

User's Guide

IOWA ILLICIT DISCHARGE MODEL ORDINANCE

To meet your water quality goals

Prepared by: the Iowa Association of Municipal Utilities in partnership with the Iowa Stormwater Partnership and the following Model Ordinance Committee Members:

*Jolee Belzung, City of Ankeny
Ken Bickner, City of Cedar Rapids
Gordon Greta, Ahlers and Cooney
Joe Griffin, IDNR
Jeff Krist, City of Council Bluffs*



*Wally Mook, City of Bettendorf
Wayne Petersen, NRCS
Tracy Pfares, City of Ames
Pat Sauer, IAMU
Jennifer Welch, URBAN*

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Iowa Model Ordinance for Illicit Discharges

Background for Model Ordinance:

This model or “example” ordinance is based on parts of existing models from cities in Iowa that have already developed an illicit discharge ordinance. It will provide the guidance that Iowa cities and other entities need to develop storm water ordinances. The ordinance will require periodic updating to reflect the evolution that will occur in storm water management in Iowa as it becomes a more widely understood aspect of protection of water quality.

Communities will be a critical factor to identifying and eliminating illicit discharges to municipal separate storm sewer systems (MS-4s).

Definitions:

(All definitions were taken directly from an actual stormwater permit)

Allowable Non-Storm Water: Discharges from fire fighting activities, fire hydrant flushings, potable water sources, waterline flushings, uncontaminated groundwater, foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, air conditioning condensate, exterior building wash water when no detergents or other surfactants are used and pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred and when no detergents or other surfactants are used.

CWA: The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water pollution Control Act Amendments of 1972).

Department: The Iowa Department of Natural Resources (IDNR) or an authorized representative.

Discharge: The release of water and any elements, compounds and particles contained within or upon, from property owned or controlled by an individual, individuals, or entity.

Municipal Separate Storm Sewer System: (MS-4)The conveyance or system of conveyances including storm sewers, roadways, road with drainage systems, catch basins, curbs, gutters, ditches, constructed channels, and storm drains owned or operated by the permittee.

Permittee: The MS-4 city.

Point Source: A 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, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Significant Materials: Includes but is not limited to: raw materials, fuels, materials such as solvents, detergent, and plastic pellets, finished materials such as metallic products, raw materials used in food processing or production: hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Storm Water: Storm water runoff, snow melt, and surface runoff and drainage.

Storm Water Discharge Associated with Industrial Activity: The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified or activities identified in paragraphs (i) through (x) of this definition, the term includes but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste materials, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process water waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment; storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposed of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the

description of the facilities listed in paragraphs (i) and (xi) of this definition include those facilities designated under 122.26 (a)(91)(v). The following categories of facilities are considered to be engaging in “industrial activity” for purposes of this subsection:

Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (xi) of this definition);

Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 31, 32 (except 323), 33, 3441, 373;

Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations that have been released from applicable State or Federal reclamation requirements (after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operation; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;

Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

Landfills, land application sites, and operational dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle d of RCRA;

Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as Standard Industrial classification 5015 and 5093; Steam electric power generating facilities, including coal handling sites; Transportation facilities classified as Standard Industrial Classification 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the

facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication, equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this subsection are associated with industrial activity;

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;

Construction activity including clearing, grading and excavation activities that result in the disturbance of 1 acre or more of total land area or which result in the disturbance of less than 1 acre but are part of a larger common plan of development or sale of 1 acre or more;

Facilities under Standard Industrial Classification 20, 21, 22, 23, 265, 267, 27, 283, 285, 30, 31 (except 311) 323, 349 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (i) to (x)).

Waters of the State: Any river, stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground; natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.