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STORMWATER DISCHARGE
Town of Brunswick

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ARTICLE IV. - STORMWATER DISCHARGE

Division 1 General

Section 16-130 – Purpose

The purpose of this Article is to provide for the health, safety, and general welfare of the citizens of the Town of Brunswick through the regulation of Discharges to the Town's Storm Drainage System.

Sec. 16-131 – Objectives

The objectives of this Article are:

1. To prohibit un-permitted or dis-allowed Storm Water Discharges to the Storm Drainage System; and
2. To set forth the legal authority and procedures to carry out all inspection, monitoring and enforcement activities necessary to ensure compliance with this article.

Sec. 16-132 – Applicability

This Article applies to all Persons responsible for Storm Water and/or Non-Storm Water Discharges from any Premises into the Municipal Storm Drainage System.

Sec. 16-133 – Responsibility for Administration

The Town Manager or his/her designee is the Enforcement Authority who shall administer, implement, and enforce the provisions of this Article.

Sec. 16-134 – Definitions

For the purposes of this article, the terms listed below are defined as follows:

Discharge “Discharge” means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of Pollutants to “waters of the State.”
“Direct discharge” or “point source” means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which Pollutants are or may be discharged.

Enforcement Authority “Enforcement Authority” means the person(s) or department authorized under Section 16-133 of this Article to administer and enforce this Article.

Exempt Person or Discharge. “Exempt Person or Discharge” means any person who is subject to a Multi-Sector General Permit for Industrial Activities, a General Permit for Construction Activity, a General Permit for the Discharge of Stormwater from the Maine Department of Transportation and the Maine Turnpike Authority Municipal Separate Storm Sewer Systems, or a General Permit for the Discharge

of Stormwater from State or Federally Owned Authority Municipal Separate Storm Sewer System Facilities; or any Non-Storm Water Discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency (“EPA”) or the Maine Department of Environmental Protection (“DEP”).

Municipal Separate Storm Sewer System “Municipal Separate Storm Sewer System” means conveyances for Storm Water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the State.

Non-Storm Water Discharge “Non-Storm Water Discharge” means any Discharge that is not composed entirely of Storm Water.

Person “Person” means any individual, firm, corporation, municipality, town, quasi-municipal corporation, State agency or Federal agency or other legal entity which creates, initiates, originates or maintains a Discharge of Storm Water or a Non-Storm Water Discharge.

Pollutant “Pollutant” means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Premises “Premises” means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the Town from which Discharges into the Storm Drainage System are or may be created, initiated, originated or maintained.

Storm Drainage System “Storm Drainage System” means the Town’s Municipal Separate Storm Sewer System.

Storm Water “Storm Water” means any Storm Water runoff, snowmelt runoff, and surface runoff and drainage; “Stormwater” has the same meaning as “Storm Water.”

Town “Town” means the Town of Brunswick.

Division 2 – Prohibited & Acceptable Discharges

Sec. 16-135 – General Prohibition

Chapter 16 – Article IV Stormwater Discharge

Except as allowed or exempted herein, no Person shall create, initiate, originate or maintain a Non-Storm Water Discharge to the Storm Drainage System. Such Non-Storm Water Discharges are prohibited notwithstanding the fact that the Town may have approved the connections, drains or conveyances by which a Person Discharges dis-allowed Non-Storm Water Discharges to the Storm Drainage System.

Sec. 16-136 – Allowed Non-Storm Water Discharges

The creation, initiation, origination and maintenance of the following Non-Storm Water Discharges to the Storm Drainage System is allowed:

1. Landscape irrigation and lawn watering runoff;
2. diverted stream flows;
3. rising ground waters;
4. uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
5. uncontaminated pumped ground water;
6. uncontaminated flows from foundation drains;
7. air conditioning and compressor condensate;
8. flows from uncontaminated springs;
9. uncontaminated water from crawl space pumps;
10. flows from riparian habitats and wetlands;
11. residual street wash water (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material has been removed and detergents are not used);
12. hydrant flushing and firefighting and firefighting training activity runoff;
13. water line flushing and discharges from potable water sources;
14. individual residential car washing;
15. de-chlorinated swimming pool discharges;
16. Discharges specified in writing by the Enforcement Authority as being necessary to protect public health and safety;
17. Dye testing, with verbal notification to the Enforcement Authority prior to the time of the test

Sec 16-137 – Exempt Person or Discharge

This Article shall not apply to an Exempt Person or Discharge, except that the Enforcement Authority may request from Exempt Persons and Persons with Exempt Discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the Discharge(s).

Sec 16-138 – Monitoring of Discharges

In order to determine compliance with this Article, the Enforcement Authority may enter upon and inspect Premises subject to this Article at reasonable hours with the consent of the Premises' owner, occupant or agent: to inspect the Premises and connections thereon to the Storm Drainage System; and to conduct monitoring, sampling and testing of the Discharge to the Storm Drainage System.

