to the City, upon written notice by the City, for the cost of repairs or replacements of all defective improvements. In the event that the developer conveys and transfers the project for which the extension was granted, the subsequent owner shall be responsible for the obligations of the developer for the remainder of the eight-year period regardless of whether or not such obligation is expressly assumed.
- (8) No additional connections to the extension will be allowed for any other property owners requesting service for a period of 10 years from the date of acceptance of the extension by the City unless such property owner(s) agree to pay to the developer a pro rata share of the cost relating to the extension as determined by the City Manager. The developer shall provide a copy of the contract documents for the construction of the extension to the City prior to undertaking any construction for review and approval by the City to ensure that the requirements of the extension agreement have been met. The developer shall include in any construction documents that the proposed extension is intended to be transferred to the City for ownership and maintenance. The City Manager shall determine the pro rata share of cost to new applicants seeking connection to the extension based on the following criteria;
 - a. The depreciated value of the extension infrastructure paid for by the developer at the time the new applicant utilizes the extension.
 - b. The percentage of the extension at the point at which the new connector accesses the connection. In essence, how much of the new extension is the connecting applicant utilizing. In addition, any security or bond obtained by the contractor constructing and installing the extension for the benefit of the developer shall remain in effect until the expiration of a two-year period from the date the project is accepted by the City and shall be for the benefit of the City.
- (9) Upon compliance with all the conditions set forth herein, the developer may request, and the City Manager shall accept the transfer of the extension, including the stormwater drainage conveyances and rights-of-way to the City to become part of the

City stormwater drainage system and the responsibility of the City thereafter.

§ 124-5 AUTHORITY TO INVESTIGATE.

- A. The Director of Public Works shall have authority to investigate potential violations of this chapter. Before entering any property for such purpose, the Director of Public Works shall first seek the consent of the owner of the property, or other party with a legal right to control access. In the event such consent is withheld or cannot be obtained within a reasonable period of time, the Director of Public Works shall have the authority to seek an administrative inspection warrant pursuant to RSA Ch. 595-B
- B. Right of entry on all property. The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the stormwater drainage system in accordance with the provisions of this chapter.
- C. Liability. While performing the necessary work on private properties referred to in Section B, Rights of entry on all property, above, the Director of Public Works or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the user, and the user shall be held harmless by the City for injury or death to the City employees, and the City shall indemnify the user against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the user and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the user to maintain safe conditions, Right of entry for inspection and sampling, of this chapter.
- D. Right of entry on private property; easements. The Director of Public Works and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the stormwater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the easement.

§ 124-6 ENFORCEMENT POWERS.

- A. In the event the Director of Public Works determines that a property is in violation of this Chapter, the Director may issue a written notice of violation by certified mail to the property owner; provided, however, that nothing herein shall prevent the City, in emergency circumstances where the delay entailed by the notice process could result in a danger to health, safety or the environment, from commencing an enforcement action without such a notice of violation. Any such notice of violation shall:
 - (1) Specify the actions or conditions that constitute the violation;
 - (2) Identify any action required to be taken in order to correct the violation(s);
 - (3) Establish a reasonable time frame for remedying the violation;
 - (4) Notify the owner of record of the City's right to commence an enforcement action, which may include a request for fines, civil penalties, and/or injunctive relief.

- B. As an alternative to a notice of violation under Subsection A above, the Director of Public Works may, in cases involving a potential danger to public health, request the City's Health Officer to issue an order under RSA Ch. 147, which may include provision for the abatement of the violation by the City, and collection of the City's abatement and other costs, using the procedures set forth in RSA 147:7-a and RSA 147:7-b.

§ 124-7 PENALTIES.

- A. The City may enforce the provisions above by means of legal action, seeking any or all remedies and penalties consistent with state law, including but not limited to fines of up to \$1,000 pursuant to RSA 47:17, civil penalties of up to \$10,000 per day of violation pursuant to RSA 149-I:6, and/or injunctive relief. In any legal action brought by the City to enforce this chapter, the City shall be entitled to recover its costs and reasonable attorney fees expended in connection with any such enforcement action if found to be a prevailing party.
- B. Assessment of repair charges. Any person who causes a discharge which obstructs, damages or otherwise impairs the stormwater drainage system may be assessed a charge by the City for the work required to repair or clean the affected facilities.
- C. False statements and inaccurate information. Any person who knowingly makes any false statements, representation, record, reports, plan or other document filed with the City or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punished by a fine of not more than \$10,000.
- D. Malicious Injury; Penalty. Any person(s) who shall wantonly or maliciously (purposely or knowingly) injure any part of any stormwater drainage system, conveyance, and discharge system, or sewage disposal plant shall be liable for pay treble damages to the owner thereof, and shall be guilty of a misdemeanor if a natural person, or a felony if any other person.

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Chapter 124
PUBLIC STORMWATER SYSTEM, USE OF

GENERAL REFERENCES

Mobile homes — See Ch. 106.

Streets and sidewalks — See Ch. 152.

Sewer service — See Ch. 136.

§ 124-1. Purpose; statutory authority.

- A. The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of the City through the regulation of nonstormwater discharges into the City's stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter controls and prohibits illicit connections and discharges into the City's separate storm drainage system in order to comply with the requirement of the National Pollutant Discharge Elimination System permit process, in conformity with the City's "Illicit Discharge Detection and Elimination Plan" (November 2011).
- B. This chapter is adopted pursuant to RSA 149-I:6, RSA Ch. 147, and RSA 47:17.

