

SOUTHEAST METRO STORMWATER AUTHORITY
acting by and through
SEMSWA WATER ACTIVITY ENTERPRISE

RESOLUTION 12-29

Pollution Reduction in Stormwater Discharges through Illicit
Discharge, Detection, and Elimination (IDDE) Standards

WHEREAS, the City of Centennial (City) and SEMSWA have entered into an Implementing Intergovernmental Agreement (IIGA), RESOLUTION NO. 63, SERIES OF 2007, allowing for the transfer of the Colorado Department of Public Health and Environment (CDPHE) issued Colorado Discharge Permit Systems (CDPS) for Municipal Separate Storm Sewer System – Phase II requirements permit (Permit), from the City to SEMSWA; and

WHEREAS, in accordance with the IIGA, both SEMSWA and the City desire SEMSWA to administer and enforce on behalf of the City, Ordinance No. 2004-O-27, to regulate activities associated with Illicit Discharges and Connections to the Stormwater System in accordance with the prohibitions, requirements, and penalties established in the Ordinance; and

WHEREAS, since the City of Centennial Ordinance No. 2004-O-27 has become outdated, SEMSWA desires to adopt a standard for Pollution Reduction in Stormwater Discharges through Illicit Discharge, Detection, and Elimination (IDDE).

NOW, THEREFORE, BE IT RESOLVED THAT:

1. SEMSWA hereby establishes regulations for pollution reduction in stormwater discharges through IDDE Standards, specifically as it relates to non-stormwater discharges to the storm drain system. This Resolution shall apply to all water entering the storm system in the City of Centennial generated on any developed and/or undeveloped land unless specifically exempted herein. This Resolution is intended to regulate the introduction of pollutants to the municipal separate storm sewer system (MS4), prohibit illicit connections and discharges to the MS4, and promote public awareness of the hazards involved in the improper discharge of pollutants into the storm drainage system.
2. The purpose and intent of this Resolution is to ensure the health, safety, and general welfare of citizens, and protect and enhance the water quality of watercourses and water bodies in a manner pursuant to and consistent with the Colorado Department of Public Health and Environment (CDPHE) issued Colorado Discharge Permit Systems (CDPS) for Municipal Separate Storm Sewer System – Phase II requirements permit (Permit) and applicable state law and the Federal Clean Water Act regulating non-storm water discharges to the storm drain system.
3. No person shall discharge, cause to be discharged, or permit to be discharged into the MS4 or watercourses any direct or indirect release of pollutants to the storm drainage system, except as exempted in this document. Discharges may not result in a non-compliance with the Permit.
4. The prohibitions set forth in this Resolution shall not apply to any non-stormwater discharge which is permitted under a NPDES permit, CDPS permit, or any non-stormwater discharge for which an authorization, or formal commitment to not pursue enforcement actions against the discharger under a policy or waste discharge order is issued and administered under the

authority of the CDPHE, provided that the discharger is in full compliance with all requirements of the policy, or order and other applicable laws and regulations.

5. The construction, use, maintenance, or continued existence of illicit connections to the MS4 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.
6. In accordance with this Resolution, it shall be unlawful to cause materials to be deposited in such a manner or location as to constitute a threatened discharge into MS4 or waters of the State. Pollutants that are no longer contained in a pipe, tank, or other container are considered to be threatened discharges and require cleanup.
7. Notwithstanding other requirements of law, as soon as any person responsible for any premises, facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the MS4, or waters of the State, that person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence.
8. Every person owning property through which a drainageway passes, shall keep and maintain that part of drainageway within the property reasonably free of trash, debris, other pollutants and other obstacles that would pollute or contaminate the flow of water through the drainageway.
9. Should SEMSWA have reasonable cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Resolution, SEMSWA has the right to enter for inspections upon private property in the same manner and by the same means as visitors to the property. Such entry will customarily involve reaching the front or primary entrance to the property via the driveway, sidewalk, or path. If a private property is undeveloped or vacant and is not posted in a manner that would indicate the owner's prohibition of such access or if SEMSWA has obtained the consent of a person who purports to be in possession of the property or authorized to consent to entry, SEMSWA shall have the right to enter upon all or any portion of private property should emergency conditions dangerous to the public health, safety, or welfare, or a potential MS4 Permit Violation are reasonably believed to exist upon such property or upon property which is accessible from the entered property.. A court of appropriate jurisdiction shall have the power to issue an order permitting the investigation of a suspected violation upon a showing by SEMSWA that probable cause exists that a violation exists or may exist or, upon information and belief made after reasonable investigation, emergency conditions dangerous to the public health, safety or welfare may exist.
10. Additional definitions of terms utilized in this document are set forth in **Exhibit A, which** is attached hereto and incorporated herein by reference.
11. The Board will establish further regulations for pollution reduction in stormwater discharges through Illicit Discharge, Detection, and Elimination (IDDE) Standards consistent with this Resolution that will include but not be limited to authorization for enforcement and establishment of penalties that may be used in enforcement.