Sec 16-139 – 140 – Reserved

Division 3 – Connection to Storm Drainage System

Sec 16-141 – Permit Required

No person shall uncover, make any connections with or openings into, alter or disturb either any storm drain facility or appurtenance thereof without first obtaining a written permit from the Department of Public Works.

Sec 16-142 – Costs

All costs and expense incidental to the installation, connection and maintenance of a private storm drain connection to the municipal storm drainage system shall be borne by the owner being served.

Sec 16-143 – Application to Connect

A person wishing to connect to the storm drain system shall complete a Storm Drain Connection Application provided by the Public Works Department and submit it to them along with the required application fee. No work or action to connect shall take place until all required permits have been reviewed and approved by the Public Works Department. The application fee to be paid for the processing and issuance of a Storm Drain Connection Permit shall be as detailed in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances.

Sec 16-144 – Connection Standards

The point of connection to the storm drainage system shall be at a point as approved by the Public Works Department.

1. The quality and type of materials and means of connection to the storm drainage system shall be as required and approved by the Public Works Department.
2. Where the private connection is serving a building that may be adversely impacted when the storm drain surcharges then the premises shall provide and install on their property in their storm drain connection line a backflow preventer valve in accordance with applicable rules governing the installation of such devices. The applicant for a connection permit shall submit information indicating that a backflow preventer valve will be provided and maintained by the premises.

Sec 16-145 – Capacity to Serve

The Public Works Department may deny or restrict the size of a new connection to the storm drainage system when it determines the town storm drainage system lacks adequate capacity to serve the proposed connection.

Sec 16-146 – 150 – Reserved

Division 4 – Violations/Enforcement

Sec 16-151 – Enforcement

It shall be unlawful for any Person to violate any provision of or to fail to comply with any of the requirements of this Article. Whenever the Enforcement Authority believes that a Person has violated this Article, the Enforcement Authority may enforce and secure compliance with this Article.

Sec 16-152 – Notice of Violation

Whenever the Enforcement Authority believes that a Person has violated this Article, the Enforcement Authority may order compliance with this Article by written notice of violation to that Person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

1. The elimination of Non-Storm Water Discharges to the Storm Drainage System, including, but not limited to, disconnection of the Premises;
2. The cessation of discharges, practices, or operations in violation of this Article;
3. At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of Non-Storm Water Discharges to the Storm Drainage System and the restoration of any affected property; and/or
4. The payment of fines, of the Town's remediation costs and of the Town's reasonable administrative costs and attorneys' fees and costs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

Sec 16-153 – Penalties/Fines/Injunctive Relief

Any Person who is found to be in violation of any provision of this Article shall be subject to a civil penalty in accordance with in the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances. Each day that such violation continues shall constitute a separate violation. Moreover, any Person who violates this Article also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the Town for violation of federal and State environmental laws and regulations caused by or related to that Person's violation of this Article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this Division.

Sec 16-154 – Consent Agreement

The Enforcement Authority may enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this Article for the

purposes of eliminating violations of this Article and of recovering fines, costs and fees without court action.

Sec 16-155 – Appeal of Notice of Violation

Any Person receiving a Notice of Violation or suspension notice may appeal the determination of the Enforcement Authority to Superior Court. Enforcement decisions are not appealable to the General Board of Appeals.

Sec 16-156 – Enforcement Measures

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, then the Enforcement Authority may recommend to the municipal officers that the Town’s attorney file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

Notwithstanding these requirements, in the event of an emergency situation that presents an immediate threat to public health, safety or welfare or that may result in damage to the Town’s Storm Drainage System, the Town may seek injunctive relief at any time after learning of such emergency situation.

Sec 16-157 – 159 – Reserved

Division 5 – Responsibility/Severability

Sec 16-160 – Ultimate Responsibility of Discharger

The standards set forth herein are minimum standards; therefore this Article does not intend nor imply that compliance by any Person will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants into waters of the U.S. caused by said Person. This Article shall not create liability on the part of the Town, or any officer agent or employee thereof for any damages that result from any Person's reliance on this Article or any administrative decision lawfully made hereunder.

Sec 16-161 – Severability

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

APPENDIX B MASTER SCHEDULE OF REVENUES, CHARGES, FEES AND FINES

Reference	Date	Description	Amount
Chapter 16—Utilities			
Sec. 16-29	2/6/1989	Violation of this article first offense/second and subsequent offenses within a 12-month period of time, maximum fines	\$100.00/\$250.00
Sec. 16-85	7/6/1993	Violation beyond time limit in division 2 of this article, maximum fine	\$100.00 per day
Sec. 16-143	—	Application fee for processing and issuance of a Storm Drain Connection Permit	\$50.00
Sec 16-153	—	Civil penalty for violation of this article, minimum/maximum fines per day	\$100.00/\$2500.00