§ 124-2. Discharges and connections prohibited.

- A. No person shall discharge, as defined in § 124-5 below, or cause to be discharged into any portion of the City's stormwater drainage system, also as defined below, any solid or liquid material of any kind, including but not limited to pollutants or waters containing any pollutants, other than water that consists entirely of stormwater, except that discharges of water from the following sources or under the following conditions are permitted:
 - (1) Discharges resulting from landscape irrigation or lawn watering;
 - (2) Natural riparian habitat or wetland flows, or infiltration to storm drains from groundwater or springs;
 - (3) Diversion of nonpolluted natural stream flows or rising groundwater;
 - (4) Unpolluted groundwater including unpolluted water from foundation drains;
 - (5) The flushing of drinking waterlines or other potable water sources;
 - (6) Air-conditioning condensation;
 - (7) Noncommercial washing of vehicles;

- (8) Discharge from swimming pools, but only if nonchlorinated (defined as less than one PPM chlorine);
 - (9) Firefighting activities;
 - (10) Discharges which are permitted, in advance and in writing, by the Director of Public Works as being necessary to protect public health and safety;
 - (11) Dye testing, if permitted in advance, either verbally or in writing, by the Director of Public Works; and
 - (12) Discharges permitted under a National Pollutant Discharge and Elimination System ("NPDES") permit, waiver, or waste discharge order, issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, order, or other applicable laws and regulations, and has obtained written advance permission from the Lebanon Director of Public Works.
- B. The construction, use, maintenance or continued existence of any illicit connection, as defined in § 124-5 below, to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

§ 124-3. Authority to investigate.

The Director of Public Works shall have authority to investigate potential violations of § 124-2 above. Before entering any property for such purpose, the Director of Public Works shall first seek the consent of the owner of the property, or other party with a legal right to control access. In the event such consent is withheld or cannot be obtained within a reasonable period of time, the Director of Public Works shall have the authority to seek an administrative inspection warrant pursuant to RSA Ch. 595-B.

§ 124-4. Enforcement powers.

- A. In the event the Director of Public Works determines that a property is in violation of § 124-2 above, the Director may issue a written notice of violation by certified mail to the property owner; provided, however, that nothing herein shall prevent the City, in emergency circumstances where the delay entailed by the notice process could result in a danger to health, safety or the environment, from commencing an enforcement action without such a notice of violation. Any such notice of violation shall:
- (1) Specify the actions or conditions that constitute the violation;

- (2) Identify any action required to be taken in order to correct the violation(s);
 - (3) Establish a reasonable time frame for remedying the violation;
 - (4) Notify the owner of record of the City's right to commence an enforcement action, which may include a request for fines, civil penalties, and/or injunctive relief.
- B. As an alternative to a notice of violation under Subsection A above, the Director of Public Works may, in cases involving a potential danger to public health, request the City's Health Officer to issue an order under RSA Ch. 147, which may include provision for the abatement of the violation by the City, and collection of the City's abatement and other costs, using the procedures set forth in RSA 147:7-a and RSA 147:7-b.
- C. The City may enforce § 124-2 above by means of legal action, seeking any or all remedies and penalties consistent with state law, including but not limited to fines of up to \$1,000 pursuant to RSA 47:17, civil penalties of up to \$10,000 per day of violation pursuant to RSA 149-I:6, and/or injunctive relief. In any legal action brought by the City to enforce this chapter, the City shall be entitled to recover its costs and reasonable attorney fees expended in connection with any such enforcement action if found to be a prevailing party.

§ 124-5. Interpretation; definitions.

- A. This chapter and terms used herein shall, to the greatest possible extent, be interpreted in a manner consistent with the Clean Water Act, 33 U.S.C. § 1251 et seq., and with state and federal regulations adopted thereunder, as well as with the City's other ordinances, including but not limited to Chapter 136, Sewer Service. The requirements of this chapter are in addition to those of other federal, state or local laws, and are not a substitute therefor.
- B. In addition, the following terms and phrases shall have the following meanings.

DIRECTOR OF PUBLIC WORKS — Includes a properly authorized designee.

DISCHARGE — Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, including any direct or indirect entry, any solid or liquid matter into the storm drainage system, or in a location where it can reasonably be anticipated to flow into or enter the storm drainage system; or alternatively, the solid or liquid matter which is so disposed, deposited, spilled, poured, injected, seeped, dumped, leaked or placed into the storm drainage system.

ILLICIT CONNECTION — Any drain or means of conveyance, whether on the surface or subsurface, which causes or allows an illegal discharge to enter the storm drainage system, including but not limited to any connections to the storm drainage system from indoor drains

and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved; or any drain or conveyance from a commercial or industrial land use to the storm drainage system which has not been approved by an authorized enforcement agency, and documented in plans, maps, or equivalent records.

POLLUTANT — Anything which causes or contributes to pollution, including but not limited to paints, varnishes, solvents, oil and other automotive fluids, nonhazardous liquid and solid wastes, yard wastes; refuse, rubbish, garbage, litter or other abandoned or discarded objects and accumulations, floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, construction wastes and residues, and noxious or offensive matter of any kind.

STORMWATER — Surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER DRAINAGE SYSTEM OR SEPARATE STORM SEWER SYSTEM — Publicly owned facilities, or any portion thereof, by which stormwater is meant to be collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, culverts, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered ditches, channels, reservoirs, and other drainage structures.

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