



TOWN COUNCIL • TOWN OF PROSPECT, CT 06712-1699
36 CENTER STREET (203) 758-4461

LEGAL NOTICE

TOWN OF PROSPECT, CONNECTICUT

The Prospect Town Council will hold a Public Hearing on June 7, 2022 at 6:30 P.M. in the downstairs assembly room at the Prospect Town Hall. The Public Hearing will be held on two proposed ordinances:

1. *ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE*
 2. *PROHIBITION ON SMOKING, TOBACCO, AND MARIJUANA USE*
- (Including vapor products in Town of Prospect's public buildings and parks, playgrounds and recreational areas)

Dated at Prospect Town Hall May 17, 2022.

Jeffrey B. Slapikas, Chairman
Prospect Town Council

PROSPECT, CONN.
TOWN CLERK'S OFFICE
36 CENTER STREET
PROSPECT, CT 06712-1699
2022 MAY 20 PM 2:36
TOWN CLERK

TOWN OF PROSPECT

ORDINANCE NO. _____

ILLICIT DISCHARGE AND CONNECTION STORMWATER ORDINANCE

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Prospect through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (“MS4”) in order for the Town of Prospect to comply with requirements of the National Pollutant Discharge Elimination System (“NPDES”) permit process. The objectives of this ordinance are:

- (1) To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system; and
- (2) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

SECTION 2. APPLICABILITY.

This ordinance shall apply to all water entering the MS4 generated on any developed or undeveloped lands unless explicitly exempted.

SECTION 3. DEFINITIONS.

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

Authorized Enforcement Agency. Employees or designees of the director of the municipal agency designated in Section 4 hereof to enforce this ordinance.

Best Management Practices (“BMPs”). Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.

Clean Water Act. The federal Water Pollution Control Act (33 United States Code (“USC”) § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.

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.

Illegal Discharge. Any direct or indirect non-stormwater discharge to the storm drainage system, except as exempted in Section 7 of this ordinance.

Illicit Connections. Either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4 including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MA4 and any connections to the MS4 from indoor drains and sinks, or, any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 Code of Federal Regulations (“CFR”), § 122.26 (b)(14).

Municipal Separate Storm Sewer System (“MS4”). Publicly-owned facilities by which stormwater 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.

National Pollutant Discharge Elimination System (“NPDES”) Storm Water Discharge Permit. A permit issued by the United States Environmental Protection Agency (“EPA”) (or by a State 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.

Non-Stormwater Discharge. Any discharge to the MS4 that is not composed entirely of storm-water.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

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 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.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Stormwater. Waters consisting of rainfall runoff, including snow or ice melt, during a rain event.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

SECTION 4. RESPONSIBILITY FOR ADMINISTRATION.

The Town of Prospect Public Works Department (“DPW”) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the DPW as the authorized enforcement agency for this ordinance may be delegated in writing by the Director of the DPW to persons or entities acting in the beneficial interest of or in the employ of the DPW, including but not limited to the Town of Prospect Land Use Inspector and the Director of the Chesprocott Health District.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

SECTION 6. MINIMUM STANDARDS.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

SECTION 7. PROHIBITIONS.

Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 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 stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

(a) The following discharges are exempt from discharge prohibitions established by this ordinance: uncontaminated groundwater discharges including, but not limited to, pumped groundwater, foundation drains, water from crawl space pumps and footing drains; irrigation water including, but not limited to, landscape irrigation and lawn watering runoff; residual street wash water associated with sweeping; discharges or flows from firefighting activities (except training); and naturally occurring discharges such as rising groundwaters, uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)), springs, diverted stream flows and flows from riparian habitats and wetlands.

(b) Any non-stormwater discharge to the MS4 authorized by a permit issued pursuant to § 22a-430 or § 22a-430b of the Connecticut General Statutes is also authorized under this ordinance.

Illicit Connections.

(a) The construction, use, maintenance or continued existence of illicit connections to the Town of Prospect MS4 is prohibited, except as otherwise permitted by state or federal law.

(b) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

SECTION 8. SUSPENSION OF MS4 ACCESS.

Suspension due to Illicit Discharges in Emergency Situations

The DPW may, without prior notice, suspend MS4 discharge access to a person when such suspension is

necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or "Waters of the United States" as defined in 40 CFR § 230.3. If the violator fails to comply with a suspension order issued in an emergency, the DPW may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to Illicit Discharge in Non-Emergency Situations

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. No person shall reinstate MS4 access to premises terminated pursuant to this ordinance, without the prior approval of the DPW.

SECTION 9. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person in the Town of Prospect subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit and this ordinance prior to discharging into the MS4.

SECTION 10. MONITORING OF DISCHARGES.

A. Applicability. This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Monitoring.

(a) The DPW shall be permitted to monitor, from a location on Town of Prospect property or rights-of-way, or from private property with the prior written permission of the property owner, any discharge exiting a facility subject to regulation under this ordinance and entering the Town's MS4, as often as may be necessary to determine compliance with this ordinance.

(b) The DPW shall have the right to set up on Town of Prospect property or rights-of-way, or on private property with the prior written permission of the property owner, such devices as are necessary in the opinion of the DPW to conduct monitoring and/or sampling of the facility's discharge into the MS4.

SECTION 11. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Town of Prospect Planning and Zoning Commission shall adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. If necessary, the owner or operator of a commercial or industrial establishment shall provide, at its own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMPs. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

SECTION 12. NOTIFICATION OF SPILLS.

As soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, who has information of any known or suspected release of materials from such facility or operation that are resulting or may result in illegal discharges or pollutants discharging into the MS4, shall

take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release said person shall notify the DPW in person, by phone, facsimile, or e-mail no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the DPW within three business days of the in-person or phone 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. Such records shall be retained for at least three years.

SECTION 13. PENALTY AMOUNT

Any person or entity that violates this ordinance shall be liable for a civil penalty of \$250 per day for each day that the violation, or any condition or damage caused by the violation that is not fully remediated or repaired, continues.

SECTION 14. ENFORCEMENT.

A. Notice of Violation. Whenever the DPW finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the DPW may provide written notice of such violation to the responsible person. Such notice may provide that if the violations do not cease, further enforcement action may be taken to, without limitation:

- (a) Eliminate illicit connections or discharges;
- (b) Terminate the violating discharges, practices, or operations; and/or
- (c) Suspend any discharge to the MS4 system consistent with Section 8 of this ordinance.

Such notice shall constitute the issuance of a warning pursuant to Section 3 of the Citation Ordinance referred to in Section 14.B hereof.

B. In addition to any other methods of enforcement provided for in this ordinance or by law, this ordinance has been specifically designated for enforcement by citations issued by Town of Prospect police officers upon notification of a violation from the DPW or its agent, and the citation hearing procedure established by Ordinance #89-10-16-18 of the Town of Prospect Code of Ordinances shall be followed. Any penalties imposed pursuant to the citation process are in addition to and do not supersede any penalties resulting from simultaneous violations of state or federal laws, to the extent permitted by law.

SECTION 15. INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, DPW may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation or conditions or damage caused by the violation.

SECTION 16. REMEDIES NOT EXCLUSIVE.

The remedies listed 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 DPW to seek cumulative remedies.

PROSPECT, CONN
TOWN CLEANUP OFFICE
RECEIVED FOR RECORD
MAY 20 PM 2:37
TOWN CLERK