SOUTHEAST METRO STORMWATER AUTHORITY
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Date: _____

ATTEST:

Secretary

Chairperson

APPROVED AS TO FORM:
Attorney for
Southeast Metro Stormwater Authority

By _____
Edward J. Krisor

Exhibit A
Pollution Reduction in Stormwater Discharges through
Illicit Discharge, Detection, and Elimination (IDDE) Standards
RESOLUTION 12-29

BEST MANAGEMENT PRACTICES (BMPs): Technique, measure, or structural control used to manage and improve water quality, including, but not limited to schedules of activities, prohibitions of practices, general good housekeeping pollution prevention and educational practices, maintenance procedures, and other management practices to minimize 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.

Nonstructural BMPs (source controls): practices that prevent pollution by reducing potential pollutants at their source before they come into contact with storm water.

Structural BMPs (treatment controls): include sedimentation and pollutant removal facilities that are designed to remove pollutants present in storm water. Best management practices can either be temporary, such as silt fence used during construction activity, or permanent, such as extended detention basins.

CDPHE: The Colorado Department of Public Health and Environment.

CDPS: Colorado Discharge Permit System. CDPHE is authorized to administer the NPDES program in Colorado and issue discharge permits.

CLEAN WATER ACT: The federal water pollution control act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

DRAINAGEWAY: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainageway, in which storm water runoff and floodwater flow, either regularly or infrequently. Also, a floodplain as defined by the SEMSWA Stormwater Management Manual (SMM).

FACILITY: Any building, including a private home, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

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 to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS: Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drainage system; and any connections to the storm drainage system from indoor drains, sump pumps and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved.

ILLICIT DISCHARGE: Any direct or indirect release of pollutants or non-stormwater discharge to the storm drainage system, except as exempted in this document.

INDUSTRIAL ACTIVITY: Activities subject to NPDES industrial permits, as defined in 40 Code of Federal Regulations, section 122.26(b)(14).

MINIMIZE: Reduce and/or eliminate to the extent achievable using control measures (including best management practices) that are technologically available and economically practicable and achievable in light of best industry practice.

MOBILE WASHING OPERATION: A commercial activity involving power washing, steam cleaning, and any other method of mobile cosmetic cleaning of, by way of example, the following: vehicles, fabric, pets and/or exterior surfaces.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): SEMSWA owned facilities by which storm water is collected and conveyed.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT OR NPDES PERMIT: A permit issued pursuant to Section 402 of the Clean Water Act.

NONSTORM WATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of storm water.

OPERATOR: The individual who has day to day supervision and control of activities.

OWNER: The person who owns a facility, development, part of a facility, or land.

PERSON: any individual, company, agency, entity, property owner, or tenant.

POLLUTANT: Any substance that is harmful to humans, animals, public health, the environment, or that can degrade the quality of receiving waters, cause the receiving waters to violate the stream standards established by the State of Colorado, or affect beneficial uses of water. The term includes, but is not limited to, sediment, dredged spoil, rock, sand, silt, incinerator residue, ash; solid waste; sewage; wastes from industrial, commercial, domestic, or agricultural sources; trash, litter, garbage or food waste; landscaping materials, lawn clippings, leaves, branches or other landscaping and yard debris; medical waste; wrecked or discarded equipment; radioactive materials; wastes that contain bacteria, viruses and other pathogens that pose a threat to human health; pet wastes; heat, surfactants, soaps, and cleaning products and wastes and residues from washing operations, including those that are biodegradable; oil and grease, petroleum hydrocarbons and antifreeze; metals; and toxic or hazardous wastes as defined by federal, state, or local laws and regulations, including biocides and pesticides.

POLLUTION: The presence in waters of the State of any substances, contaminants, or manmade or man induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

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

RECEIVING WATER: Any water of the State of Colorado that receives a stormwater discharge from MS4, including all watercourses, even if they are usually dry. SEMSWA receiving waters are typically defined as floodplains per the SEMSWA Stormwater Management Manual.

SEVERE IMPACT: A condition creating a substantial probability of harm, which make it reasonably necessary to take immediate action to prevent, reduce or mitigate damages to persons, property or natural resources.

SPILL: Any intentional or unintentional release of solid or liquid material which may cause pollution of the MS4 or waters of the State.

STORM DRAINAGE SYSTEM: See definition of Municipal Separate Storm Sewer System (MS4)

STORMWATER: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

VIOLATION: Act that results in non-compliance with SEMSWA's adopted standards, to include the provisions in this document, and other SEMSWA adopted regulations as they relate to the Permit.

WASTEWATER: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WATERCOURSE: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir or lake, including major drainageways, in which storm water runoff and floodwater flow, either regularly or infrequently; a floodplain as defined by the SEMSWA Stormwater Management Manual (SMM).

WATERS OF THE STATE OF COLORADO (WATERS OF THE STATE): Any and all surface and subsurface waters that are contained in or flow in or through the State of Colorado. This definition includes all watercourses, even if they are usually dry.