

**VILLAGE OF HARTVILLE
STARK COUNTY, OHIO
ORDINANCE NO. 1-15.04**

ORDINANCE NO. 1-15.04, adopting an Illicit Discharge and Illegal Connection Control Ordinance to regulate and establish methods for controlling the introduction of pollutants into the municipal storm sewer system to comply with the requirements of the National Pollutant Discharge Elimination System permit process as required by the Ohio Department of Environmental Protection Agency, repealing and replacing Ordinance No. 1-13.06, and declaring the same to be an emergency.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF HARTVILLE,
STARK COUNTY, OHIO.**

Section 1. Findings and Determinations. This Council finds and determines the following matters:

- (a) Illicit discharges to the storm sewer system of the Village creates water quality risks to public health, safety, and general welfare, may necessitate repair of the sewer system and ditches, may damage public and private property; and may damage water resources by reducing watery quality.
- (b) The Code of Federal Regulations, at 40 CFR Parts 9, 122, 123, and 124, and Ohio Administrative Code, at Section 3745-39, require designated communities, including the Village, to prohibit illicit discharges to their storm water systems and to implement appropriate enforcement procedures to detect and eliminate those illicit discharges.
- (c) The Village desires to provide for the health, safety, and general welfare of its residents and comply with both federal and state law by prohibiting illicit discharges and illegal connections to its storm sewer system and by establishing legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with its regulations.
- (d) Further, subsequent to review and evaluation with the Ohio Department of Environmental Protection Agency, it was determined to be in the best interest of the Village to make further modifications and improvements to its ordinances.
- (e) All formal actions of this Council relating to the enactment of this Ordinance were taken in an open meeting of this Council and all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law, including Section 121.22, Ohio Revised Code.

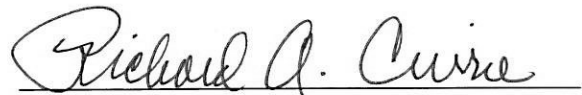
Section 2. Establishment of Illicit Discharge and Illegal Connection Control Ordinance. To protect the quality of its water supply and tom comply with federal and state law, the Village hereby adopts the Illicit Discharge and Illegal Connection Control Ordinance in the form of Exhibit A, which is attached hereto and incorporated by reference herein.

Section 3. Repeal of Previous Ordinance. This Council finds it appropriate and necessary to repeal Ordinance No. 1-13.06. Accordingly, upon the passage of this Ordinance, said ordinance is immediately repealed in its entirety.

Section 4. Statement of Emergency. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the Village, and necessary to ensure the timely performance of Village operations.

Section 5. Effective Date. If this Ordinance receives the affirmative vote of two-thirds of the members elected or appointed to Council, it will take effect and be in force immediately upon its enactment; otherwise, it will take effect and be in full force at the earliest time allowed by law.

DATE: March 17, 2015


Richard A. Currie, Mayor

ATTEST:

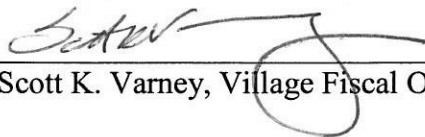

Scott K. Varney, Village Fiscal Officer

EXHIBIT A

Illicit Discharge and Illegal Connection Control

1. PURPOSE AND SCOPE

The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the Village of Hartville through the regulation of illicit discharges to the municipal separate sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination system ("NPDES") permit process as required by the Ohio Environmental Protection Agency ("Ohio EPA"). The objectives of this regulation are:

- A. To prohibit illicit discharges and illegal connections to the MS4.
- B. To establish legal authority to carry out inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

2. APPLICABILITY

This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the Village of Hartville, except for those discharges generated by the activities detailed in Sections 7(A)(1) to (A)(3) of this regulation.

3. DEFINITIONS

The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

- A. Best Management Practices ("BMPs") means schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. 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.
- B. Community means the Village of Hartville, its designated representatives, boards, or commissions.
- C. Environmental Protection Agency or United States Environmental Protection Agency (USEPA) means the United States Environmental Protection Agency, including but limited to the Ohio EPA, or any duly authorized official of said agency.
- D. Floatable Material means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

- E. Hazardous Material means any material including any substances, 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.
- F. Illicit Discharge as defined in 40 CFR 122.26(b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section of this regulation.
- G. Illegal Connection means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.
- H. Municipal Separate Storm Sewer System (“MS4”), as defined at 40 CFR 122.26(b)(8) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
1. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States;
 2. Designed or used for collecting or conveying storm water;
 3. Which is not a combined sewer; and
 4. Which is not part of a Publicly Owned Treatment Works (“POTW”) as defined at 40 CFR 122.2.
- I. NPDES Storm Water Discharge Permit means a permit issued by the 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.
- J. Off-Lot Discharging Home Sewage Treatment System means a system designed to treat home sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.
- K. Owner/Operator means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner’s behalf.
- L. Pollutant means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers,

hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

- M. Storm Water means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- N. Wastewater means the spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

4. DISCLAIMER OF LIABILITY

Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

5. CONFLICTS, SEVERABILITY, NUISANCES, & RESPONSIBILITY

- A. Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the Village of Hartville, shall prevail.
- B. If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.
- C. This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.
- D. Failure of the Village of Hartville to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting therefrom, and shall not result in the Village of Hartville, its officers, employees, or agents being responsible for any condition or damage resulting therefrom.

