

## Chapter 21.11 ILLICIT DISCHARGE DETECTION AND ELIMINATION

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### **21.11.010 Definitions.**

For the purposes of this chapter, the following shall mean:

- (1) “AKART” means all known, available, and reasonable methods of prevention, control, and treatment. See also the State Water Pollution Control Act, RCW 90.48.010 and 90.48.520.
- (2) “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- (3) “Clean Water Act” means the federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.
- (4) “Ground water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.
- (5) “Hazardous materials” means 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.
- (6) “Hyperchlorinated” means water that contains more than 10 mg/liter chlorine.
- (7) “Illicit discharge” means any direct or indirect non-storm water discharge to the city’s storm drain system, except as expressly allowed by this chapter.
- (8) “Illicit connection” means any manmade connection to the city’s storm drain system without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections,

floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm water system.

(9) "Municipal separate storm water system (MS4)" means a conveyance or system of conveyances (including roads with ditches, manmade channels, or storm drains):

(a) Owned or operated by the city of Puyallup;

(b) Designed or used for collecting or conveying storm water;

(c) Which is not part of a publicly owned treatment works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and

(d) Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and storm water in a single sewer system.

(10) "National Pollutant Discharge Elimination System (NPDES) storm water discharge permit" means a permit issued by the Environmental Protection Agency (EPA) (or by the Washington Department of Ecology under authority delegated pursuant to 33 USC 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(11) "Non-storm water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.

(12) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

(13) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may 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.

(14) "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

(15) "Storm drainage system" means publicly owned facilities, including the city's municipal separate storm water system, 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.

(16) "Storm water" means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

(17) "Storm water pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters to the maximum extent practicable. (Ord. 2938 § 1, 2009).

#### **21.11.020 Prohibited discharges.**

(1) Illicit discharges are prohibited. No person shall throw, drain, or otherwise discharge, cause or allow others under its control to throw, drain or otherwise discharge into the city's storm drainage system and/or surface and ground waters any materials, including hazardous materials and pollutants, other than storm water.

(2) Examples of prohibited contaminants include but are not limited to the following:

- (a) Trash or debris;
- (b) Construction materials;
- (c) Petroleum products including but not limited to oil, gasoline, grease, fuel oil and heating oil;
- (d) Antifreeze and other automotive products;
- (e) Metals in either particulate or dissolved form;
- (f) Flammable or explosive materials;
- (g) Radioactive material;
- (h) Batteries;
- (i) Acids, alkalis, or bases;
- (j) Paints, stains, resins, lacquers, or varnishes;
- (k) Degreasers and/or solvents;
- (l) Drain cleaners;
- (m) Pesticides, herbicides, or fertilizers;

- (n) Steam cleaning wastes;
- (o) Soaps, detergents, or ammonia;
- (p) Swimming pool or spa filter backwash;
- (q) Chlorine, bromine, or other disinfectants;
- (r) Heated water;
- (s) Domestic animal wastes;
- (t) Sewage;
- (u) Recreational vehicle waste;
- (v) Animal carcasses;
- (w) Food wastes;
- (x) Bark and other fibrous materials;
- (y) Lawn clippings, leaves, or branches;
- (z) Silt, sediment, concrete, cement or gravel;
- (aa) Dyes;
- (bb) Chemicals not normally found in uncontaminated water;
- (cc) Any other process-associated discharge except as otherwise allowed in this section; and
- (dd) Any hazardous material or waste not listed above. (Ord. 2938 § 1, 2009).

**21.11.030 Allowable discharges.**

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Diverted stream flows;
- (2) Rising ground waters;
- (3) Uncontaminated ground water infiltration – as defined in 40 CFR 35.2005(20);
- (4) Uncontaminated pumped ground water;

- (5) Foundation drains;
- (6) Air conditioning condensation;
- (7) Irrigation water from agricultural sources that is commingled with urban storm water;
- (8) Springs;
- (9) Water from crawl space pumps;
- (10) Footing drains;
- (11) Flows from riparian habitats and wetlands; and
- (12) Discharge from emergency fire fighting activities. (Ord. 2938 § 1, 2009).

**21.11.040 Conditional discharges.**

The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, or unless the city determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:

- (1) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system;
- (2) Lawn watering and other irrigation runoff are permitted but shall be minimized;
- (3) Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the storm water system;
- (4) Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street;
- (5) Non-storm water discharges covered by another NPDES permit; 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; and
- (6) Other non-storm water discharges. The discharges shall be in compliance with the requirements of a storm water pollution prevention plan (SWPPP) reviewed and approved by the city, which addresses

control of such discharges by applying AKART to prevent contaminants from entering surface or ground water. (Ord. 2938 § 1, 2009).

**21.11.050 Prohibition of illicit connections.**

(1) The construction, use, maintenance, or continued existence of illicit connections to the city's storm drainage system is prohibited.

(2) 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.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 2938 § 1, 2009).

**21.11.060 Inspections and warrants.**

When the city has probable cause to believe that a violation of this chapter is occurring or has occurred on or about a premises, the city may apply for an administrative search warrant in a court of competent jurisdiction. The application may occur after the city has requested to inspect the person's premises, and the person has refused the city access to the person's property. Timely notice must be given to any affected person that a warrant is being requested and that the person may be present at any court proceeding to consider the requested search warrant. The court may issue the warrant upon a finding of probable cause. (Ord. 2938 § 1, 2009).

**21.11.070 Violations and remedies.**

(1) The violation of or failure to comply with any of the provisions of this chapter is unlawful. The remedies and penalties provided in this section, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Moreover, the terms of this chapter are additional, nonexclusive provisions, and shall not be construed to limit the discretion or ability of the city to use other provisions of the Puyallup Municipal Code, as they presently exist or may subsequently be amended, to enforce compliance, including, but not limited to, those found in Chapter 21.10 PMC.

(2) If the city observes any violation of the provisions of this chapter, the city may notify the person of the violation in writing, and require the person to cure or correct the violation within a period of time as specified by the city.

However, if a violation presents an imminent and material risk of danger to persons, property or the public health, safety or welfare, the city may take any action as may be necessary to protect persons, property or the public.

(3) The city reserves the right to recover all reasonable costs, including but not limited to those incurred in abating, cleaning, replacing or repairing the storm water system, appurtenances, surface or ground waters, aquifers, wetlands or watercourses resulting from a violation of this chapter. The city may assess any cost incurred by the city or other entities against the person that is responsible for the violation.

Failure to pay appropriate charges or delinquencies in payment shall entitle the city to impose a property lien.

(4) The city may pursue any civil remedy at law or in equity, including, but not limited to, the following:

(a) Nuisance. A violation of this chapter is a nuisance, which may be abated in the manner provided by Chapter [6.08](#) PMC.

(b) Injunction, Mandamus or Order. The city may institute injunctive, mandamus or other appropriate action or proceedings at law or in equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the authority to issue restraining orders, temporary or permanent, injunctions or mandamus or other appropriate forms of remedy or relief.

(c) Infraction. A violation of this chapter is an infraction, which shall constitute a Class 1 civil infraction as defined in Chapter [1.02](#) PMC.

(d) Civil Violation. A violation of this chapter is a civil violation, which may be corrected pursuant to Chapter [1.03](#) PMC.

(5) Criminal Violation. A violation of this chapter is a gross misdemeanor. Any person convicted of violating the provisions of this chapter shall be subject to a fine of up to \$5,000 or jail time not exceeding one year or both for each and every violation. Each day that the violation continues shall be a separate offense. (Ord. 2938 § 1, 2009).