6. RESPONSIBILITY FOR ADMINISTRATION

The Village of Hartville shall administer, implement, and enforce the provisions of this regulation. The Village of Hartville may contract with the Stark County Combined General Health District to conduct inspections and monitoring and to assist with enforcement actions.

7. DISCHARGE AND CONNECTION PROHIBITIONS

- A. Prohibition of Illicit discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

1. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs, water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire fighting activities. These discharges are exempt until such time as they are determined by the Village of Hartville to be significant contributors of pollutants to the MS4.
2. Discharges specified in writing by the Village of Hartville as being necessary to protect public health and safety.
3. Discharges from off-lot household sewage treatment systems permitted by the Board of the Stark County Combined General Health District for the purpose of discharging treated sewage effluent in accordance with the Ohio Administrative Code until such time as the Ohio EPA issues a NPDES permitting mechanism for residential 1, 2, or 3 family dwellings. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Board of the Stark County Combined General Health District.

In compliance with the Village of Hartville Storm Water Management Program, discharges from all off-lot household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available, discharges from off-lot discharging household sewage treatment systems will no longer be exempt from the requirements of this regulation.

- B. Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.
1. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 2. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

8. **MONITORING OF ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS**

- A. Establishing of an Illicit Discharge and Illegal Connection Monitoring Program: The Village of Hartville shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and home sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

B. Inspection of Residential, Commercial, Industrial, or Institutional Facilities.

1. The Village of Hartville shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.
2. The Village of Hartville shall the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the Village of Hartville.
3. The Village of Hartville shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition b the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the Village of Hartville to ensure their accuracy.
4. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the Village of Hartville and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.
5. Unreasonable delays in allowing the Village of Hartville access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.
6. If the Village of Hartville is refused access to any part of the facility from which storm water is discharged, and the Village of Hartville demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the Village of Hartville may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court or appropriate jurisdiction.
7. Any costs associated with this inspection shall be assessed to the facility owner/operator.

9. LONG TERM MAINTENANCE OF WATER QUALITY PRACTICES POLICY.

The Storm Water Quality Regulations developed by the Stark County Soil and Water Conservation District (SWCD) are the standards for erosion and sediment control and post construction water quality design in the Village of Hartville and are available on the Stark County SWCD website at www.starkswcd.org. Excluding Section 108 of the Storm Water Quality Regulations, these regulations shall be applicable to developments in the Village of Hartville which are covered by the regulations as specified in the regulations.

- A. Following the initial inspection of erosion and sediment control devices by the developer's delegated representative, regular inspections (bi-monthly) will be performed by the Stark County SWCD for compliance with Storm Water Quality Regulations. If it appears that violation of any of the regulations has occurred, the owner and developer will be notified of deficiencies or non-compliance in writing by certified mail, return receipt requested. If within thirty (30) days after receipt of the letter, the owner or developer has not rectified the deficiency or received approval of plans for its correction, a second notice of violation will be issued. The owner or developer has another fifteen (15) days to rectify the violation. If the violation is not rectified, the violation shall be reported to the Village Engineer for consideration of referral to the Village Solicitor for immediate enforcement of these regulations as authorized by these regulations or law.
- B. The Stark County SWCD may require revisions to the Storm Water Pollution Prevention Plan as necessary to achieve compliance to the Storm Water Quality Regulations.
- C. A final inspection will be made to determine if the criteria of the Storm Water Quality Regulations have been satisfied and report sent to the Village Engineer on the compliance status of site.

10. ENFORCEMENT

- A. Notice of Violation. When the Village of Hartville finds that a person has violated a prohibition or failed to meet a requirement of these regulations, the Village of Hartville may order compliance by written notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by certified mail, to the owner/operator of the facility. Such notice may require the following actions:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. The elimination of illicit discharges or illegal connections;
 - 3. That violating discharges, practices, or operations cease and desist;
 - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or
 - 5. The implementation of source control or treatment BMPs.
- B. If abatement of a violation and/or restoration of affected property is required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.
- C. Any person receiving a Notice of violation must meet compliance standards within the time established in the Notice of Violation.

- D. Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the Planning Commission for the Village of Hartville shall schedule an administrative hearing to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent certified mail.
- E. Injunctive Relief. It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to Section 3709.211 of the Ohio Revised Code. If an owner/operator has violated or continues to violate the provisions of this regulation, the Village of Hartville may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.
- F. Additional Penalties. Whoever violates any provision of this Regulation is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. Pursuant to R.C. 715.67, any such violations shall be subject to a fine not to exceed \$500.00 and/or imprisonment not to exceed six months.

11. REMEDIES NOT EXCLUSIVE

The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state, or local law and it is in the direction of the Village of Hartville to seek cumulative remedies.

